

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:

Foremost Industries Ltd. (as represented by Assessment Advisory Group Inc. (AAG)),
COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

K. Thompson, Board Chair
J. Kerrison, MEMBER
Y. Nesry, 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: 024018400
LOCATION ADDRESS: 6390 11 St NE
FILE NUMBER: 71972
ASSESSMENT: \$10,490,000

This complaint was heard on 14th day of August, 2013 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 8.

Appeared on behalf of the Complainant:

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

Appeared on behalf of the Respondent:

- M. Hartmann Assessor, City Of Calgary
- J. Tran Assessor, City Of Calgary

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

[1] No procedural or jurisdictional matters were raised. The Board proceeded to hear the merits of the complaint.

Property Description:

[2] The subject property is a single tenant B quality warehouse consisting of 81,615 square feet (sq. ft.), with 22% Finish, 25.35% Site Coverage with a Year of Construction of 1993. This property is located in Deerfoot Business Centre, has 6.48 acres of land, and a land use designation (LUD) of Industrial-General (I-G). This property has 1.00 Acre of extra land taken into consideration in the rate due to the low site coverage. The subject property is assessed at \$128.58/ sq. ft. arrived at through the Sales Comparison Approach to Value and has an assessed value of \$10,490,000.

Issues:

[3] The 2013 assessment value is greater than the market value as of July 1, 2012 and is inequitable in relation to assessment values of similar properties, \$118/ sq. ft would produce a better market value for this property.

Complainant's Requested Value: \$9,630,000

Board's Decision:

[4] The Assessment is confirmed at the value of \$10,490,000

Legislative Authority, Requirements and Considerations:

[5] The Municipal Government Act, Section 460.1(2), subject to Section 460(11), a composite assessment review board has jurisdiction to hear complaints about any matter

referred to in Section 460(5) that is shown on an assessment notice for property, other than property described in Subsection 460 (1)(a).

Position of the Parties

Complainant's Position:

[6] The Complainant stated that the subject property's assessed rate of \$128.58/ sq. ft. is higher than the price per square foot of sales of comparable properties in this area.

[7] The Complainant produced three comparable properties to show the value of the subject property is too high. Only one of the properties sold in the period of analysis, a second post facto sale was produced for equity purposes and a third property was included for equity comparison only. The median assessment per sq. ft. of three properties was \$119.34/ sq. ft with a mean of \$118.48/ sq. ft. These three properties were A-, and two B quality warehouses, in the northeast region of the City [pg.116, C-1]. The range of assessed values was \$115.15/ sq. ft. to \$120.96/ sq. ft. The only sale provided showed a time adjusted sale price/ sq. ft. of \$120.51 and an assessment to sale ratio (ASR) of 0.99. RealNet and Assessment documents were provided on the sale properties.

Respondent's Position:

[8] The Respondent provided evidence of five warehouse sales in the north east area of the city (one in the south east region) [pg. 18, R-1] to show that the typical values/ sq. ft. used by the City were reasonable for the subject property. The Respondent stated for assessment purposes the task was to assess all similar properties at a similar value. This requires analysis of all the sales within the group of similar properties to arrive at a typical value/ sq. ft. and not to just reflect one or two sale prices. Further the Respondent went on to say that the subject property's value should fall within the range of probable selling prices within that group, and the subject property does fall within that range.

[9] The Respondent went through the five warehouse sales it provided, indicating how the subject fit in within the components that were deemed contributing factors to the final value. Those components were Building Type, Parcel Size, Land Use Designation, Assessable Building Area, Year of Construction, Non-Residential Zone, percent of Finish, Site Coverage, and Excess/Additional Land.

[10] While there were a number of differences noted between the subject property and the sales comparables.. The Respondent also pointed out that there are a limited amount of sales for this type of property and most of the comparables have more site coverage than the subject. The lower site coverage would add value. The sales presented supported a median time adjusted sales price of \$120.51/ sq. ft. with a range from \$88.90/ sq. ft to 222.47/ sq. ft.

[11] Four equity comparables were also put into evidence [pg. 20, R-1] by the Respondent showing that the subject property was assessed equitable to similar properties. The subject's \$128.53 rate/ sq. ft was compared to the median of the four comparables which was \$133.56/ sq. ft.

Board's Reasons for Decision:

[12] The Board reviewed all the comparable sale information provided as evidence by both the Complainant and Respondent. Upon review of all the comparable sales, the Board paid particular attention to the properties deemed most comparable to the subject, as indicated by the Complainant and Respondent

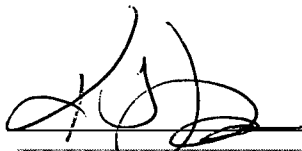
[13] The Board concluded that a great deal of the sale evidence relied upon the time adjusted sale price being correct, however there was nothing in the Complainant's evidence to indicate how the time adjustments were arrived at, except by way of the Complainant's explanation that the price increase over time. The Complainant stated that sales were reviewed and a factor was developed to quantify the time adjustment. The Respondent also used time adjusted sale prices but didn't speak to the adjustments used for time.

[14] Little evidence was presented by either party on the difference in value attributed to factors such as Multi vs. Single Tenanted Warehouses, Site Coverage, location of sales in different industrial parks and percent of Finish on the sale property improvements when compared to the subject improvement. The Respondent gave good evidence of how the low site coverage affects the value and the resulting adjustments made to account for this resulted in support for the subject property value.

[15] The Board gave consideration to the equity comparables produced by the Respondent which showed the subject property's rate/ sq. ft. within the range of values of similar properties.

[16] The Board found the Complainant did not provide sufficient evidence to warrant changing the assessed value.

DATED AT THE CITY OF CALGARY THIS 9th DAY OF September, 2013.



K. Thompson

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.*

Property Type	Property Sub-Type	Issue	Sub issue
warehouse	Single Tenant	Market value too high	Inequitable to similar properties