



## 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:

***Airways Equities Inc. (as represented by Altus Group Limited), COMPLAINANT***

and

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

before:

***L. Loven, PRESIDING OFFICER***

***P. Grace, BOARD MEMBER***

***J. Lam, 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 2014 Assessment Roll as follows:

<b>ROLL NUMBER:</b>	<b>048075303</b>
<b>LOCATION ADDRESS:</b>	<b>3003 16 Street NE</b>
<b>FILE NUMBER:</b>	<b>74047</b>
<b>ASSESSMENT:</b>	<b>\$6,810,000</b>

This complaint was heard on 11<sup>th</sup> day of August, 2014 at the office of the Assessment Review Board located at, 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:

- *F. Taciune* *Assessor, The City of Calgary*

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

[1] At the outset of the hearing the parties confirmed they had no objection to the composition of the Board and the Board members confirmed to the parties that they had no bias nor any reason as to why they would not be able to hear the matter before them.

**Property Description:**

[2] The subject property, located in South Airways, is 2.78 acres of land and an multi-bay warehouse (IWM). It was assessed as follows: B quality; constructed in 1998; a footprint and assessable area of 47,867 square feet; 30% finish; and 5 units. Site coverage is indicated as 39.46%

**Issues:**

[3] Is the assessed value correct?

**Complainant's Requested Value: \$6,270,000**

**Board's Decision:**

[4] It is the decision of the Board to confirm the 2014 assessed value of the subject property at \$6,810,000.

**Legislative Authority, Requirements and Considerations:**

[5] The Act reads:

s 1(1)(n) "market value" means the amount that a property, as defined in section 284(1)(r), might be expected to realize if it is sold on the open market by a willing seller to a willing buyer;

s 467(1) An assessment review board may, with respect to any matter referred

to in section 460(5), make a change to an assessment roll or tax roll or decide that no change is required.

s 467(3) An assessment review board must not alter any assessment that is fair and equitable, taking into consideration

- (a) the valuation and other standards set out in the regulations,
- (b) the procedures set out in the regulations, and
- (c) the assessments of similar property or businesses in the same municipality.

### **Position of the Parties**

#### **Complainant's Position:**

[6] In support of its position, the Complainant submitted a document containing 39 pages, entered into evidence as Exhibit C1 ("C1").

[7] In support of the requested assessment of \$131 per square foot, the Complainant provided three sales comparables summarized as follows:

Column1	Subject	2808 6835 8 ST NE	2559 29 ST NE	Hopewell PL NE
Type	IWM	IWS	IWS	IWM
Land Area (Acres)	2.78	3.03	1.79	3.56
Year Built	1998	1990	1998	2006
Asseable Area (Sq.Ft)	47,867	38,577	42,504	64,318
Finished Space (%)	31	18	10	14
Site Coverage (%)	39.46	29	49	41
ASMT/TASP (\$/Sq.Ft)	142	148	138	131

[8] The Complainant stated that the comparable located 2808 Hopewell Place NE was most similar to the subject property. The Complainant requested, based on their analysis of the assessable factors of the sales comparable presented, that the subject property be assessed at \$131 per square foot or \$6,810,000.

[9] In response to the Respondent's disclosure, the Complainant submitted into evidence, Exhibit C2 ("C2"), a rebuttal containing 28 pages. The Complainant showed its sales comparables and the Respondent's sales comparables to have time-adjusted assessment to sales ratios ("TASR"s) as follows:

Address	6835 8 ST NE	2559 29 ST NE	2808 Hopewell PL NE	6213 29 ST SE	4390 106 AV SE
TASR	0.9793	0.9312	1.029	0.9282	0.9971

[10] In C2, the Complainant also provided the following Board decisions:

- 1) CARB 72276P-2013 in support of the reliance upon common sales comparables;
- 2) CARB 72366P-2013 in support of the reliance upon the most similar sales comparable;
- 3) CARB 1426/2011-P in support of the reliance upon the most comparable sales;
- 4) CARB 0751/2012-P in support of the reliance upon the most similar sales comparable; and
- 5) CARB 72102/2013-P in support of the reliance upon the median time adjusted sales price per square foot.

#### Respondent's Position:

[11] The Respondent submitted a 42 page document. The document was entered into evidence as Exhibit R1 ("R1").

[12] In support of the 2014 assessment of the subject property the Respondent presented two sales comparables summarized as follows:

Column1	Subject	6213 29 ST SE	4390 106 AV SE
Type	IWM	IWS	IWS
Land Area (Acres)	2.78	3.7	3.58
Year Built	1998	1975	2006
Asseable Area (Sq.Ft)	47,867	38,654	46,560
Finished Space (%)	31	16	16
Site Coverage (%)	39.46	21	28
ASMT/TASP (\$/Sq.Ft)	142	142.14	151.86

[13] The Respondent gave the median and the average of all five sales comparables (the Respondent's two comparables and the Complainant's three) to be \$142.27 and \$142.14 per square foot, respectively. The Respondent argued that this supported the per square foot assessment of the subject property and requested the 2014 assessment of the subject property be confirmed.

[14] The Respondent stated that because the Complainant's sales comparable located at 2808 Hopewell Place NE was a portfolio sale, it was not used in the model.

#### Board's Reasons for Decision:

[15] The Board finds the sales comparables presented to vary as follows:

		6835.8	2559.29	2808 Hopewell	6213.29	4390.106
	<b>Subject</b>	ST NE	ST NE	PL NE	ST SE	AV SE
<b>Type</b>	IWM	IWS	IWS	IWM	IWS	IWS
<b>Land Area (Acres)</b>	2.78	0.25	-0.99	0.78	0.92	0.8
<b>Year Built</b>	1998	-8	0	8	-23	8
<b>Asseable Area (Sq.Ft)</b>	47,867	-9,290	-5,363	16,451	-9,213	-1,307
<b>Finished Space (%)</b>	31	-13	-21	-17	-15	-15
<b>Site Coverage (%)</b>	39.46	-10.46	9.54	1.54	-18.46	-11.46
<b>ASMT/TASP (\$/Sq.Ft)</b>	142	6	-4	-11	0	10

[16] Based on its analysis of all the sales comparables presented, the Board finds:

- 1) The comparables appear to bracket the subject property in all of the assessed factors, excepting finished area, and
- 2) The median and average per square foot values of \$142.27 and \$142.14, respectively, support the per square foot assessed value of the subject property at \$142.

[17] In consideration of the foregoing findings, the Board confirms the assessed value of the subject property at \$6,810,000.

DATED AT THE CITY OF CALGARY THIS 19<sup>th</sup> DAY OF September 2014.



*for* L. Loven  
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. 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.*