



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:

***SUPERIOR HOLDINGS 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:	090076902
LOCATION ADDRESS:	324-39th Ave SE
FILE NUMBER:	75638
ASSESSMENT:	\$1,970,000

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. There were no objections to the composition of the Board.

Property Description:

[2] The subject property is a 0.48 acre parcel of land with a one building improvement, Year of Construction(YOC):1978, "C" quality building, comprising 8,948sf (square feet), with the building having a 26% finish, and a total site coverage of 42.48%, currently used as an industrial warehouse and office, located just east of Macleod Trail on 39th Ave SE in Manchester.

Issue:

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

Complainant's Requested Value: \$1,340,000

Board's Decision:

[4] The Board confirmed the assessment of the subject at: \$1,970,000.

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

[5] The Complainant seeks a reduction in the assessment rate to \$150/sf and provided five sales comparables. The comparables provided a range of \$135/sf to \$200/sf and had an average Time Adjusted Sale Price (TASP) of \$165/sf and a median TASP of \$156/sf.

[6] Their best comparable (located at 3004-Ogden Road SE) was quite close to the characteristics of the subject property, with the exception of the percentage of finish, with the subject having 27% and the comparable having 47%.

[7] The layout of the building was unusual in that the LRT tracks ran close to the building such that the rear of the building could only be accessed from a road separate from the front of the building. One could not drive from the front of the subject building to the back without driving around the block. Otherwise the access was good.

Respondent's Position:

[8] The Respondent argued that the Complainant failed to include all the relevant comparable sales. They argue that when all the relevant comparable sales are included, the range of value demonstrated from the sales is supportive of the subject assessment.

[9] The Respondent provided a chart of five sales comparables which included two of the Complainant's comparables. The Respondent's comparables demonstrated a median Time Adjusted Sale Price of \$213.64/sf. Under cross-examination, the Respondent admitted that their inventory sheet for the comparable at 5728-1st St SW could be outdated (see pages 19, 73 and 77 of R-1).

Board's Reasons for Decision:

[10] The Board found that there was a lot of contradictory minutiae presented in argument and evidence by both parties. However in spite of a rigorous cross-examination of both sides, at the end, both parties stood by their initial stance.

[11] The Board carefully considered the evidence of both parties and found that four out of five of the Respondent's sales comparables, and two of the five Complainant's sales comparables supported the original assessment rate per square foot at \$220.44/sf, or \$1,972,497.79, or rounded to \$1,970,000

[12] Based on all of the foregoing, the subject assessment is hereby confirmed at \$1,970,000

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
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.*

For Administrative Use Only

Appeal Type	Property Type	Property Sub-type	Issue	Sub-issue
CARB	Warehouses	Single building	Market Value	Sales Approach