

**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, Revised Statutes of Alberta 2000 (the Act).

between:

Berdin Julie R (as represented by Altus Group Limited), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

B. Horrocks, PRESIDING OFFICER

A. Huskinson, MEMBER

D. Morice, 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 2012 Assessment Roll as follows:

ROLL NUMBER:	116027806
LOCATION ADDRESS:	3916 70 AV SE
HEARING NUMBER:	67150
ASSESSMENT:	\$5,760,000

This complaint was heard on the 13th day of August, 2012 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 4

Appeared on behalf of the Complainant:

- Mr. J. Smiley (Altus Group Limited)

Appeared on behalf of the Respondent:

- Mr. J. Young (City of Calgary)

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

[1] There were no concerns with the Board as constituted.

[2] There were no preliminary matters. The merit hearing proceeded.

Property Description:

[3] The subject property (described on the Corrected Assessment Explanation Summary on page 9 of R-1) is a 3.59 acre parcel located in the Foothills Industrial Park in SE Calgary. The site is improved with a 48,388 square foot (SF) single bay warehouse (IWS) that was constructed in 1980 and has 25% finish, 30.91% site coverage and an assessable building area of 56,176 SF and a 7,952 SF outbuilding (IOBS). The subject is assessed at the rate of \$92.12/SF for the warehouse and \$10/SF for the outbuilding utilizing the sales comparison approach to value.

Issues:

[4] The Assessment Review Board Complaint Form contained 14 grounds for the complaint. At the outset of the hearing the Complainant advised the only outstanding issue was: "The assessment of the subject property is in excess of its market value for assessment purposes."

Complainant's Requested Value: \$4,490,000 (Complaint Form)
\$4,390,000 (Hearing)

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

Issue: What is the market value of the subject for assessment purposes?

[5] The Complainant's Disclosure is labelled C-1.

[6] The Complainant, at page 11, provided the RealNet Industrial Transaction Summary which provided details on the sale of the subject on December 17, 2008 for the sum of \$5,000,000.

[7] The Complainant, at page 16, provided a listing of Non-Residential Sales, July 2008 – June 2011 that had been prepared by the City of Calgary noting the subject sale was included and further that the time adjusted sale price (TASP) for the subject sale was \$4,393,481. The Complainant submitted that the sale has been used in the Respondent's model and is the best indicator of market value and further the TASP is the best indicator of market value for 2012 assessment purposes.

[8] The Respondent's Disclosure is labelled R-1.


[9] The Respondent, at page 9, provided a Corrected 2012 Industrial Assessment Explanation Supplement noting that the assessable building area had been reduced from the previous year and an industrial outbuilding of 7,952 SF had been added as a result of errors which had been identified by the Complainant. The Respondent submitted that "one sale does not make a market" and requested that the revised assessment of \$5,250,000 be confirmed.

[10] The Board finds the sale of the subject to be the best indicator of market value, and the TASP of \$4,393,481 to be the market value for 2012 assessment purposes.

Board's Decision:

[11] The 2012 assessment is reduced to \$4,390,000.

DATED AT THE CITY OF CALGARY THIS 30 DAY OF August 2012.


B. Horrocks
Presiding Officer

APPENDIX "A"**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

NO.	ITEM
1. C1	Complainant Disclosure
2. R1	Respondent Disclosure

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.*

For Administrative Use

Subject	Property type	Property Sub-type	Issue	Sub-issue
CARB	Warehouse	Single bay	Sales Approach	Market value