

Calgary Assessment Review Board

DECISION WITH REASONS

In the matter of the complaint against the property assessment as provided by the *Municipal Government Act*, Chapter M-26, Section 460, Revised Statutes of Alberta 2000 (the Act).

between:

***PBA Land Development LTD. (represented by Colliers International Realty Advisors Inc.),
COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before:

***T. Golden, PRESIDING OFFICER
D. Julien, BOARD MEMBER
D. Morice, BOARD MEMBER***

This is a complaint to the Calgary Assessment Review Board in respect of a property assessment prepared by the Assessor of The City of Calgary and entered in the 2013 Assessment Roll as follows:

ROLL NUMBER: 101036309

LOCATION ADDRESS: 6101 Centre ST SW

FILE NUMBER: 71603

ASSESSMENT: \$1,830,000

This complaint was heard on 27 day of August, 2013 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- *B. Peacock*

Appeared on behalf of the Respondent:

- *J. Tran*

Board's Decision in Respect of Procedural or Jurisdictional Matters:

- [1] There were no preliminary issues.

Property Description:

- [2] The subject is a multi bay warehouse of 11,520 square feet (sq. ft.) located on 0.8 acres. The improvement was constructed in 1966 and is a C- quality structure. An assessment was prepared using the direct sales approach.

Issues:

- [3] Issue 1: Does the sale comparisons used by the City in the preparation of the Direct Sales Approach to valuation result in a correct assessment for the subject?

Complainant's Requested Value: \$1,400,000.

Board's Decision:

- [4] The assessment is confirmed at \$1,830,000

Board's Decision on Issue 1:

- [5] The sale comparisons used by the City have resulted in a correct assessment for the subject.

Position of the Parties

Complainant's Position:

- [6] The Complainant maintains that after a review of the sales available to them it is

indicated that the assessment on the property is excessive. To support this point of view 7 sales were presented to the Board. These sales comparables were determined to be similar to the subject because of similar age of construction, location and building area. The 7 sales range from \$91.00 to \$138.00 per sq. ft. The median value of the sales is \$122.00 per sq. ft. and this is the basis for the requested assessment. It was noted that none of the comparables were time adjusted. The Complainant generally uses the time adjustments used by the City however all but two of the comparables were not found in the City time adjusted data. The rebuttal document containing the adjustments used by the City was presented to the Board illustrating the lack of information. Rather than adjusting some and not other sales information the Complainant chose to adjust none of the sales.

Respondent's Position:

[7] The Respondent firstly pointed out that the subject property has a land use designation of DC which allows for all the commercial uses in the Commercial Office land use district. This land use district is applied because of the subject parcel's close location to MacLeod Trail. All but the comparable at 3602 Blackfoot Trail SE have industrial designations and lack the same commercial potential of the subject. It is also pointed out that none of the sales presented are time adjusted and therefore are expected to have a lower value.

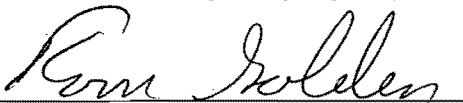
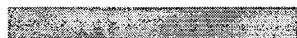
[8] More specifically the Respondent questioned the Complainant's comparable at 404 and 406 Manitou Rd SE appears to be invalid as it is part of the sale of other properties. The comparable at 3602 Blackfoot Trail was not exposed to the market and therefore invalid. 1341 Hastings Crescent was not an arms length sale and again is not a valid sale and should not be used in the analysis. Finally the comparable at 4726 1 ST SE is a multi-building site and again not comparable.

[9] Three comparable sales were presented to the Board supporting the assessment. Two of the comparables were also contained in the Complainant's disclosure however were not time adjusted. The median of the time adjusted sales is \$163.51 per sq. ft. supporting the assessment of \$159.29 per sq. ft.

Board's Reasons for Decision:

[10] The Board firstly accepted that 5 of the 7 comparables should be given little weight because of the issues discussed by the Respondent. The two accepted comparables appeared in both disclosures and when time adjusted support the assessment. The Complainant was unable to demonstrate that the assessment was in error.

DATED AT THE CITY OF CALGARY THIS 8th DAY OF October 2013.

Presiding Officer

APPENDIX "A"**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

NO.	ITEM
1. C1	Complainant Disclosure
2. C2	Complainant Rebuttal
2. R1	Respondent Disclosure

An appeal may be made to the Court of Queen's Bench on a question of law or jurisdiction with respect to a decision of an assessment review board.

Any of the following may appeal the decision of an assessment review board:

- (a) the complainant;*
- (b) an assessed person, other than the complainant, who is affected by the decision;*
- (c) the municipality, if the decision being appealed relates to property that is within the boundaries of that municipality;*
- (d) the assessor for a municipality referred to in clause (c).*

An application for leave to appeal must be filed with the Court of Queen's Bench within 30 days after the persons notified of the hearing receive the decision, and notice of the application for leave to appeal must be given to

- (a) the assessment review board, and*
- (b) any other persons as the judge directs.*

Roll	Address	Subject	Issue	Detail	Sub Detail
101036309	6101 Centre ST SW	Warehouse	Single Tenant	Cost/sales	Comparables Improvement value