



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:

Sartan Investment 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:	031009400
LOCATION ADDRESS:	3836 27 ST NE
FILE NUMBER:	72051
ASSESSMENT:	\$3,000,000

This complaint was heard on the 20th 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:

- K. Cody (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 multi-tenanted industrial warehouse built in 1981. The land use designation is Industrial General (I-G) and the site is 1 acre in size. The subject property is assessed at \$123.65 per square foot (R-1 page9).

Issues:

- [3] The subject property assessment exceeds market value.
[4] The subject property assessment is not equitable.

Requested Value: \$2,580,000.

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

Position of the Parties

Complainant's Position:

[5] The Complainant provided three property sales which he deemed to be similar to the subject.

[6] The sale price per square foot of these three sales ranged from \$80.18 to \$128.81 and the average sale price per square foot was \$106.26. The subject property assessment is \$ 123.28 per square foot (C-1 page 11)

[7] The Complainant provided the assessment to sale price ratio for each of these three sales. The assessment to sale price ratios ranged from 1.01 to 1.32. The mean assessment to

sale price ratio was 1.16. The Complainant argued that this was an indication that, the subject property, as well as two of the three comparable sales, was over assessed.

Respondent's Position:

[8] The Respondent provided five property sales which she deemed to be similar to the subject. These sales dated back to October 2009. The earlier sales had been time adjusted but no time adjustment was deemed necessary for the more recent sales. The five sales used by the Respondent involved properties with similar land sizes, similar building sizes, similar land use designations and similar years of construction. The Respondent had included two of the three sales used by the Complainant.

Board's Reasons for Decision:

[9] The Board noted from the Complainant's evidence that two of the sales used by the Complainant were reported to be in need of significant repairs and renovations at the time of the sale (C-1, pages 14 and 18). The sale price of the remaining sale supported the assessed value per square foot.

[10] The Board found that the Respondent had provided a larger sample of properties that offered a greater degree of similarity to the subject property. The Board found that the comparable sales provided by the Respondent supported the assessed value.

[11] The Complainant's equity argument was based on the same three sales, two of which the Board found were not similar to the subject.

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

R. Fegan.

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	Multi-tenant warehouse	Market Value	Equity

FOR MGB ADMINISTRATIVE USE ONLY