

**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:

Altus Group Limited, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

F.W. Wesseling, PRESIDING OFFICER

K. Coolidge, MEMBER

R. Deschaine, MEMBER

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

ROLL NUMBER: 054012901

LOCATION ADDRESS: 920 28th Street NE

HEARING NUMBER: 59626

ASSESSMENT: \$5,620,000

This complaint was heard on the 30th day of August, 2010 at the office of the Assessment Review Board located at 4th Floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 8.

Appeared on behalf of the Complainant:

- *D. Chabot, Agent, Altus Group Limited*

Appeared on behalf of the Respondent:

- *J. Lepine, Assessor, City of Calgary*

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

N/A

Property Description: The property is located in the Franklin industrial area. The parcel contains 3.14 acres and has 2 multi bay warehouses each 31,000 sq ft. The warehouses were constructed in 1978. The assessment averages at \$90.00 per sq ft. The property is classified Industrial General (I-G) district in the City of Calgary Land Use Bylaw

Issues: Pursuant to Section 460 of the *Municipal Government Act* and Schedule 1 of *Alberta Regulation 310/2009, Assessment Complaints and Appeals Regulation* the complainant has identified the following issues for adjudication by the Board:

1. Is the assessed value reflective of the property's market value?

Complainant's Requested Value: \$5,090,000.00

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

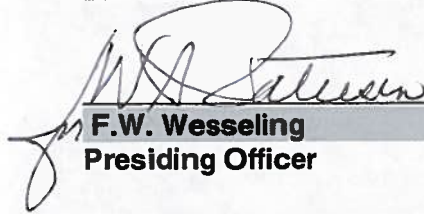
Complainant's Position: The Board was presented with 5 equity comparables from 2010. These properties have a median square foot assessment of \$82.22. These properties were all located in NE Calgary and are of similar age and size of buildings.

Respondent's Position: In its brief, the City provided twenty 2010 equity comparables as well as 7 industrial sales comparables. The sales comparables dated from 2006-2009 and were all located in the North East. The equity comparison showed a median per square foot rate of \$95.00 while the industrial sales comparables showed a median of \$114.00 per square foot.

Board's Decision: Upon reviewing the verbal and written evidence provided by the parties, the Board considers that the Complainant failed to demonstrate that the assessment was inequitable. The Board confirms the assessment at \$5,620,000.

Reasons: The Board determined that the equity and sales comparables presented by the Respondent support the 2010 assessment.

DATED AT THE CITY OF CALGARY THIS 17 DAY OF September 2010.



F.W. Wesseling
Presiding Officer

The Board was presented with the following submissions:

Complainant: C1 Evidence Submission of the Complainant to the Assessment Review Board prepared by Altus Group Limited.

Respondent: R1 Assessment Brief prepared by City of Calgary Assessment Business Unit.

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.*