

**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. Noonan, *PRESIDING OFFICER*

Y. Nesry, *MEMBER*

C. McEwen, *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:	115059909
LOCATION ADDRESS:	6323 35 St SE
HEARING NUMBER:	58810
ASSESSMENT:	\$1,700,000.00

This complaint was heard on the 5th day of August, 2010 at the office of the Assessment Review Board located at the 3rd Floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- T. Howell, Commercial property Tax Agent, Assessment Advisory Group

Appeared on behalf of the Respondent:

- I. Baigent, Senior Assessor, *The City of Calgary*

Property Description:

The subject is located at 6323 35 St SE, Calgary. It is an 11,270 sq.ft. warehouse built in 1970 on .54 acre in the Foothills Industrial area. The assessed value is \$1,700,000.

Issue:

Is the assessment greater than fair market value?

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

The Complainant presented 3 sales comparables adjusted for date of sale and year of construction to determine an average adjusted value of \$122 per sq.ft. in support of a requested assessment of \$1,370,000.

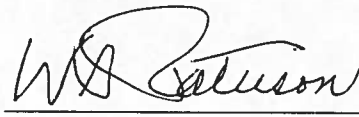
The Respondent noted an error in the Complainant's information: site coverage was not 48% but rather 40.35%. The Respondent questioned the sales adjustments used by the Complainant. In addition to the 3 sales used by the Complainant, a further 2 sales were presented, showing a range of \$116-\$245 per sq.ft. as compared to the subject's valuation of \$151.

The CARB found the sales adjustments used by the Complainant, particularly the time adjustment unsupported by market evidence. On examination of the sales detail sheets, the Board found that one of the sales common to both presentations was more accurately assigned a value of \$137 per sq.ft. as per the Complainant, opposed to the \$116 shown by the City, after consideration of needed repairs. The 3 common sales suggested an average value of \$140 per sq.ft. which when applied to the subject would support a reduction. The 2 additional sales presented by the Respondent were anomalously high at \$245 per sq.ft. or represented value for a property about double the size of the subject and the best comparables.

Board Decisions on the Issue:

The Board reduces the assessment to \$1,570,000.

DATED AT THE CITY OF CALGARY THIS 11 DAY OF August 2010.


for **J. Noonan**
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.*