

**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:

T. Hudson, PRESIDING OFFICER

S. Rourke, MEMBER

R. Cochrane, MEMBER

This is a complaint 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 follows:

<u>Roll Number</u>	<u>Location Address</u>	<u>Hearing Number</u>	<u>Assessment</u>
200897130	101 - 7 Westwinds CR N.E	57869	\$303,000.00
200897411	234 - 7 Westwinds CR N.E	57933	\$334,500.00
200897221	137 - 7 Westwinds CR N.E	57934	\$312,500.00
200897296	315 - 7 Westwinds CR N.E	57935	\$329,500.00
200897387	222 - 7 Westwinds CR N.E	57936	\$328,500.00
200897239	141 - 7 Westwinds CR N.E	57937	\$362,000.00

This complaint was heard on 19 day of July, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- *Mr. Troy Howell*

Representing the Assessment Advisory Group

Appeared on behalf of the Respondent:

- *Mr. Bob Partridge*

Representing the City of Calgary

Property Description:

The subject properties are six (6) units in a commercial condominium complex located at 7 Westwinds Crescent NE in Calgary. All of the units have commercial/retail frontage with warehouse in the rear and range in size from a high of 1485 sq. ft. to a low of 1316 sq. ft. The assessment(s) are all based on a rate of \$225 psf. The Complainant requests the assessment(s) be reduced to \$179 psf.

Issues / Grounds for Complaint:

The Complaint is in regard to the assessment amounts, which the Complainant alleges do not reflect market value; and are also inequitable with the assessment(s) of comparable properties.

Position of the Complainant on the Issues:

With respect to market value, the Complainant submitted sales of five (5) properties located in the Westwinds area. The average sale price of the comparables exceeded \$190 psf. However, through a series of adjustments to the comparables sale prices based on the date of sale and year of construction the Complainant argued that the adjusted sale price is \$179.00. One of the sales comparables is in the same complex as the subject properties and sold for \$213.00 psf. The adjusted sale price of the comparable based on the noted factors is \$201 psf. The Complainant therefore requested that each of the subject properties assessments be reduced to 179.00 psf. The Complainant did not submit any evidence with respect to equity of the assessments.

Position of the Respondent on the Issues:

The Respondent submitted both sales and equity comparables within the subject properties' complex, as well as in an immediate neighbouring complex located at 55 Westwinds Crescent NE. The Respondent argued that the sales comparables submitted by the Complainant were industrial units and are not comparable to the subject properties. The Respondent therefore requested that the assessment should be confirmed.

Board Findings on the Issues:

The Board finds that there is insufficient evidence to reduce the assessments based on market value. On a balance of probabilities the sales evidence supports the assessment. However, with respect to equity, the Respondent's own evidence indicates that very similar properties in the immediate neighbourhood (i.e. 55 Westwinds Crescent N.E), have been assessed at a rate of \$210.00 psf versus the \$225.00 psf assessment of the subject properties: The Respondent had no explanation for the difference. The Board therefore finds that an adjustment to the assessments of the subject properties based on equity is warranted.

Board's Decision:

The assessment(s) of the subject properties are reduced as follows.

Unit 101 - 1348 sq. ft. at \$210 psf	-	\$283,000
Unit 234 - 1485 sq. ft. at \$210 psf	-	\$311,500
Unit 137 - 1391 sq. ft. at \$210 psf	-	\$292,000
Unit 315 - 1461 sq. ft. at \$210 psf	-	\$306,500
Unit 222 - 1465 sq. ft. at \$210 psf	-	\$307,500
Unit 141 - 1316 sq. ft. at \$210 psf	-	\$276,000

Reasons:

Well established case law (i.e. Bramalea) allows that an assessed person is entitled to a property assessment that reflects the lower amount of market or equitable value. In this case, the Respondent's own evidence identifies that very similar properties located in immediate proximity to the subject properties are assessed at a lower rate, with no explanation for the difference. It is therefore reasonable to adjust the assessments of the subject properties to restore equity with competing properties.

DATED AT THE CITY OF CALGARY THIS 5th DAY OF August 2010.



T. Hudson
Presiding Officer

TH/ms

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.*