



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:

**708214 ALBERTA LTD.,
(as represented by Altus Group),
COMPLAINANT**

and

**The City Of Calgary,
RESPONDENT**

before:

**R. Glenn, PRESIDING OFFICER
H. Ang, BOARD MEMBER
J. Massey, 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:

ROLL NUMBER:	100014109
LOCATION ADDRESS:	1035-64th Ave SE
FILE NUMBER:	74626
ASSESSMENT:	\$7,210,000

This complaint was heard on Tuesday, the 24th day of June, 2014 at the offices of the Assessment Review Board located at Floor Number 4, at 1212 – 31 Avenue NE, Calgary, Alberta, in Boardroom 4.

Appeared on behalf of the Complainant:

- D. Mewha, Agent, Altus Group

Appeared on behalf of the Respondent:

- Y. Wang, Assessor, The City of Calgary
- I. McDermott, Assessor, The City of Calgary

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

[1] There were no questions of Jurisdiction or Procedure raised prior to, or during the hearing. No objection was raised to the composition of the Board.

Property Description:

[2] The subject property is a 2.63 acre parcel of land with a single building, single unit improvement, industrial warehouse, built in 1977, "C" quality building, comprising 61,401sf (square feet), with an 86% finish, and a site coverage of 30.80%, located at the corner of 64th Ave and 10th St SE.

Issue:

[3] Whether or not the subject property has been properly assessed, using the Direct Sales Comparison Approach.

Complainant's Requested Value: \$6,010,000

Board's Decision:

[4] The Board confirmed the subject assessment at \$7,210,000.

Position of the Parties

Complainant's Position:

[5] The Complainant provided four sales comparables. One of the Complainant's sales comparables (argued as the Complainant's best comparable) was also provided as one of the Respondent's comparables.

[6] The Complainant's best comparable, located at 5905-11th St SE, had some marked differences compared to the subject, for instance, the degree of finish, being 86% in the subject, and 27% in the comparable. In addition, the subject has a land area of 2.63 acres, whereas the comparable has a land area of 5.61 acres, more than twice the size of the subject. The other comparables also had some marked differences to the subject.

[7] The Time Adjusted Sale Price of the best comparable was more than the rate that the Complainant was seeking. The Complainant relied on CARB 71570-2013-P for the proposition that the Complainant's best comparable should govern the rate in this matter. However, that argument was not well supported based on the particular characteristics of the subject in this matter.

[8] The Complainant confirmed that in their argument, they had made no adjustment for the second storey, but noted that the site coverage ratio may be impacted by the second storey.

Respondent's Position:

[9] The Respondent provided six sales comparables, which bracketed the subject's characteristics. The Respondent suggested that their best comparable was at 5716 Burbank Road SE which was very similar to the subject in parcel size, assessable area and slightly larger in site coverage.

[10] The Respondent's sales comparables together had a median of \$115/sf and an average of \$117/sf. They also presented a half dozen equity comparables which once again bracketed the subject characteristics, and which had an average price of \$114.07/sf. All of the Respondents equity comparables seemed to have multiple units, although this was difficult to discern, because some comparables were listed as having 2 or less units.

[11] On cross examination, the Respondent suggested that all of their comparables were within range of the subject.

Board's Reasons for Decision:

[12] After due deliberation on the sales argument of the Complainant, and the sales and equity argument of the Respondent and the evidence called by the parties, the Board finds that there was not enough credible evidence put before the Board by the Complainant in this matter to convince the Board that the assessment was in need of correction. The Respondent simply presented a better selection of comparables.

[13] The Complainant did not meet the onus required to convince the Board that a change in assessment was indicated. The Respondent had better comparables in this regard.

[14] Based on all of the foregoing, the subject assessment is herewith confirmed in the amount of \$7,210,000.

DATED AT THE CITY OF CALGARY THIS 25 DAY OF July, 2014



R. Glenn
Presiding Officer

APPENDIX "A"

**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

NO.	ITEM
1. C1	Complainant Disclosure
2. R1	Respondent Disclosure

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.*

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Appeal Type	Property Type	Property Sub-type	Issue	Sub-issue
CARB	Warehouses	Multi-building	Market Value	Sales or Equity Approach