

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:

Pockar Holdings Ltd. (as represented by Altus Group.)
COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

W. Krynski, PRESIDING OFFICER
D. Morice, BOARD MEMBER
T. Livermore, 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:	033002502
LOCATION ADDRESS:	4528 6A Street, NE
FILE NUMBER:	72777
ASSESSMENT:	\$1,700,000

This complaint was heard on 9th day of July, 2013 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- *M. Robinson*

Appeared on behalf of the Respondent:

- *K. Cody*
- *M. Hartmann*

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

- [1] The parties had no objections to the panel representing the Board as constituted to hear the matter. No jurisdictional or procedural matters were raised at the outset of the Hearing, and the Board proceeded to hear the merits of the complaint.

Property Description:

- [2] The subject property comprises a single multi-bay warehouse building located at 4528 6A Street, NE, in the Greenvue Industrial area. The assessed area of the building is 12,000 square feet (sf), of which 29% contains interior finish. The building is situated on a 0.55 acre parcel, providing site coverage of 50%. The building's year of construction is 1972.

Issue:

- [3] The assessment of the Subject Property is in excess of its market value.

Complainant's Requested Value: \$ 1,200,000

Board's Decision

- [4] The Board reduces the assessment to \$1,200,000.

Legislative Authority, Requirements and Consideration

- [5] The Calgary Composite Assessment Review Board takes authority from the Municipal Government Act and associated Government of Alberta Legislation and Regulations.

Position of the Parties**Complainant's Position:**

- [6] At an assessed rate of \$142.32 per square foot (psf), the Complainant submits that the subject assessment is in excess of its market value, through the application of the Direct Sales Comparison Approach. The Complainant argues that the requested rate of \$100.00 psf results in an assessed value representative of market as at July 1, 2012. As the sales are all current, there is no need for time adjustments.
- [7] Various maps, aerials and photographs were provided, to offer a visualization of the subject location, and building characteristics.
- [8] As supporting market evidence, the Complainant provided sale comparables as follows:
- [9] **Sale #1: 224 40 Ave. NE;** Sold December 19, 2011, for \$100.00 psf. Situated in the Greenview Industrial Park, the property consists of a single multi bay warehouse building, with an assessed area of 12,000 sf, of which 28% contains interior finish. The improvement is situated on a 0.4 acre parcel of land, reflecting site coverage of 54%. The year of construction is 1963.
- [10] **Sale #2: 4015 2 Street, NE;** Sold June 19, 2012, for \$136.00 psf. Located in the Greenview Industrial Park, the property is comprised of a single tenant warehouse building, totalling 8,832 sf of rentable area, with 10% interior finish. It is situated on 0.3 acres, with site coverage at 69%. The year of construction is 1956.
- [11] **Sale #3: 423 38 Ave. NE;** Sold June 20, 2009, for \$81.00 psf. Located in the Greenview Industrial Park, the property is comprised of one multi tenanted warehouse building, totalling 14,844 sf, of which 17% is finished. The building is situated on a 0.8 acre parcel of land, indicating site coverage of 43%. The year of construction is 1978.
- [12] Based on the above sales, the Complainant has calculated a median sale price of \$100.00 psf. Time adjustments were not required, as the sales are current. It is this figure on which the assessment request of \$1,200,000 is predicated.

Respondent's Position:

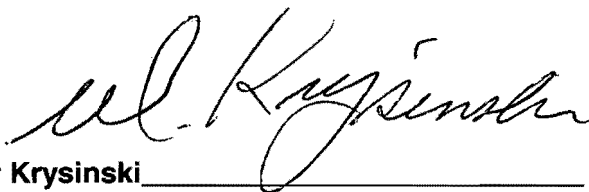
- [13] The Respondent submitted photos, maps and aerial photos, etc., providing a visual description of the subject property, location, building placement, etc.
- [14] In support of the assessment, the Respondent submitted a selection of 5 sale comparables:
- [15] **Sale #1: 2610 3 Ave. NE;** Sold October 15, 2009, and time adjusted to \$131.16 psf. Located in the Franklin Industrial Park, the property consists of a single tenant warehouse building, with a total area of 20,010 sf, and 11% interior finish. It is situated on 1.1 acres of land, reflecting site coverage of 42%. The year of construction for the building is 1970, and the Land Use is I-G.
- [16] **Sale #2: 1314 44 Ave. NE;** Sold February 28, 2012, for \$109.76. As the sale is current, a time adjustment was not applied. Located in McCall Industrial Park, the property consists of a single multi-bay warehouse. Total area of the building is 19,129 sf, with 29% finish, and it is situated on 1.03 acres, with site coverage at 43%. The year of construction for the building is 1974, and the Land Use is I-G.

- [17] **Sale #3: 820 26 Street NE;** Sold September 4, 2009, and time adjusted to \$136.98 psf. Located in the Franklin Industrial Park, the property consists of a single tenant warehouse, with an assessed area of 17,534 sf, of which, 14% is finished. It is situated on a 0.9 acre parcel, and has site coverage of 46%. The year of construction for the building is 1966, and the Land Use is I-G.
- [18] **Sale #4: 4605 12 St., NE;** Sold May 3, 2011, with a time adjusted sale price of \$136.01 psf. Located In the McCall Industrial Park, the property consists of a single tenant warehouse building, with an assessed area of 13,680 sf, and 67% interior finish. It is situated on 0.8 acres of land, providing site coverage of 40%. The year of construction for the building is 1980 and the Land Use is I-G.
- [19] **Sale #5: 1936 27 Ave. NE;** Sold December 1, 2009, with a time adjusted sale price of \$170.58 psf. Located In the South Airways Industrial Park, the property consists of a single tenant warehouse building, with an area of 11,261 sf, and 60% interior finish. It is situated on 0.6 acres of land, with site coverage at 34%. The year of construction for the building is 1979 and the Land Use is I-G.
- [20] Further to this, the Respondent provided an assessment equity chart, reflecting five equity comparables, containing multi bay warehouses, ranging from 9,400 sf. to 16,031 sf. They are located in various northeast Calgary Industrial Parks, and indicate assessed rates ranging from \$122.09 psf to \$165.89 psf.

Board's Reasons for Decision:

- [21] The Board reviewed all of the evidence presented, and finds the sales evidence from the Complainant to be compelling. The three sales were all located in the subject Greenview neighbourhood, and are all very current, with reasonably similar physical attributes. The most comparable property (224 40 Ave. NE), was very similar to the subject, with a sale price of \$100.00 psf, which was also the median sale price of the sale comparable.
- [22] The Board considered the sales provided by the Respondent to be less similar to the subject, were more dated, and locationally, not as comparable. Consequently, less consideration was given to them. It is noted that all of the Respondent's comparables were zoned I-G, similar to the subject, however, the Board felt was of the opinion that the overall differences with these properties outweighed the Land Use similarities.
- [23] The Board reviewed the assessment equity comparables provided by the Respondent however, did not consider them to be sufficiently convincing.
- [24] On review and consideration of all the evidence before it in this matter, the Board found the Complainant's evidence sufficiently convincing to warrant a variance in the assessed value.
- [26] The Board reduces the subject assessment to \$1,200,000.

DATED AT THE CITY OF CALGARY THIS 14 DAY OF August 2013.

A handwritten signature in dark ink, appearing to read 'W. Krysiniski', written over a horizontal line.

Walter Krysiniski



Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
2. R1	Respondent Disclosure
3. C2	Complainant Rebuttal

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

Subject	Property Type	Property Sub-Type	Issue	Sub-Issue
CARB	Industrial	Multi Bay Warehouse	Market value	