

**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(4).

between:

Assessment Advisory Group, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***J. Gilmour, PRESIDING OFFICER
D. Morice, MEMBER
K Farn, MEMBER***

This is a complaint to the Calgary Assessment Review Board in respect of Property assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER: 119012508
LOCATION ADDRESS: 9717 40 Street SE
HEARING NUMBER: 58468
ASSESSMENT: \$8,070,000

This complaint was heard on 21st day of June, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant:

- Y. Tao / T. Howell

Appeared on behalf of the Respondent:

- I. McDermott

Property Description:

The subject property consists of a warehouse consisting of three buildings built in 1995, 1997 and 1999 on a site area of 4.08 acres. The site coverage is 19 per cent with rentable building areas of 11,570 square feet, 11,457 square feet and 15,332 square feet. The land is zoned Industrial General (I -G) in the South Foothills area on 40 Street SE.

Issues:

Can the comparable properties submitted by the Complainant be adjusted for factors between the Foothills and South Foothills areas and recognizing that all new services have been allocated to the latter area as a result of Industrial General (I -G) zoning?

Background Information for Board's Decision:

Complainant's position

The complainant is requesting an amended assessment of \$5,350,000 for the three structures. Adjustments were made to the Complainant's three Foothills area comparables, yielding a 10 per cent reduction amounting to an average of \$99 per square feet, in lieu of the subject assessment of \$182 per square foot. The adjustment factors included the selling date, building size, clear wall height, land size, coverage and age of the buildings.

Respondent's position

The Respondent relied on seven sales comparables in the South East region, to illustrate to the Board that the assessment was fair and equitable. On the basis of the characteristics of the subject property, two comparable sales properties were identified with similar characteristics to the subject. The two comparable sales yielded an average of \$195 per square foot, which included an adjustment average of \$195 per square foot and included an adjustment of negative 10 per cent.

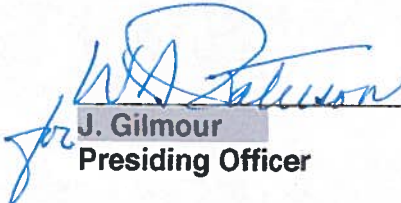
Board's Decision in Respect of Each Matter or Issue:

It is a long established principle of assessment that a taxpayer has the right to an assessment not in excess of actual value and to an assessment that is equitable with similar property in the municipality. On the basis of the best sales comparables submitted by both parties, two comparables were selected by the Board which had the closest similar characteristics as the subject property. The average of these time adjusted sale price per square foot was very close to a rate per square foot for the subject three buildings. For this reason, the assessment has not been disturbed and has been confirmed at \$8,070,000.

Board's Decision:

Confirm the assessment of \$8,070,000.

DATED AT THE CITY OF CALGARY THIS 22nd DAY OF July 2010.


J. Gilmour
Presiding Officer

JG/mh

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.