

**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:

415468 Alberta Inc., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

R. Mowbrey, PRESIDING OFFICER

A. Blake, MEMBER

D. Pollard, 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: 048052401

LOCATION ADDRESS: 2230 22 ST NE

HEARING NUMBER: 56677

ASSESSMENT: \$1,730,000

This complaint was heard on the 10th day of September, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 03.

Appeared on behalf of the Complainant:

- The Complainant was not represented at the hearing
- Appeared on behalf of the Respondent:
- *M. Berzins* Assessor, The City of Calgary

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

While the Complainant was not in attendance, he submitted his disclosure document attached to the Complaint Form. The Board advised the Respondent that the Board would review the evidence of the Complainant when deliberating their decision.

Upon questioning by the Presiding Officer, the party present indicated he had no objection to the composition of the Board. In addition, the Board indicated they had no bias on this file.

Property Description:

The subject property is an industrial warehouse with a single tenant located in the NE quadrant. The warehouse was constructed in 1961 and has a footprint of 8,618 square feet (SF). The site coverage is 23.17% and has a 50% finish. The assessed rate of \$200 per SF provides for an assessment of \$1,730,000.

Issues:

1. What is the market value of the subject property?

Complainant's Requested Value:

\$1,730,000.

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

1. What is the market value of the subject property?

The Board reviewed the evidence of the Complainant and noted the Complainant used a number of methods to dispute the assessment. The Complainant's evidence notes the industrial sales comparables with the subject property (Attachment 1). In addition, attachment 9 refers to the buildings sold since 2006 to the present. Attachments 3-7 inclusive showed that fully serviced land values was increasing from 2004 and 2005 and then was decreasing during the current assessment year. In addition, the Complainant's evidence showed buildings available (listings) in the market

from an Avison Young report. (Attachment 8).

The Respondent presented sales comparables to the Board, including two of the Complainant's that gave an average mean time adjusted selling price per square foot of \$239. (Exhibit R-1 page 32).

The Respondent presented four equity comparables to the Board that had an average mean of \$207 PSF and a median of \$202 PSF. The equity comparables were similar in terms of age, region, site coverage and footprint.

In addition, the Respondent advised the Board that the 31 listings of the Complainant were listings and not sales and the Board should put little weight on these listings.

The Respondent advised the Board that a number of sales the Complainant used were not valid due to non-arms length, option to purchase from a prior period and an obvious outlier.

The Board was persuaded by the Respondent's sales comparables and the equity comparables to the subject property. In addition, the Complainant had a number of deficiencies in the evidence package.

The Complainant did not present sufficient and compelling evidence to warrant a reduction in the assessment.

Board's Decision:

The assessment of the subject property is confirmed at \$1,730,000.

DATED AT THE CITY OF CALGARY THIS 27 DAY OF September 2010.



R. Mowbrey
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.*

Exhibits:

C-1 Evidence of the Complainant (9 attachments).

R-1 Evidence of the Respondent (39 pages).