

**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:

Tricycle Lane Ranches LTD. (as represented by Altus Group Limited), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

K. D. Kelly, PRESIDING OFFICER

A. Zindler, MEMBER

E. Bruton, 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: 200375111

LOCATION ADDRESS: 5150 – 90 AV SE

HEARING NUMBER: 68220

ASSESSMENT: \$4,430,000

This complaint was heard on 21st day of August, 2012 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- *Mr. J. Smiley – Altus Group Limited*

Appeared on behalf of the Respondent:

- *Mr. I. McDermott - Assessor – City of Calgary*
- *Mr. J. Tran - Assessor – City of Calgary*

REGARDING BREVITY:

[1] The Composite Assessment Review Board (CARB) reviewed all the evidence submitted by both parties. The extensive nature of the submissions dictated that in some instances certain evidence was found to be more relevant than others. The CARB will restrict its comments to the items it found to be most relevant.

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

[2] Prior to the commencement of the hearing the parties requested and received from the Board, an opportunity to confer regarding this appeal.

[3] At the commencement of the hearing, the Board was informed by the Complainant that the parties had agreed to recommend to the Board, a correction of a factual error in the assessment which results in a corrected assessment of \$4,070,000 for the subject.

[4] The Respondent advised the Board that he had conferred with the landowner and a physical change had occurred to the property in that a building onsite had been demolished prior to December 31, 2011.

[5] The parties jointly requested that the Board accept this correction and reduce the assessment to \$4,070,000.

Property Description:

[6] The subject is a single-tenant, formerly four building, then three building, and now two building, 3.988 acre industrial property operated by Burnco. It is assessed as a four building site using the Cost Approach to Value at \$4,430,000.

Issue:

[7] No issues heard.

[8] **Complainant's Requested Value:** \$4,070,000. – pursuant to negotiation with the Respondent.

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

[9] The Board accepts the joint submission by the two parties to correct a factual error and reduce the assessment to \$4,070,000.

Board Findings

[10] The Board finds that the assessment is incorrect in that it contains a factual error by citing four buildings when in fact there are only two buildings on the subject property.

Board's Decision:

[11] The assessment is corrected and reduced to \$4,070,000.

DATED AT THE CITY OF CALGARY THIS 20th DAY OF September 2012.


K. D. Kelly
Presiding Officer

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

| NO. | ITEM |
|-----|------|
|-----|------|

None.

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 Only

| Appeal Type | Property Type | Property Sub-type | Issue | Sub-Issue |
|-------------|---------------|-------------------|--------------|--------------------|
| CARB | industrial | Single tenant | Market value | Factual correction |