



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:

***Univar Canada Ltd. (as 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: 116013608

LOCATION ADDRESS: 4220 78 AV SE

FILE NUMBER: 71633

ASSESSMENT: \$6,440,000

This complaint was heard on 29 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, M. Hartmann*

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

- [1] There were no procedural issues.

Property Description:

- [2] The subject property is an industrial warehouse structure with a C+ quality rating constructed in 1981. The structure is 58,538 square feet (sq. ft.) in size and is located on 4.62 acres of land. The assessment was prepared using the direct sales method. An out building of 1095 sq. ft. exists on the site and is given a nominal rate which is not in dispute.

Issues:

Issue 1; has the Direct Sales Method used by the City Assessment Unit and applied to the subject property developed an accurate reflection of the market value?

Complainant's Requested Value: \$5,740,000

Board's Decision:

- [3] The assessment on the subject property is confirmed at \$6,440,000

Board's Decision on Issue 1

- [4] Issue 1; The Direct Sales Method used by the City Assessment Unit and applied to the subject property has developed an accurate market value.

Position of the Parties

Complainant's Position:

[5] The Complainant explained that a review of their comparables would indicate that the subject property is over assessed. Three sales were put forward to demonstrate the assessment should be adjusted downward. The Complainant stated the comparables to be similar to the subject in terms of zoning, market area and structure size. The sales had rates that were between \$93.00 per sq. ft. and \$118.00 per sq. ft. A median value of \$96.00 was calculated from the sales and acts as the basis for the requested assessment value.

[6] Although the three values should be considered in reducing the assessment the best comparable may be 6125 51 ST SE even though it has the highest sale value at \$118.00 per sq. ft.

Respondent's Position:

[7] The Respondent firstly addressed the Complainants sales comparables then discussed the sales comparables used to develop the assessment.

[8] In terms of the Complainants comparables; the first one at 7408 40 ST SE is reported by the Complainant to contain 50,820 sq. ft. which is suggested to be in error. The assessed area is based on information contained in a "Non Residential Property Sale Questionnaire" and the actual assessed area is 38,305 sq. ft. When the adjustment in area is made the actual value is \$123.20 sq. ft. and supports the assessment.

[9] The comparable at 6125 51 ST SE is not considered a valid sale as it appears to not be brokered and the purchaser and vendor were involved in other arrangements as part of this sale.

[10] The Respondent's comparables support the assessment.

Board's Reasons for Decision:

The Board gave little weight to one of the three comparables provided by the Complainant and the two comparables once adjusted supported the assessment with an average \$109.00 per sq. ft. The Complainant did not provide any substantial evidence the assessment was in error. The comparables at 7408 40 ST SE had an incorrect floor area which when corrected support the assessment. 6125 51 ST SE according to the evidence likely was not exposed to the market nor an arm's length sale. The Complainant's sales support the assessment.

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



Tom Golden

Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
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
116013608	4220 78 AV SE	Warehouse	Single Tenant	Cost/sales	Comparables Improvement value