



## **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:**

***1030572 Alberta 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:

<b>ROLL NUMBER:</b>	<b>094206901</b>
<b>LOCATION ADDRESS:</b>	<b>4770 46 AV SE</b>
<b>FILE NUMBER:</b>	<b>71933</b>
<b>ASSESSMENT:</b>	<b>\$7,500,000</b>

This complaint was heard on the 21<sup>st</sup> 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

Appeared on behalf of the Respondent:

- J. Tran

**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 tenant industrial warehouse consisting of 58,559 square feet, built in 2003. The site area is 2.78 acres and the land use designation is Industrial General (IG). The assessed value per square foot is \$128.13.

**Issues:**

- [3] The assessed value exceeds the July 01, 2012 market value of the subject property.  
[4] The assessment is not equitable.

**Requested Value: \$6,550,000.**

**Board's Decision: The complaint is allowed in part and the assessment is revised to \$7,000,000.**

**Position of the Parties**

**Complainant's Position:**

- [5] The Complainant provided information on three properties to support his position that the subject property's assessment exceeded market value and was not equitable.  
[6] The Complainant argued that the sale of 4410 46 AV SW was the best indicator of market value for the subject property due to its close proximity to the subject and the similar characteristics between the sold property and the subject. This property sold for a time adjusted sale price of \$112.55 per square foot and is assessed at a rate of \$120.59.  
[7] The Complainant provided two comparable properties that are assessed at rates of

\$118.45 and \$120.80 per square foot while the subject is assessed at a rate of \$128.08.

[8] The Complainant argued that both the sale and the equity evidence indicated that the subject property's assessment should be reduced.

**Respondent's Position:**

[9] The Respondent argued that one sale was not sufficient data upon which to base the market value of the subject property.

[10] The Respondent argued that the comparable properties used by the Complainant were not sufficiently similar to the subject property for a meaningful comparison.

[11] The Respondent provided a sales analysis chart using four sales. The Respondent used the one sale used by the Complainant and an additional three sales.

[12] The Respondent provided an equity chart containing four comparable properties one of which was the same property used by the Complainant in his sales comparison (4410 46 AV SE).

**Board's Reasons for Decision:**

[13] The Board found that the sale of 4410 46 AV SE was a good indicator of the market value of the subject property due to its close proximity to the subject and the degree of similarity between the physical characteristics of this property and the subject property.

[14] The Board noted that three of the four sales used by the Respondent had significantly lower site coverage ratios than the subject and that the sale price per square foot of these three properties were all higher than the sale of 4410 46 AV SE, which had a site coverage ratio very similar to the subject property.

[15] The Board noted that two of the Respondent's equity comparables had site coverage ratios that were significantly lower than either the subject property or the two other comparable properties. There was a significant difference between the assessment per square foot of the properties with the lower site coverage ratio and the ones with a higher site coverage ratio. Using only those comparables from the Respondent's analysis with the higher site coverage ratio, indicated an assessment of \$120.00 per square foot.

[16] Using the three comparable properties from the Complainant's sales/equity analysis indicated an assessment per square foot of \$119.95.

[17] The Board found that the use of \$120.00 per square foot for the assessment of the subject property would result in an equitable assessment of \$7,000,000.

**DATED AT THE CITY OF CALGARY THIS 13<sup>th</sup> DAY OF September 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	Equity

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