

**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-26.1, Section 460(4).

between:

Altus Group Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Helgeson, PRESIDING OFFICER

J. Massey, MEMBER

J. Mathias, MEMBER

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

ROLL NUMBER: 097016901

LOCATION ADDRESS: 5325 52nd Street S.E.

HEARING NUMBER: 58906

ASSESSMENT: \$11,860,000

This complaint was heard on the 3rd day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 5.

Appeared on behalf of the Complainant:

- *Josh Weber*

Appeared on behalf of the Respondent:

- *Ian Baigent and Aram Mohtadi*

Property Description:

The subject property is multiple tenant industrial warehouse, constructed in 1995, and situated on a 6.16 acre site in the Foothills Industrial area of southeast Calgary. Rentable area of the subject totals 158,830 square feet, and it has been valued for assessment purposes at \$74 per square foot, for an assessment of \$11,860,000.

Issues:

Is the assessment of the subject property fair and equitable compared to the assessments of similar properties, and in view of recent rental rates?

Complainant's Requested Value:

Based on equity, including recent rental rates in comparable properties, the Complainant submitted that the assessment of the subject, at \$74 per square foot, is too high, and an assessment of \$71 per square foot would be fair and equitable.

Board's Decision:

The Board found that the Complainant had met the onus of establishing a *prima facie* case. The Respondent did not adduce sufficient evidence to persuade the Board that an assessment of \$74 per square foot was fair and equitable, and in the result, the Board found that, based on equity, \$71 per square foot was a more reasonable estimate of value. Accordingly, the Board reduced the assessment to \$11,270,000.

DATED AT THE CITY OF CALGARY THIS 2nd DAY OF September 2010.



T. Helgeson
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.*