



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:

***Mel Bumstead Investments Ltd., (as represented by Assessment Advisory Group Inc.),
COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before:

***R. Fegan, PRESIDING OFFICER
K. Farn, BOARD MEMBER
D. Pollard, 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:	116007907
LOCATION ADDRESS:	4220 76 AV SE
FILE NUMBER:	71854
ASSESSMENT:	\$4,930,000

This complaint was heard on the 22nd day of August, 2013 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- D. Bowman, (Assessment Advisory Group Inc.)

Appeared on behalf of the Respondent:

- T. Nguyen, (City of Calgary)

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

[1] At the outset of the hearing the Complainant asked if the Board wished to receive a written copy of the time adjustment analysis used by the Respondent to adjust sales. The Respondent objected to any document being introduced at the hearing that had not been disclosed in accordance with the regulations.

[2] The Board found that the time adjustment used by the City had not been raised by the Complaint as a separate issue. The Board refused to receive the document offered by the Complainant because it had not been disclosed in accordance with the regulations (AR 310/2009).

Property Description:

[3] The subject property is a multi-tenant industrial warehouse with 33,108 square feet, built in 1998. The parcel size is 2.38 acres and the land use designation is Industrial General (I-G). The subject property's assessment is \$148.95 per square foot.

Issues:

[4] The assessed value exceeds market value.

[5] The assessment is not equitable.

Requested Value: \$4,200,000.

Board's Decision: The complaint is denied and the assessment is confirmed.

Position of the Parties**Complainant's Position:**

[6] The Complainant provided a sales analysis containing the sale of five comparable properties. Two of the five sales occurred in 2013. The sale price per square foot of the five sales ranged from \$101.29 to \$162.69. The average sale price per square foot was \$122.20. (C-1, page 16)

Respondent's Position:

[7] The Respondent provided a sales analysis containing the sales of seven comparable properties. The sale prices ranged from \$102.59 to \$162.69 per square foot. The median sale price was \$147.83 and the average was \$146.67.

[8] The Respondent argued that the 2013 sales introduced by the Complainant should not be considered in calculating this assessment because the effective date for assessment purposes is July 01, 2012.

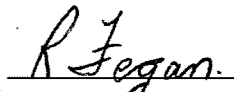
Board's Reasons for Decision:

[9] The Board found that the 2013 sales were not useful in determining the July 01, 2012 value of the subject property because the Board had no information regarding possible changes in the real estate market between July 01, 2012 and 2013.

[10] The Board found that the remaining three sales used by the Complainant had assessment to sale ratios of 1.0, 1.0 and 1.03. This indicated to the Board that in the case of these three properties the model used by the Respondent was achieving market value assessments.

[11] The Board found that the sales analysis provided by the Respondent was compelling. The seven sales used in the analysis offered a high degree of similarity between the subject property and the comparable sales in terms of location, parcel size, building area, building age, and site coverage.

DATED AT THE CITY OF CALGARY THIS 13th DAY OF September 2013.



R. Fegan

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.*

CARB Identifier Codes

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

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