



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:

MIN DEVELOPMENT COMPANY LTD.
(as represented by Altus Group Ltd.)

Complainant

and

THE CITY OF CALGARY

Respondent

before:

T. Shandro, PRESIDING OFFICER
J. Kerrison, BOARD MEMBER
D. Morice, 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:	116007758
LOCATION ADDRESS:	4380 – 76 Avenue SE, Calgary, Alberta
FILE NUMBER:	73685
ASSESSMENT:	\$4,050,000

This complaint was heard on October 15, 2013, at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 4.

Appeared on behalf of the Complainant:

- M. Robinson, Agent, Altus Group Limited

Appeared on behalf of the Respondent:

- J. Greer, Assessor, The City of Calgary

Procedural or Jurisdictional Matters

- [1] There were no procedural or jurisdictional matters arising.

Property Description

[2] The subject property is a multi-tenant industrial warehouse, located in Foothills Industrial, constructed in 1980. The assessed area of the building is 44,700 square feet ("SF") on a parcel size of 103,640 SF.

[3] The subject property was assessed using sales comparisons.

Issues

[4] The Board identified the issue as follows:

1. Were the correct sales comparisons used to determine the price per SF of the subject property?

Complainant's Requested Value

[5] In the Complaint Form, the Complainant requested a reduced assessment of \$3,230,000. At the hearing the Complainant amended the requested value to \$3,700,000.

Board's Decision

[6] The Board amends the assessment of the subject property to \$3,700,000.

Complainant's Position

[7] The Complainant provided three sales comparisons which were single-tenant industrial warehouses in Foothills Industrial:

- (a) 6213 – 29 Street SE, which assessed as 38,654 SF with 21% site coverage, was constructed in 1975 and had a time-adjusted sale price ("TASP") per SF of \$143.55/SF;

(b) 5049 – 74 Avenue SE, which assessed as 55,000 SF with 30% site coverage, was constructed in 1982 and had a TASP/SF of \$97.30/SF; and

(c) 3131 – 57 Avenue SE, which assessed as 51,536 SF with 32% site coverage, was constructed in 1970 and had a TASP/SF of \$78.22/SF.

[8] The Complainant calculated the median of the three comparisons to be \$97.30/SF and submitted the subject property should be assessed using that amount.

Respondent's Position

[9] The Respondent provided six comparisons, which were all industrial warehouses, three of which were the same properties identified by the Complainant above.

[10] The additional three comparisons submitted by the Respondent were:

- (a) 4410 – 46 Avenue SE;
- (b) 5920 – 35 Street SE; and
- (c) 4315 – 72 Avenue SE.

[11] The first of these three additional comparisons was similar to the subject property in its assessed area size, but was constructed in 1999, had a larger site cover percentage and was outside of Foothills Industrial.

[12] The second two of these additional comparisons were smaller in assessed area and parcel size, and one had a sale date from 2009.

[13] The Respondent calculated the median TASP/SF to be \$118.82 and concluded that the assessed rate of \$106.50 used to assess the subject property was fair and equitable.

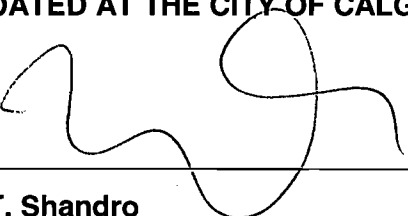
Reasons for Decision

[14] The Board determined that the three additional comparisons used by the Respondent were distinguishable from the subject property and concluded they should not be used to determine the assessed value of the subject property.

[15] Using the remaining comparisons, which were more similar to the subject property in size, date of construction, parcel size, location and site coverage, the Board determined that \$97/SF was the correct amount to calculate the assessed value of the subject property.

[16] For these reasons, the Board amends the assessment value to \$3,700,000.

DATED AT THE CITY OF CALGARY THIS 25 DAY OF October 2013.



T. Shandro
Presiding Officer

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

NO.	ITEM
1. C-1	Complainant Disclosure
2. R-1	Respondent Disclosure
3. C-2	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 Purposes Only

Property Type	Property Sub-Type	Issue	Sub-Issue
Warehouse	Multi-tenant	Sales	Comparables