



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:

**AIRSTATE 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:	100010404
LOCATION ADDRESS:	6025-12th St SE
FILE NUMBER:	75414
ASSESSMENT:	\$9,740,000

This complaint was heard on Monday, the 23rd 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.

Property Description:

[2] The subject property is a 3.18 acre parcel of land with a single building multi-bay (27 bays) improvement, Year of Construction;(YOC):1978), "C" quality building, comprising 91,680sf (square feet), with a 44.10% finish, and a site coverage of 51.82%, currently used as an industrial warehouse, located at the corner of 59th Ave and 12th St SE.

Issue:

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

Complainant's Requested Value: \$8,980,000

Board's Decision:

[4] The Board confirmed the subject assessment at \$9,740,000.

Position of the Parties**Complainant's Position:**

[5] The Complainant provided three sales comparables (page 12 of C-1). 4020-9th St SE was stated to be the best comparable, with a land area of 3.13 acres, building area of 80,170 sf, and a 53.3% site coverage. This property sold for a time adjusted sale price of \$94/sf.

[6] The Complainant stated that 7130 Fisher Road SE, though not that comparable because of its C-COR land use, has a similar land area, building area, and site coverage.

[7] The Complainant provided no equity comparables.

[8] The Complainant's requested value was based on the median of the three sales provided, which was \$98/sf. The Complainant was not cross-examined on their presentation, nor did the Board query the Complainant.

[9] In summary, the Complainant argued that they simply had the closest, or best comparables, without going into detail.

Respondent's Position:

[10] The Respondent provided five sales comparables, three of which were contained in both of the party's briefs. The remaining two sales comparables were close to the characteristics of the subject, and were good support for the Respondent's assessment position.

[11] The Respondent also provided four equity comparables, and while all had more land area than the subject, they bracketed the subject's other characteristics, and were good support for the Respondent's position on rate per square foot.

[12] In summary, the Respondent argued that the number of bays (the subject had 27 bays) drives this property value, and should be determinative of the assessment in issue.

Board's Reasons for Decision:

[13] The Board found that the number of bays/units at 27 was a unique characteristic which is not shared by all the comparables. The closest comparable in terms of the number of bays was 7260-12 St SE, which had 20 units, and its time adjusted sale price was \$165.97/sf. The subject's assessed rate per square foot was \$106.29, which was well within the range of all comparables.

[14] 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 insufficient evidence put before the Board by the Complainant in this matter to convince the Board that the assessment was in need of correction.

[15] The Complainant simply did not meet the onus required to convince the Board that a change in assessment was indicated. The Board accepted the evidence of the Respondent in this regard.

[16] Based on all of the foregoing, the subject assessment is herewith confirmed in the amount of \$9,740,000.

DATED AT THE CITY OF CALGARY THIS 24 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. C2	Complainant Rebuttal
3. 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