



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:

PORTLAND STREET DEPOT LTD.
(as represented by AEC Property Tax Solutions), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

Earl K. Williams, PRESIDING OFFICER
A. Huskinson, MEMBER
A. Zindler, 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: 078076304

LOCATION ADDRESS: 2204 Portland ST SE

FILE NUMBER: 72169

ASSESSMENT: \$45,950,000

This complaint was heard on 23rd day of September, 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:

- C. Hall Agent, AEC Property Tax Solutions

Appeared on behalf of the Respondent:

- T. Luchak Assessor, The City of Calgary

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

[1] The Complainant advised the Board that the Respondent's Disclosure was not received by the required due date of September 09, 2013. The Disclosure was received by the Complainant on September 13, 2013 following an inquiry directly by the Complainant to the Respondent. The Board was able to determine that the Respondent's Disclosure was filed with the Assessment Review Board on September 09, 2013 but for some unexplained reason was not forwarded to the Complainant on that date.

[2] Following a discussion with the parties it was mutually agreed to proceed with the hearing on the basis that the Complainant will be able to present their evidence and the Respondent limited to addressing questions to the Complainant based on their presentation.

[3] No additional Procedural or Jurisdictional Matters were raised by the parties.

Property Description:

[4] The subject property at 2204 Portland St SE is a 471,565 square foot (sq. ft.) 3 building warehouse on 20.35 acres of land with a 2000 approximate year of construction (AYOC), with IWM (Industrial warehouse 3 or more units) building type classification and an Industrial General (I-G) Land Use in the Central region. The assessable area of each of the 3 buildings is 117,459 sq. ft., 150,111sq. ft. and 203,995 sq. ft.

[5] The assessment was prepared on the Sales Comparison Approach with an assessed rate of \$97.46 per square foot (psf).

Issues:

[6] Should the subject property be assessed on the Sales Comparison Approach with the assessed rate reduced from \$97.46 psf to \$90.21 psf?

Complainant's Requested Value: \$42,490,000

Board's Decision:

[7] Based on the evidence and argument presented the Board supports the assessment rate of \$97.46 psf in the determination of the assessment:

[8] The assessment is confirmed as \$45,950,000.

Position of the Parties

[9] The Complainant presented a range of evidence consisting of relevant and less relevant evidence. In the interests of brevity, the Board will restrict its comments to those items the Board found relevant to the matters at hand. Furthermore, the Board's findings and decision reflect on the evidence presented and examined by the parties before the Board at the time of the hearing.

[10] The Complainant's evidence package included a Summary of Testimonial Evidence, photographs of the exterior of the subject property, the City of Calgary 2013 Property Assessment Notice, and the Industrial Assessment Explanation Supplement Report. In support of the requested assessed rate the Complainant submitted a table providing details on sales comparables including as supporting documentation exterior photographs of selected comparables and the RealNet Industrial Transaction Summary for a comparable.

Complainant's Position:

[11] The Complainant presented details on 5 industrial sales comparables in a table on page 14 of Exhibit C1. The following table presents the subject and the comparables on a number of parameters.

	2204 Portland St SE (Subject)	Comparables
Number of Buildings	3	4 with 1;1 with 2
Building Type	IWM	4 IWM;1 IWS*
Land Use	I-G	4 with I-G;1 with DC
Total Building Area (sq. ft.)	471, 565	110,464 to 302,135
Land Area (acres)	20.35	5.39 to 15.84
Site Coverage (percentage)	51	42 to 47
AYOC	2000	1997 to 2009
Percentage Finished	13	0 to 39
Time Adjusted Sale Price psf (TASP)	n/a	\$90.12 to \$142.31
Assessment Range psf	n/a	\$88.34 to \$125.53

Note: * IWS Industrial Warehouse 2 or less units

[12] The Complainant identified the comparable located at 4100 Westwinds Dr NE as the best comparable of the 5 transactions. The following table presents details of the subject and this comparable:

	2204 Portland St SE (Subject)	4100 Westwinds Dr NE
Region (Quadrant)	SE	NE
Number of Buildings	3	1
Building Type	IWM	IWS
Land Use	I-G	DC
Total Area (sq. ft.)	471,565	302,135
Land Area (acres)	20.35	15.84
Site Coverage (percentage)	51	44
AYOC	2000	2000
Percentage Finished	13%	3%
Time Adjusted Sale Price (TASP) psf	n/a	\$90.12
Assessment psf	\$97.44	\$88.34

[13] In summary the Complainant argued that 4100 Westwinds Dr NE as presented in paragraph [13] compares favourably with the subject and the determination of the assessed value should be based on the TASP of \$90.12 psf.

Respondent's Position:

[14] As agreed in paragraph [1] the Respondent was limited to questioning the Complainant on the evidence presented to the Board.

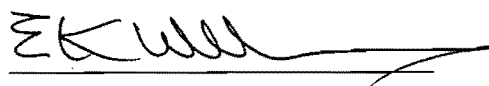
[15] The Respondent questioned the comparability of the 4100 Westwinds Dr NE to the subject when the subject has three buildings on the site and the comparable has one building.

Board's Reasons for Decision:

[16] The Complainant's best comparable presented in paragraph [12] differs from the subject on region, building type, number of buildings on the site, land use, total building area, land area and percentage finished. The use of a single comparable that differs from the subject on a number of parameters questions the quality of the comparison.

[17] Based on the evidence and arguments presented the Board supports the assessment rate of \$97.46 psf.

DATED AT THE CITY OF CALGARY THIS 27th DAY OF November 2013.



Earl K. Williams
Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure Subject Property 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.*

FOR ADMINISTRATIVE USE

Appeal Type	Property Type	Property Sub-Type	Issue	Sub-Issue
CARB	Warehouse	Multi-Tenant	Sales Approach	Equity Comparables