

**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 Ltd , COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

R. Mowbrey, PRESIDING OFFICER

R. Deschaine, MEMBER

P. Grace, 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: 067233908

LOCATION ADDRESS: 1003 11 ST SW

HEARING NUMBER: 59657

ASSESSMENT: \$6,740,000

This complaint was heard on the 6th day of October, 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:

- B. Neeson

Appeared on behalf of the Respondent:

- D. Lidgren

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

There were no procedural or jurisdictional matters identified.

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

Preliminary Issue:

The Complainant and Respondent requested the Board to hear file numbers 59652 and 59657 together. The evidence package for both files is the same. The Board agreed and advised the parties that a separate written decision would be completed for each file.

Property Description:

The subject property is a 22460 square foot building located in the beltline number four economic zone and is assessed at \$215 per square foot for land base rate and a 5% corner lot influence for a total of \$225 per square foot. The assessment is for 6,740,000.

Issues:

1. Is the assessed rate of \$215 per square foot plus a corner lot influence of 5% fair and equitable?

Complainant's Requested Value:

The Complainant's requested value is \$5,675,500.

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

1. Is the assessed rate of \$215 per square foot plus a corner lot influence of 5% fair and equitable?

The Complainant argues that the conclusion of the highest and best use of the subject property at \$215 per square foot is in error and that a fair and equitable value should be \$190 per square foot.

The Complainant provided the Board with 9 beltline sales comparables. The comparables had a median selling price of \$190 per square foot. (Exhibit C-1 page 36).

The Respondent provided the Board with an equity chart that showed a number of similar properties in the beltline number four economic zone. (Exhibit R-1 pages 18/20).

The Respondent provided the Board with a chart detailing beltline commercial land sales from August 2008 to April 2009. The chart showed a median selling price per square foot of \$233 and the mean selling price per square foot of \$270, which supports the assessment. The Respondent indicated the City used this study to determine the 2010 assessment rate of \$215 per square foot. The study also included a post facto sale (September 2009) that showed a selling price per square foot of \$222. (Exhibit R-1 page 19).

The Respondent provided the Board with a chart detailing beltline three and four commercial land sales from July 2006 to July 2008. The chart showed a time adjustment selling price per square foot of \$295 for the mean and \$268 for the median, which support the assessment. (Exhibit R-1 page 78).

The Respondent challenged the Complainant's sales comparables and stated a number of comparables were flawed as some comparables were non-arms length, some were listings only and a few were part of a larger sale. (Exhibit R-1 page 91).

The Respondent provided the Board with a number of previous Composite Assessment Review Board decisions. (CARB). (Exhibit R-1 pages 113-179).

The Board was persuaded by the Respondent's evidence regarding an equity chart that showed a number of similar properties compared to the subject property. In addition, the Board was persuaded by the Respondent's beltline commercial land sales from August 2008 to April 2009.

The Board found too many inconsistencies in the Complainant's sales comparables to make them reliable and the Board placed little weight on the Complainant's sales comparables.

The Complainant did not provide sufficient or compelling evidence to alter the assessment.

Accordingly, the Board finds the subject's property assessment of \$215 per square foot plus a corner lot influence of 5% to be fair and equitable.

Board's Decision:

The decision of the Board is to confirm the assessment of \$6,740,000.

DATED AT THE CITY OF CALGARY THIS 14th DAY OF OCTOBER 2010.


R. Mowbrey
Presiding Officer

CC: Owner

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 Complainant's evidence (160 pages).

R-1 Respondent's evidence (179 pages).