

**CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaint against the Property/Business assessment as provided by the *Municipal Government Act*, Chapter M-26.1, Section 460(4).

between:

P. Ralph Brown Enterprizes Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

*Board Chair, J. Zezulka
Board Member S. Rourke
Board Member R. Roy*

These are complaints to the Calgary Assessment Review Board in respect of Property/Business assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as outlined following. With the agreement of all parties, the complaints were dealt with concurrently.

LOCATION ADDRESS: Units 5, 9, 13, 17, 21, 25, 29, 33, 37, 41, 9151 – 44 Street S.E.

HEARING NUMBER: 58545, 58546, 58547, 58548, 58550, 58551,
58552, 58553, 58555, 58557

ASSESSMENTS:	<u>File No.</u>	<u>Roll Number.</u>	<u>Assessment</u>
	58545.....	119500569.....	548,500
	58546.....	119500544.....	543,000
	58547.....	119500528.....	591,500
	58548.....	119500502.....	588,500
	58550.....	119500486.....	584,500
	58551.....	119500460.....	584,500
	58552.....	119500445.....	545,000
	58553.....	119500429.....	540,000
	58555.....	119500403.....	542,500
	58557.....	119500387.....	519,000

This complaint was heard on 28 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:

- *Assessment Advisory Group (Mr. Yuan Tao)*

Appeared on behalf of the Respondent:

- *Ian McDermit*

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

Not Applicable

Property Description:

Each property is a single bay in a ten bay industrial condominium project in the South Foothills Industrial Park. Bay sizes vary from 3,089 s.f. to 3,509 s.f. of which a portion is office, and the balance is ground floor warehouse. There is no mezzanine. The building was constructed in 1999. Ceiling height is 18 ft. Each bay has a single drive in door. The site area is 3.00 acres.

Issues:

It is the complainant's position that the assessment is too high as a result of the municipal servicing in the area. South Foothills is a partially serviced Park that lacks storm sewer, or municipal sanitary sewer, both of which are being installed under local improvements. The complainant contends that the local improvement levies adversely affect value, and this aspect has not been reflected in the assessment.

In response, the Respondent's position is that the assessment properly reflects market value, and is fair and equitable with similar properties.

Complainant's Requested Value:

<u>File No.</u>	<u>Roll Number.</u>	<u>Requested Amount</u>
58545.....	119500569.....	\$423,383
58546.....	119500544.....	\$427,994
58547.....	119500528.....	\$411,236
58548.....	119500502.....	\$465,234
58550.....	119500486.....	\$466,697
58551.....	119500460.....	\$466,697
58552.....	119500445.....	\$429,457
58553.....	119500429.....	\$428,127
58555.....	119500403.....	\$430,920
58557.....	119500387.....	\$410,837

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

In support of their argument, the Complainant, on pages 26 to 51 of The Assessment Advisory Group Disclosure of Evidence offered five comparables. Those are summarized on page 25 of the submission.

The respondent presented five sales comparables outlined on page 28 of the Assessment Brief. The respondent also presented five equity comparables.

During the course of the hearing, both parties agreed that No. '3' of the Complainants comparables should be excluded as not being comparable. No's "1' and '2' are located on Glenmore Trail, and are considered superior to the subject due to location and exposure to passing traffic. The remaining two- No's '4' and '5' are somewhat similar to the subject, albeit both are substantially newer. In addition, both have useable ceiling heights ranging from 20 to 22 feet. The bays each have a single drive in door. These reflected time adjusted selling prices of \$148.00 and \$149.00 per s.f.

Of the Respondent's data, No. '1' of the comparables was disregarded because the Assessment to Sale Ratio appeared at 1.72, leading to the suspicion that the data might be incorrect in some fashion. No '2' and '3' reflected Time adjusted selling prices of \$229.00 and \$171.00 per s.f. respectively. Both are considered superior to the subject by reason of their location. All of the comparables are considerably smaller than the subject.

All five of the Respondents equity comparables are condominium bays in the same strata titled industrial project. Assessments range from \$180 to \$261 per s.f. The project fronts onto Glenmore Trail and benefits from exposure. In this respect, the equity comparables are considered superior to the subject.

After weighing all of the evidence, the board finds that the best evidence of value submitted was No '4' and '5' of the complainant's data, with a minor downward adjustment for age, and ceiling height.

Board's Decision:

The assessments are amended to 145.00 per s.f., as follows;

<u>Unit No.</u>	<u>Roll Number.</u>	<u>Amended Amount</u>
5	.....119500569.....	471,000
9	.....119500544.....	466,500
13	.....119500528.....	510,000
17	.....119500502.....	507,000
21	.....119500486.....	508,500
25	.....119500460.....	508,500
29	.....119500445.....	468,000
33	.....119500429.....	466,500
37	.....119500403.....	469,500
41	.....119500387.....	447,500

DATED AT THE CITY OF CALGARY THIS 14th DAY OF July 2010.


J. Zezulka
Presiding Officer

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.*