

**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

BKW Holding Inc.

(as represented by D. Porteous Colliers International Realty Advisor), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before

Lana Yakimchuk, PRESIDING OFFICER

Ian Fraser, MEMBER

Peter Charuk, 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 2011 Assessment Roll as follows:

ROLL NUMBER:	116016593
LOCATION ADDRESS:	7725 - 48 St. SE
HEARING NUMBER:	61349
ASSESSMENT:	\$3,960,000

This complaint was heard on August 19, 2011 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. David Porteous, Colliers International Realty Advisors*

Appeared on behalf of the Respondent:

- *Mr. Ian Baigent, City of Calgary Assessment Business Unit*

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

There were no procedural or jurisdictional matters.

Property Description:

The property is described on the assessment roll as a 14,920 square foot Industrial Warehouse (IWS) building with a 9,720 square foot footprint on 4.17 acres of land for site coverage of 5.35%. The completion date for the building is 1981 and it is located in Foothills. The assessed value is \$3,965,983 or \$265.42 per square foot.

Issues:

The Matter for Complaint was the assessment is too high. The issue is market value.

Complainant's Requested Value: \$2,760,000 or \$185 per square foot.

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

Mr. Porteous, on behalf of the Complainant, presented a list of five Foothills sales (C-1, p.31) with comparable properties completed between 1985 and 2009 (subject: 1981). Site coverage ranged from 5.3% to 13.62%. The buildings were 12,220 to 21,644 square feet (subject: 14,920 square feet). The Complainant also presented a list of 14 land only sales (C-1, p.25) which averaged to \$525,502.02 per acre and seven properties without extra land (C-1, p.27) which averaged \$115.57 per square foot.

Mr. Baigent, on behalf of the Respondent, presented a list of eight sales (R-1, p.14), four from the SE area and four from the central area of Calgary. These properties were completed between 1974 and 2004 for the first group and between 1958 and 1970 for the second group. Site coverage ranged from 22.87% to 49.19%. Upon questioning, Mr. Baigent conceded that the 1974 SE property with site coverage of 49.19% was not comparable. Building sizes on the list ranged from 9,500 square feet to 16,190 square feet.

Mr. Baigent pointed out that the Complainant's calculated value for bare land agreed with the City value of \$525,000 per acre assessed for the extra land for the subject property. He stated that sale prices for properties with more available land confirmed that there was justification for

adding extra land value to the value of a building in an assessment.

The Board found that the Complainant, Colliers International Realty Advisors, presented a variety of evidence which did not support the assessment. The supporting comparable sales were not adjusted for variations in time, coverage, or other variables. There was no clear calculation or evidence supporting a reduction of assessment or that property should not be assessed for additional land.

For these reasons the Board finds that the Complainant failed to support the argument for reduction of assessment.

Board's Decision:

The assessment is confirmed at \$3,960,000.

DATED AT THE CITY OF CALGARY THIS 7 DAY OF SEPTEMBER 2011.



Lana Yakimchuk
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.*