

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

Manchester Projects Ltd.
(as represented by Colliers International Realty Advisers Inc.)

and

The City Of Calgary, RESPONDENT

before

L. Yakimchuk, PRESIDING OFFICER
D. Julien, BOARD MEMBER
A. Wong, 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: 101031201
LOCATION ADDRESS: 5440 1 St SW
FILE NUMBER: 76798
ASSESSMENT: \$26,870,000

This complaint was heard on June 24, 2014 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- *T. Howell, Colliers International Realty Advisers Inc.*

Appeared on behalf of the Respondent:

- *L. Dunbar-Proctor, City of Calgary Assessor*
- *R. Tharakan, City of Calgary Assessor*

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

- [1] There were no procedural or jurisdictional matters.

Property Description:

- [2] The subject property is assessed as a 27,847 square foot (sf) and a 48,667 sf "A+" class Office/Lowrise building constructed in 2007. It is located in the Manchester community of Calgary and has been assessed using the Income approach.

Issues:

- [3] Should the Cap rate for this property be increased from 6.00% to 7.40%?

Complainant's Requested Value: \$21,800,000

Board's Decision:

- [4] The Board confirmed the assessment at \$26,870,000.

Legislative Authority, Requirements and Considerations:

The Composite Assessment Review Board (CARB) derives its authority from the Municipal Government Act (MGA) RSA 2000 Section 460.1:

- (2) Subject to section 460(11), a composite assessment review board has jurisdiction to hear complaints about any matter referred to in section 460(5) that is shown on an assessment notice for property other than property described in subsection (1)(a).

For the purposes of this hearing, the CARB will consider MGA Section 293(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.

Matters Relating to Assessment and Taxation Regulation (MRAT) is the regulation referred to in MGA Section 293(1)(b). The CARB decision will be guided by MRAT Section 2, which states that

An assessment of property based on market value

- (a) must be prepared using mass appraisal,
- (b) must be an estimate of the value of the fee simple estate in the property, and
- (c) must reflect typical market conditions for properties similar to that property.

and MRAT Section 4(1), which states that

The valuation standard for a parcel of land is

- (a) market value, or

if the parcel is used for farming operations, agricultural use value

Position of the Parties

Complainant's Position:

[5] The Complainant, T. Howell, Colliers International Realty Advisors Inc., argued that the subject property is assessed with two "A+" quality suburban office buildings with a total of 76,514 sf which have been assessed with a 6.00% capitalization (Cap) rate and should be assessed with a 7.40% Cap.

[6] To support this assertion, the Complainant presented a Capitalization Rate Analysis (C1, p19). The analysis included two sales of suburban office properties which were transacted on March 31, 2011 and June 28, 2011. One property had one building and the second had three. He drew his data from RealNet documentation. The Complainant took the "actual" Cap rates (7.2% estimated and 7.6%) presented in the documentation and averaged them to find a typical Cap rate of 7.20% for these properties.

[7] The Complainant also presented a Direct Sales Analysis using RealNet information to support the resulting value/sf from the Cap rate analysis. The analysis did not show Cap rates as most of these or the Net Operating Incomes (NOI) were not available from RealNet.

Respondent's Position:

[8] The Respondent, L. Dunbar-Proctor, City of Calgary Assessor argued that the best way to calculate a typical Cap rate is to calculate typical Rents and NOI first, then to calculate typical Cap rates from these and to find a median Cap rate. The Respondent also argued that third party values such as the ones the Complainant used were not used by City of Calgary as primary information, although they might be used to support information the City gathered

through Assessment Requests for Information (ARFIs) and other research.

[9] The Respondent pointed out that the property on 3600/4000 4 St SE in the Complainant's study is misrepresented as it consists of 3 buildings with a total of 131,560 sf, not 119,832 sf as shown in the analysis. One NOI is not available and the other is estimated, and both sales occurred prior to the evaluation period. There are comparable property sales available from the evaluation period which the Complainant could have used instead.

[10] The Respondent presented the 2014 Suburban Office Capitalization Rate Study – A Quality, which included five sales of suburban office properties (R1, p48). The study included "A-" and "A+" properties with Sale Registration Dates between July 10, 2012 and May 22, 2013. The average Cap rate for these sales was 6.06% and the median Cap rate was 6.09%. The typical assessment Cap rate was set at 6.00%.

Board's Reasons for Decision:

[11] The Board reviewed the Complainant's presentation and argument. The evidence came from a third party source and there was no way to judge whether the data used to find these results was accurate. Although third party resources can be helpful in supporting arguments, they should not be relied upon as a sole source of information.

[12] The Board found the Respondent's approach, using information gathered from property owners and through assessors, to be more reliable. This information could then be used to calculate typical values from which rates applicable to all properties within specific groups could be calculated, for use in mass assessment. Much of this information is available to taxpayers through requests to the City of Calgary Assessment Business Unit.

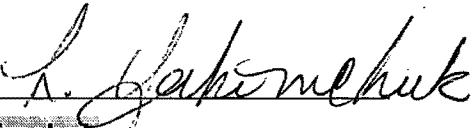
[13] The Complainant argued that finding actual Cap rates and averaging them to get a typical Cap rate was preferable. The Board reviewed the RealNet information used to support the Complainant's calculations and found that the Complainant had not interpreted the data correctly, and much of the data required was not available from the reports.

[14] The Board also found that assessment rates for similar properties should be similar, and the analyses for typical rates for these various properties should include the same set of comparables in order to achieve equity for all similar properties.

[15] The Board found no reason to change the Cap rate used in the subject assessment.

[16] The assessment is confirmed with a 6.00% Cap rate, at \$26,870,000.

DATED AT THE CITY OF CALGARY THIS 23rd DAY OF July 2014.


L. Yakimchuk

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 office use only:

A	B	C	D	E
CARB	Office	Lowrise	Income approach	Cap
