



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

756004 Alberta Ltd.
(as represented by Altus Group Ltd.), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before

L. Yakimchuk, PRESIDING OFFICER
R. Kodak, BOARD MEMBER
J. Rankin, 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: 101042505

LOCATION ADDRESS: 6140 3 St SE

FILE NUMBER: 73124

ASSESSMENT: \$7,190,000

This complaint was heard July 23, 2013 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- *D. Mewha, Altus Group*

Appeared on behalf of the Respondent:

- *J. Tran, City of Calgary Assessor*

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

[1] Both parties agreed to carry over arguments from Appeal 72109 to this Appeal.

Property Description:

[2] The subject has been assessed as a 66,583 square foot (sf) multi-tenant Industrial Warehouse built in 1976 on 4.07 Acres (A) of Industrial-General (I-G) land in the Central Industrial area of Calgary. It has been assessed, using Sales Comparisons, at \$107.67/sf.

Issues:

- [3] Is the assessed value of this property equitable with other similar properties?
- [4] Does the assessed value reflect Market Value of the property?

Complainant's Requested Value: \$6,080,000.

Board's Decision:

[5] The Board reduces the assessment to \$6,550,000.

Legislative Authority, Requirements and Considerations:

The Composite Assessment Review Board (CARB) derives its authority from the Municipal Government Act (MGA) RSA 2000 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 (1)(a).

For the purposes of this hearing, the CARB will consider MGA Section 293(1)

In preparing an assessment, the assessor must, in a fair and equitable manner,

- (a) apply the valuation and other standards set out in the regulations, and

- (b) follow the procedures set out in the regulations.

Matters Relating to Assessment and Taxation Regulation (MRAT) is the regulation referred to in MGA Section 293(1)(b). The CARB decision will be guided by MRAT Section 2, which states that

An assessment of property based on market value

- (a) must be prepared using mass appraisal,
- (b) must be an estimate of the value of the fee simple estate in the property, and
- (c) must reflect typical market conditions for properties similar to that property.

and MRAT Section 4(1), which states that

The valuation standard for a parcel of land is

- (a) market value, or
- (b) if the parcel is used for farming operations, agricultural use value.

Position of the Parties

Complainant's Position:

[6] The Complainant, D. Mewha, Altus, presented four Sales comparables, of which he stated one was a C-COR property and could be excluded from the list. The properties had a median Time Adjusted Sale Price (TASP) of \$96/sf, or \$95/sf with the C-COR property removed.

[7] The Complainant also presented six Equity Comparisons ranging from 55,904 sf to 66,292 sf. The median Assessment for these warehouses was \$98/sf.

[8] The Complainant requested a reduction of the Assessed value of the subject property to \$98/sf.

Respondent's Position:

[9] J. Tran, City of Calgary Assessor, provided four Sales Comparables. One was a C-COR property which had also been on the Complainant's list. The median TASP of the four properties was \$111.34/sf and \$98.33 with the C-COR property removed.

[10] The Respondent also presented five Equity Comparables, of which one was also on the Complainant's list. The median Assessed rate for the five comparables was \$114.76/sf.

Rebuttal:

[11] In Rebuttal, D. Mewha showed that 3809 – 7 St, one of the Respondent's Sales comparables, was zoned C-COR, not I-G as shown on the Industrial Equity chart (R1 p16).

Board's Reasons for Decision:

[12] The Board considered the Sales Comparables presented by both Parties. 5905 11 St SE and 4020 9 St SE were included in both lists and appeared to be similar to the subject property. The TASP's for these properties were \$98/sf and \$95/sf respectively.

[13] The Board considered the Equity Comparables presented by both Parties. The Assessments for the most similar properties supported a reduction in the Assessed rate.

[14] The Board reduces the 2012 assessment to a rate of \$98/sf.

DATED AT THE CITY OF CALGARY THIS 19 DAY OF August 2013.



Lana Yakimchuk

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.*

Appeal Type	Property Type	Property Sub-type	Issue	Sub-Issue
CARB	Warehouse	IWM	Sales Approach	Comparables