



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:

CASCADES CANADA INC.

(as represented by DuCharme, McMillen and Associates Canada Ltd.)

COMPLAINANT

and

THE CITY OF CALGARY

RESPONDENT

before:

**T. SHANDRO, PRESIDING OFFICER
J. RANKIN, BOARD MEMBER
A. ZINDLER, 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: 101013407

LOCATION ADDRESS: 416 – 58 Avenue SE

FILE NUMBER: 74854

ASSESSMENT: \$11,710,000

This complaint was heard on July 3, 2014, at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- M. Pierson, Agent, DuCharme, McMillen and Associates Canada Ltd.

Appeared on behalf of the Respondent:

- T. Luchak, Assessor, The City of Calgary

Procedural or Jurisdictional Matters

- [1] There were no preliminary or jurisdictional matters arising in this matter.

Property Description

- [2] The subject property is a 365,379 square foot ("SF") parcel located in Manchester Industrial, and improved upon with three buildings: a single-tenant industrial warehouse constructed in 1961 with an assessable area of 125,635 SF, and two outbuildings constructed in 1975. The warehouse has a site coverage of 31.81%.

Issues

- [3] The Board identified the issue as follows:
1. Was the subject property assessed equitably and fairly?

Complainant's Requested Value

- [4] In the Complaint Form, the Complainant requested a reduced assessment of \$9,670,000. At the hearing the Complainant amended the requested value to \$9,170,000. During the hearing, the Complainant conceded some of the issues argued by the Respondent and amended the requested value to \$11,300,000.

Board's Decision

- [5] The Board confirms the assessment of the subject property.

Legislative Authority, Requirements and Considerations

- [6] Section 293 of the Act requires that:

- (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.
- [7] Section 4 of the *Matters Relating to Assessment and Taxation Regulation* ("MRAT") states:
 - (1) 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.

Complainant's Position

[8] The Complainant provided two sales comparables and eight equity comparables which the Complainant argued shows that the subject property was assessed inequitably. The sales comparables had an average time-adjusted sales price ("TASP") of \$73.09/SF. The median TASP of the equity comparables was \$77.61/SF.

Respondent's Position

[9] The Respondent distinguished the one of the sales comparables of the of the Complainant for being in Foothills Industrial. The second comparable at 415 Manitou Road SE was agreed upon by the parties.

[10] The equity comparables of the Complainant were distinguished for several reasons: one for a large site coverage, one for having a significantly smaller assessable area, four for being in a different region of the City of Calgary (the Southeast Region, as opposed the Central Region), and one for being constructed in 1996.

[11] The Respondent then provided two sales comparisons in the Central Region (including 415 Manitou Road SE) which the Respondent argued, when adjusted for time and size, came to an average adjusted value of \$96.95/SF. The adjusted value for 415 Manitou Road SE was \$89.80/SF.

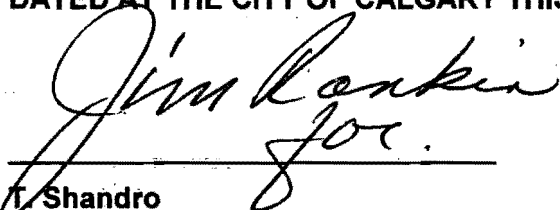
Reasons for Decision

[12] After hearing the submissions of the Respondent, the Complainant submitted that, because both parties agreed with 415 Manitou Road SE as a comparable, that the rate for the subject property should be \$90/SF which results in a proposed assessed value of \$11,300,000.

[13] Considering the information before the Board in this matter, the Board determined there was insufficient information to find the assessed value of the subject property to be either unfair or inequitable.

[14] The Board therefore confirms the assessment value of the subject property as \$11,710,000.

DATED AT THE CITY OF CALGARY THIS 21st DAY OF August 2014.

A handwritten signature in cursive script, appearing to read 'T. Shandro', written over a horizontal line.

T. Shandro

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.*

For Administrative Purposes Only

Property Type	Property Sub-Type	Issue	Sub-Issue
Warehouse	Single Tenant	Sales	Land Value