

**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:

Assessment Advisory Group Ltd., *COMPLAINANT*

and

The City Of Calgary, RESPONDENT

before:

J. Noonan, *PRESIDING OFFICER*

P. Charuk, *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:	091025312
LOCATION ADDRESS:	1009 48 Ave SE
HEARING NUMBER:	58564
ASSESSMENT:	\$3,160,000

This complaint was heard on the 4th day of November, 2010 at the office of the Assessment Review Board located at the 4th Floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2.

Appeared on behalf of the Complainant:

- T. Howell, Commercial Property Tax Agent – Assessment Advisory Group Ltd.

Appeared on behalf of the Respondent:

- T. Luchak, Assessor - *The City of Calgary*

Property Description:

The subject is located at 1009 48 Ave SE, Calgary. It is a 16,200 sq.ft. warehouse built in 1977 on 2.32 acres in the Highfield Industrial area. Site coverage is 16.4%. A small out-building onsite is not at issue. The assessed value is \$3,160,000.

Procedural Matter:

Due to other commitments, the third panellist was unable to attend the hearing. The Composite Assessment Review Board (CARB) proceeded as a two-member panel, a quorum, as allowed by the *Municipal Government Act* s 458(2).

Issue:

Do the sales and equity comparables show the subject property is over-assessed?

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

The Complainant presented 4 sales comparables adjusted for date of sale, building size, site coverage, and year of construction where applicable, to determine an average adjusted sale price of \$169 per sq.ft. This average adjusted value applied to the subject produced a requested assessment of \$2,740,000. Three equity comparables were introduced in rebuttal evidence.

The Respondent questioned the validity of the adjustments employed by the Complainant, and introduced 5 equity and 4 sales comparables.

The CARB did not dwell on the equity comparables: those of the Complainant showed lower per sq.ft. valuations than the subject and those of the Respondent showed similar or higher values. A simple transposition of a dollar per sq.ft. amount from one property to another is simply not appropriate.

The CARB was not persuaded that the Complainant's adjustments for building size and site coverage were sufficient or accurate.

The best evidence before the Board was the sale at 6020 3 St SE of a property with very similar sized improvement, 16,190 sq.ft. vs. 16,200 for the subject, at a time-adjusted price of \$3.2

million. The sold property was a parcel of 1.98 acres vs. the subject's 2.32 acres. The subject assessment at \$3.16 million appears fair.

Board Decisions on the Issues:

The Board confirms the assessment of \$3,160,000.

DATED AT THE CITY OF CALGARY THIS 8 DAY OF November 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.*