

## **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:

***Harmln Holdings Ltd., Saffel Management Consultants Ltd.,  
(as represented by Altus Group Ltd.), COMPLAINANT***

and

***The City Of Calgary, RESPONDENT***

before:

***R. Fegan, PRESIDING OFFICER  
K. Bickford, BOARD MEMBER  
P. Pask, 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:

<b>ROLL NUMBER:</b>	<b>092025535</b>
<b>LOCATION ADDRESS:</b>	<b>4138 16 ST SE</b>
<b>FILE NUMBER:</b>	<b>71742</b>
<b>ASSESSMENT:</b>	<b>\$1,450,000</b>

This complaint was heard on the 7<sup>th</sup> day of October, 2013 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2.

Appeared on behalf of the Complainant:

- J. Weber, (Altus Group Ltd)

Appeared on behalf of the Respondent:

- R. Luchak, (City of Calgary)

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

- [1] No procedural or jurisdictional matters were raised.

**Property Description:**

- [2] The subject property is a single bay industrial warehouse (IWS), built in 1979, with 8,994 square feet. This site area is 0.29 acres and the land use designation is Industrial Redevelopment (I-R). The assessment per square foot of building area is \$162.29.

**Issues:**

- [3] The issue is market value.

**Requested Value: \$1,232,178 revised to \$1,304,130 (exhibit C-1, page 20).**

**Board's Decision: The complaint is allowed and the assessment is reduced to \$1,300,000.**

**Position of the Parties**

**Complainant's Position:**

- [4] The Complainant provided four sales of comparable properties with a median time adjusted sale price per square foot of \$145. The Complainant used the same time adjustments as the Respondent.

- [5] The Complainant stated that the property located at 3004 Ogden Rd. SE was the most similar to the subject property in terms of location, size, age, site coverage ratio and building type and this was the best indicator of value for the subject property.

- [6] The Complainant argued that for buildings in this size range, building size and site coverage ratio had a greater influence on value than the difference between (I-G) and (I-R) land

use designations.

**Respondent's Position:**

[7] The Respondent presented the same four sales used by the Complainant but pointed out to the Board that two of the sales had a land use designation of Industrial General (I-G) and not the Industrial Redevelopment (I-R) designation of the subject. The Respondent argued that the two (I-G) sales should not be used in determining the value of the subject property.

[8] In response to a question from the Complainant, the Respondent stated that all other things being equal (I-G) properties were more valuable than (I-R) properties.

[9] The Respondent pointed out to the Board that the assessment per square foot of the subject property was at the midpoint of the two (I-R) sales.

**Board's Reasons for Decision:**

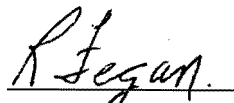
[10] The Board noted that the maximum allowable gross floor area and the maximum allowable building height were the same for both (I-G) and (I-R) land use designations. No other details were provided outlining what the specific differences were between these two land use designations.

[11] The Board noted that the sale price per square foot of the two (I-G) sales was within the range of the two (I-R) sales, in fact the two (I-R) sales provided both the lowest and the highest sale prices per square foot.

[12] The Board accepted the Complainant's argument that building size and site coverage ratio had more impact on the value of the subject property than the (I-R) land use designation.

[13] The Board found that the rounded requested assessment of \$1,300,000 was the market value of the subject property for assessment purposes.

**DATED AT THE CITY OF CALGARY THIS 17<sup>th</sup> DAY OF October 2013.**



**R. Fegan**

**Presiding Officer**

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

<b>NO.</b>	<b>ITEM</b>
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.*

**CARB Identifier Codes**

<b>Decision No.</b>		<b>Roll No.</b>		
<b><u>Complaint Type</u></b>	<b><u>Property Type</u></b>	<b><u>Property Sub-Type</u></b>	<b><u>Issue</u></b>	<b><u>Sub-Issue</u></b>
CARB	Industrial	Warehouse	Market Value	Zoning

FOR MGB ADMINISTRATIVE USE ONLY