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:

SREIT (West No. 2) Ltd. (as represented by Altus Group Limited), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

K. D. Kelly, PRESIDING OFFICER
J. Massey, 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:	**054013008**
LOCATION ADDRESS:	**2915 – 10 AV NE**
HEARING NUMBER:	**67720**
ASSESSMENT:	**$4,820,000**

This complaint was heard on 10th day of October, 2012 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Board 6.

Appeared on behalf of the Complainant:

- *Ms. C. Van Staden – Altus Group Limited*

Appeared on behalf of the Respondent:

- *Ms. – K. Cody - Assessor – City of Calgary*
- *Ms. – M. Hartmann – 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] The following appeals were heard by the Board during the week of October 9 to 12, 2012 inclusive:

File No.	Decision No.	Roll No.	Address
68379	2063-2012-P	024008302	5225 – 8 ST NE
67719	2064-2012-P	054003991	2855T – 10 AV NE
66891	2065-2012-P	054006200	2820 – Centre AV NE
66893	2066-2012-P	054006606	404 Meridian RD NE
66896	2067-2012-P	054006754	315 Moraine RD NE
68215	2068-2012-P	054012505	2916 – 5 AV NE
66897	2069-2012-P	054012604	640 – 28 ST NE
67720	2070-2012-P	054013008	2915 – 10 AV NE
68038	2071-2012-P	054013107	3202 – 12 AV NE
68195	2085-2012-P	054014691	420 – 28 ST NE
68266	2086-2012-P	055124903	2020 Centre AV NE
66899	2087-2012-P	055162200	1880 Centre AV NE
68271	2088-2012-P	070033006	219 – 18 ST SE
68272	2089-2012-P	071043905	115 – 28 ST SE
66651	2090-2012-P	201311156	2820 – Centre AV NE

[3] **Common Issues:** All of the Board members named above attended all of the foregoing hearings throughout the week, and the Parties appearing before the Board during that time were represented by the same individuals noted above. Many of the issues, arguments, questions and responses were common throughout. At the request of the Parties and with the concurrence of the Board, those commonalities were carried forward from the hearing where they were first raised, to subsequent hearings without being restated in full in each hearing or in each written decision. The Parties selected file 68379 to be the "master" file upon which all common evidence and argument would be based and henceforth carried forward to subsequent files in turn.

[4] **S. 299. MGA:** In each of the complaints, the Complainant referenced information related to s. 299 of the Act. In each case – except one (file 66896) – the Complainant confirmed that there was no claim that the Respondent failed to produce the requested disclosures.

Property Description:

[5] The subject is a 1978 single-building multi-tenant (IWM) industrial warehouse on 3.13 acres (Ac.) at 2915 – 10 AV NE in the Franklin Park industrial area. It is zoned I-G in the City's Land Use Bylaw; contains 48,000 square feet (SF) of assessable space; has 37% finish; 35.17% site coverage, and is assessed using the Sales Comparison Approach to Value at $100.43 per SF for a total assessment of $4,820,000.

Issue:

[6] What is the correct assessment for the subject when its 2012 assessed value is tested against selected valuation approaches and/or techniques?

Complainant's Requested Value:

[7] The Complainant requested the assessment be reduced to $4,130,000 based on the Sales Comparison Approach to Value at $86 per SF.

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

1. Sales Comparison Approach:

[8] The Complainant provided four sales comparables and clarified that they, and the ensuing analysis of them, were intended to be applied to another property under appeal at 640 – 28 ST NE but were erroneously included in materials for this hearing. Nevertheless she argued that the individual site characteristics of the four market sales are such that they are also applicable to the subject.

[9] The Complainant argued that her "best" comparable to the subject is located at 2835 – 23 ST NE. This site is also an IWM facility and has similar total assessable area, age of construction, and site coverage as the subject. However, it is a two-building site receiving a multi-building discount whereas the subject is a single-building site and receives no discount. The City's time-adjusted sales price for the comparable is $92 per SF, as compared to the subject assessed at $100.43 per SF.

[10] The Complainant argued that she had made several "adjustments" to the four sales and provided the Board and Respondent with verbal explanations but no written details of those calculations. She clarified that she had "backed out" and later "added back in" the land portion of the properties to help refine her calculations since "land value is the biggest factor in overall value". She argued that by adjusting the "key factors" for each of her four market sales comparables, this led her to conclude that an indicated value of $4,130,000 at $86 per SF is warranted for the subject.

[11] The Respondent provided four market sales and argued that each of the comparable properties closely matched the subject's individual site characteristics of parcel size; assessable building area; age; and site coverage. These time-adjusted sales demonstrated a range of values from $89.21 per SF to $100.10 per SF. She suggested that since the subject is assessed at the upper end of the range at $100.43, and based on the City's analysis of 164 property sales, these four sales provide a range of values that support the assessment. The Respondent argued that the Complainant's sales at 2835 – 23 ST NE and 2115 – 27 AV NE are not comparable to the subject because they are multi-building sites and hence this factor skews the results of the latter's value analysis such that it is unreliable as an indicator of value.

[12] In its review of this issue, the Board found that the Complainant had not informed either the Board or the Respondent as to the details of the former's market sales adjustments. Moreover, the individual site details of the Complainant's four market sale properties did not coincide with the subject. This meant that the Board placed little weight on the Complainant's calculations of value using this methodology.

2. Assessment to Sale Ratio:

[13] The Complainant provided a critique of the City's assessment model, arguing that the "key factors" in it "do not work" and "do not explain what is going on with these properties" and hence it provides erroneous assessment values. She noted she had analyzed the City's list of 164 sales of industrial warehouse properties used in the model, to arrive at this conclusion. She provided the results of the analysis and calculations, illustrating the minimum, maximum, median and mean time-adjusted assessment to sales ratios. She identified the coefficients of dispersion and variation of these ratios. She argued that it is the position of the International Association of Assessing Officers (IAAO) that the overall ratios should not be greater than 5% but the City's model has exceeded that value.

[14] The Respondent noted that the Complainant had not provided the list of properties used in her analysis, nor had she provided the analysis itself, and therefore it was not possible to verify the Complainant's methodology or conclusions.

[15] The Board found that the Board in CARB 1825/2012-P, faced with a highly similar if not identical issue, concluded in paragraphs [10], [11], and [12] that:

> [10]....."Without the analysis that supports the Complainant's conclusions, it is not possible to form an opinion on the results.
>
> [11] In any event, it is not the Board's role to rule on the validity of the Respondent's asset range. *Matters Relating to Assessment and Taxation Regulation* AR 220/2004 MRAT), s.10 in particular, governs the quality standards and procedures established through the Alberta Assessment Quality Minister's Guidelines and s. 293 of the Act.
>
> [12] The Complainant's position on the assessment to sales ratio carried little weight in the Board's deliberations on the merits of the Complaint."

[16] The Board also finds on the face of the evidence in this hearing that it places little weight on the Complainant's arguments regarding the alleged inaccuracy of the City's model, and the assessment to sale ratios derived therefrom.

3. Cost Approach:

[17] The Complainant provided a "Summary Report" for the subject using Marshall and Swift (M&S). She also provided a chart which both synthesized her M&S calculations, and used $800,000 per Ac. for the land. When combined with the calculations for the onsite improvement, the results indicated an overall value for the subject of $4,378,431. She suggested that normally an M&S value would determine the higher end of a valuation range using a variety of valuation methodologies, but in this instance it indicated a value at the middle of the range.

[18] The Complainant argued that she had estimated the "effective age" of the improvement at 32 years (as of July 1, 2011) because of its 1978 construction, and therefore she depreciated the subject by 50% based on a potential lifespan of 40 to 50 years. The Complainant advised that she had used other M&S valuation inputs for wall heights, HVAC, etc. based on typical components for a Storage Warehouse of the subject's era. The detail of the inputs and calculations were not provided.

[19] The Respondent argued that the Cost Approach To Value is generally used to assess "special purpose" buildings, and not typical warehouse properties such as the subject. She noted that the Complainant, while using Marshall and Swift, had identified the subject as "100% Storage Warehouse". In addition the Respondent argued that the Complainant's inputs and detailed calculations for M&S, which appear to be incorrectly applied, are not available and therefore they cannot be evaluated by either the Respondent or the Board.

[20] The Board found that notwithstanding the potentially flawed methodology used by the Complainant in this approach, it is not relevant to the subject which is a typical industrial warehouse and not a special purpose building. Therefore the Board placed little weight on this approach.

4. Capitalization Rate:

[21] The Complainant produced a cap rate study of industrial properties "over 100,000 SF- New Construction" and provided a table containing four market sales to support the results. She argued that Altus had used actual rents from leases in the four sites at time of sale, and a 4% vacancy (rounded down from average 4.6%) taken from third-party industry publications, to calculate median cap rates of 7.66% (stabilized NOI) and 7.47% (market NOI). She clarified that in certain instances where rents were unavailable, rents from other properties such as Calgary International Airport were used. She argued that Altus had concluded that 7.5% appeared to be a "reasonable cap rate for new, over 100,000 SF buildings."

[22] The Respondent argued that the Complainant's methodology is flawed because rents from Calgary International Airport Federal Government properties are significantly different than rents elsewhere in Calgary and should not be intermixed to arrive at valuation conclusions. In addition, in the Complainant's cap rate analysis, there is no allowance for expenses to be deducted which skews the results. She also argued that it is incorrect to analyze four new buildings of 302,135 SF; 146,135 SF; 178,009 SF; and 118,402 SF and then compare the results to the subject 48,000 SF building.

[23] The Respondent provided four market sales of industrial properties and argued that their individual characteristics of parcel size; assessable area; age; site cover; and time-adjusted sales values very closely matched the subject. She also provided seven assessment equity comparables and argued that their individual site characteristics also closely matched the subject and provide a range of values that support the assessment as fair and equitable. She argued that this evidence supports the assessment.

[24] In its review of the evidence on this issue, the Board found that it is not appropriate to compare rents from Calgary International Airport leased sites to other "freehold" property leases from off-airport sites. More significantly however, the Board found that comparisons of properties of well over 100,000 SF, and indeed in one instance over 300,000 SF, to the subject at 48,000 SF is, in the Board's view, unreliable. Therefore the Board placed little weight on the Complainant's evidence and argument in this issue.

5. Income Approach:

[25] The Complainant provided an Income Approach to Value calculation for the subject using an actual $7.78 per SF rent from the subject; a 5% vacancy rate, and a 7.75% Capitalization Rate. She clarified that while several third-party industry publications showed a 4.6% typical vacancy, and Altus was generally using 4%, she had "rounded it up" to 5%. She asserted that the ultimate value difference between 4% and 5% is immaterial. She also clarified that she had used an "elevated 7.75% cap rate" instead of the 7.5% from the Altus cap rate study because she considered the subject to be an older building with greater risk, something she "has experienced with similar older buildings". The Complainant argued that her Income calculations indicate an alternate value for the subject of $4,577,652 or $95 per SF.

[26] The Respondent argued that there are 164 valid market sales which have been shared with the Complainant and therefore there is no need to value the subject using this methodology. She reminded the Board that the subject has been assessed using the Sales Comparison Approach and not the Income Approach. Moreover, she argued that in using the Income Approach, the Complainant's methodology is incorrect because there is no documented support for the 7.75% cap rate. In addition, she argued that while the Complainant has relied on third-party reports for her vacancy rate, the value is 4.6% and not

5%. She argued that contrary to the assertions of the Complainant, a small difference in vacancy rates does indeed matter when calculating assessments, particularly on higher value sites.

[27] In its review of this issue, the Board found that there was no documented support for either the 5% vacancy rate or the 7.75% cap rate used in the Complainant's calculation of alternate value using this methodology. The Board placed little weight on the Complainant's evidence/argument in this approach.

Board's Findings with Reasons:

[28] The Board finds with respect to the sales comparison approach, the Complainant's adjustments to her property comparables were not documented, which raised doubt about their comparability to the subject. The Respondent's sales evidence, and the related sales values, supported the assessment.

[29] The Board finds that the Complainant was unable to convince the Board on the basis of the evidence and argument presented that the key variables in the City's assessment model are flawed.

[30] The Board finds that while certain documentary evidence as to the source of the inputs used by the Complainant to calculate the Cost Approach for the subject is lacking, nevertheless it recognizes that this approach is generally applied to "special purpose" buildings and not to typical multi-purpose warehouse properties like the subject. Therefore the Board finds that it gives very little weight to the Complainant's position on this issue.

[31] The Board finds that the Capitalization rate calculated by the Complainant on the basis of four relatively new buildings (as compared to the subject – a 1977 building) over 100,000 SF, to be flawed. The Complainant did not deduct any expense items, and used rents from Calgary International Airport instead of from off-airport properties to deduce values. Had expenses been deducted for example, one would expect the cap rate to be lower. In this regard, the following extract from *Westcoast Transmission Company Limited v. Assessor for Area 9 (Vancouver) 1987 BCSC 235* is relevant:

> *"I stated above that the concepts used, in developing capitalization rates for application to the subject, should be used consistently. Thus it makes no sense to develop a capitalization rate on one set of assumptions about long-term vacancy rates, long-term rents, and long-term expenses, and then apply that rate to the income of the subject property that is not derived in the same way.*
>
> *The choice of a vacancy rate goes directly into the calculation of gross income, from which the appraiser then deducts expenses to arrive at an estimate of net income. All of these factors, for consistency, should be used in the same manner as they were used in the study of comparables which resulted in the development of the capitalization rate. To do otherwise is to offend appraisal theory, and is likely to produce a mistaken result."*

[32] The Board finds that the Complainant's income approach is unreliable because the vacancy rate of 5% and the cap rate of 7.75% used in the Complainant's calculation are unsupported. The foregoing therefore casts doubt on the reliability of the alternate assessment value the Complainant seeks for the subject.

Board's Decision:

[33] The assessment is confirmed at $4,820,000.

DATED AT THE CITY OF CALGARY THIS 13th DAY OF November 2012.

K. D. Kelly
Presiding Officer

APPENDIX "A"

DOCUMENTS PRESENTED AT THE HEARING AND CONSIDERED BY THE BOARD:

NO.	ITEM
1. C-1	Complainant Disclosure
2. C-2	Complainant Disclosure – Rebuttal
3. R-1	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.

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Appeal Type	Property Type	Property Sub-type	Issue	Sub-Issue
CARB	industrial	Multi-tenant warehouse	Market value	sales; cost approach; income; cap & vacancy rate