



**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:

***Dynacorp Group Limited***  
***(as represented by Assessment Advisory Group Inc.), COMPLAINANT***

and

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

before:

***J. Dawson, PRESIDING OFFICER***  
***Y. Nesry, BOARD MEMBER***  
***P. Cross, BOARD MEMBER***

This is a complaint to the Composite Assessment Review Board [the 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>101042000</b>
<b>LOCATION ADDRESS:</b>	<b>104 61 AV NE</b>
<b>FILE NUMBER:</b>	<b>75118</b>
<b>ASSESSMENT:</b>	<b>\$1,370,000</b>

This complaint was heard on the 12th day of August, 2014 at the office of the Calgary Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- *S. Cobb* *Agent, Assessment Advisory Group Inc.*

Appeared on behalf of the Respondent:

- *D. Gioia* *Assessor, The City of Calgary*
- *T. Nguyen* *Assessor, The City of Calgary*

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

[1] The Board derives its authority to hear this complaint under Section 460.1(2) of the Act. The Board composition is as required under Section 453(1)(c) of the Act. There are no objections from the Complainant or the Respondent with the Board as constituted, its jurisdiction or any party appearing before the Board.

[2] The Board has reviewed the complaint form and has confirmed there is a valid complaint under Section 460(5) of the Act. The Board has confirmed that the representatives before the Board have the authority to act on behalf of the Complainant and the Respondent for this complaint.

[3] The Complainant confirmed that there has not been a discussion with the Respondent about the complaint in an attempt to resolve the complaint issues prior to the hearing because of a lack of time – the Complainant did not receive authorisation from the owner to discuss the assessment in time. However, the Assessment Complaints Agent Authorisation for 2014 was signed on January 13, 2014, which seems to provide ample time to discuss the assessment. The complaint was filed on February 27, 2014.

[4] There was no indication from the Respondent that information requested from the Complainant pursuant to Section 295 or 296 of the Act was not provided.

[5] The Complainant, on their complaint form, indicated that information requested from the Respondent pursuant to Section 299 or 300 of the Act was not provided; however, no details are provided to the Board and the Board was not requested to make a ruling on that matter.

[6] There are no additional preliminary, procedural, or jurisdictional issues. The merit hearing proceeded

**Property Description:**

[7] The subject is an industrial property containing 17,567 square feet assessable land area, located in the southeast community of Manchester Industrial. It is stratified within the Non-Residential Zone [NRZ] of SM4. There is one building on the subject property built in 1960 with

5,000 square feet. There is one unit within the building, which is deemed to be single tenanted (IWS). There is 15% office finish with the overall building quality deemed to be a 'C-'. The site coverage is 28.46%, which is slightly below the typical 30%.

[8] The subject is assessed using the Direct Sales Comparison Approach to Value.

**Issues:**

[9] The single issue before the Board is the assessment amount with the Complainant requesting a value of \$196 per square foot versus the \$274 per square foot assessment.

**Complainant's Requested Value: \$980,000**

**Board's Decision:**

[10] The Board found the assessment value to be correct at \$1,370,000 and confirmed the assessment.

**Legislative Authority, Requirements, and Considerations:**

**The Municipal Government Act**

Revised Statutes of Alberta 2000 Chapter M-26

**Interpretation**

**1(1)** *In this Act,*

(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;*

**Position of the Parties**

**Complainant's Position:**

[11] The Complainant presented three sales comparable properties and three equity comparable properties. The result is a median of \$203 per square foot for the sales and a median of \$189 per square foot on an equity basis after adjustments. Supporting documentation is provided (C1 pp. 8-33).

**Respondent's Position:**

[12] The Respondent argued that the assessment is correct, fair and equitable and should be confirmed.

[13] The Respondent restated the Complainant's sales comparable properties. The sales are all condominium properties versus the free standing subject property. (R1 pp. 15).

[14] The Respondent restated the Complainant's equity comparable properties indicating they all have substantially more office finish, two have higher site coverage, and the land use

designations are commercial versus industrial (R1 p. 16).

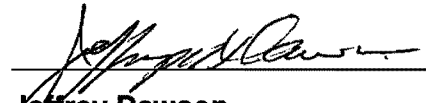
[15] The Respondent provided a sales chart with two comparable properties with a TASP per square foot median value of \$298.02 (R1 p. 18).

[16] The Respondent disclosed three equity comparable properties, with similar attributes, including; building type, land area, land use designation, footprint, number of units, and actual year of construction. The range of assessments is \$252.36 to \$330.64 per square foot. The median value is \$259.28 per square foot and the mean is \$280.76 per square foot. The Respondent's region and NRZ are different, two have significant office finish variance, and site coverage is significantly lower for two properties (R1 p. 20).

**Board's Reasons for Decision:**

[17] The Board is not persuaded by the argument and evidence of the Complainant. The Respondent showed the sales comparable properties are dissimilar and the equity comparable properties also have significant dissimilar attributes. Furthermore, the sales that are provided have an ASR value within acceptable range. No evidence was presented to show assessment is incorrect.

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

  
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Jeffrey Dawson  
Presiding Officer

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

<b>NO.</b>	<b>ITEM</b>
1. C1 – 33 pages	Complainant Disclosure
3. R1 – 35 pages	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.*

<b>Municipal Government Board use only: Decision Identifier Codes</b>				
Appeal Type	Property Type	Property Sub-Type	Issue	Sub-Issue
CARB	Warehouse	Single Tenant	Sales Approach	Land & Improvement Comparables