



## **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:**

***Silverado Holdings Ltd. (as represented by Altus Group), COMPLAINANT***

**and**

***The City Of Calgary, RESPONDENT***

**before:**

***PRESIDING OFFICER: T. Helgeson***

***BOARD MEMBER: R. Cochrane***

***BOARD MEMBER: R. Roy***

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: 033038407**

**LOCATION ADDRESS: 1224 34 Avenue NE**

**FILE NUMBER: 72460**

**ASSESSMENT: \$3,830,000**

This complaint was heard on the 5<sup>th</sup> day of September, 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

- *M. Robinson*

Appeared on behalf of the Respondent:

- *K. Cody*

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

- [1] No procedural or jurisdictional matters were raised during the hearing before the Board.

**Property Description:**

[2] There is one single-tenant building on the subject property at 1224 34 Avenue NE in the McCall Industrial Park. The building was constructed in 1974. The land area of the subject property is 2.03 acres, of which the building covers 39.13%. The assessable area of the building is 34,630 square feet ("sq. ft."). The subject property is assessed at \$110.69 per sq. ft. of building area.

**Issue:**

- [3] Does the assessed value of the subject property reflect market value?

- [4] **Complainant's Requested Value:** \$3,060,000

- [5] **Board's Decision:** The assessment is confirmed at \$3,830,000.

**Positions of the Parties**

**Complainant's Position:**

[6] The assessment of the subject property is in excess of its market value. The aggregate assessment per sq. ft. does not reflect market value when the direct sale comparison approach is used. The sales comparison approach shows the subject property is over-assessed. The most comparable property sold for \$88 per sq. ft., significantly less than the assessment of the subject property at \$111 per sq. ft.

[7] We have three sales of properties comparable to the subject property. The best comparable is 4826 11 Street SE. Size, site coverage, construction and year of construction are similar to the subject property. The time adjusted sale price is \$88 per sq. ft., and it is that value per square foot at which the subject property should be assessed.

### **Respondent's Position**

[8] We have some low and some high value sale comparables. Of our four sales comparables, the best is 700 33 Street NE. Granted it is larger, both in site area and building area, so you would expect it to sell at less than the than the subject property. Nevertheless, 700 33 Street NE sold at \$108 per sq. ft., a value very close to the amount of the assessment. The other three comparables show values that range from \$129 to \$173 per square foot. The sales comparables show that the assessment of the subject property is fair and equitable

[9] When it comes to the matter of equity, we have six comparable properties, all in the northeast and all with land areas close to that of the subject property, also the same zoning, similar footprints, land areas, years of construction, finish, and site coverages. The assessment rate per square foot ranges from \$111 to \$117.

[10] We submit that the assessment is both fair and equitable, and is supported by the evidence. We respectfully request the Board to confirm the assessment.

### **Board's Reasons for Decision:**

[11] The Board notes that of the Complainant's three sales comparables, one, at 5539 34 Avenue SE, is in the industrial area of Manchester. In the view of the Board, Manchester is not at all the same kind of area as McCall.

[12] That leaves the Board with two of the Complainant's sales comparables, both with less finish than the subject property. Nevertheless, the average of the sale values of these two comparables is \$115.50, a result that supports the assessment of the subject property.

[13] The sale documents contained in the Complainant's rebuttal (C-2) are with respect to the four sale comparables in the Respondent's evidence. The Complainant points out that 700 33 Street NE, the property the Respondent describes as most comparable to the subject property, is larger than the subject property, hence not a good comparable. Further, the Complainant submits that the property at 6939 Fisher Road SE is a superior property to the subject property.

[14] The Complainant goes on to say that 6939 Fisher Road SE is not such a good comparable because it has "zoning" of C-COR3, a "commercial corridor" land use designation that the Complainant submits has raised the sale price, thus supporting the assessment of the subject property.

[15] No evidence is introduced to support the Complainant's allegation, leaving the Board to draw inferences. Instead of drawing inferences, the Board observes that the time adjusted sale price for 6939 Fisher Road SE in the Respondent's sales chart (R-1, page 15) is the lowest of the four sales prices.

[16] There is also the Respondent's 2013 Industrial Equity Chart showing the assessed values of six properties similar to the subject property. The Board finds the Respondent's evidence persuasive.

DATED AT THE CITY OF CALGARY THIS 4 DAY OF December 2013.

  
  
**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. C2	Complainant's Rebuttal
2. R1	Respondent Disclosure

**For Administrative Use**

<b>Subject</b>	<b>Property Type</b>	<b>Property Sub-Type</b>	<b>Issue</b>	<b>Sub-Issue</b>
CARB	Warehouse	Warehouse Single Tenant	Sales Approach	Equity Comp- arables

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*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.*