



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:

1295336 Alberta Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Helgeson, PRESIDING OFFICER

A. Zindler, BOARD MEMBER

R. Deschaine, BOARD 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 2013 Assessment Roll as follows:

ROLL NUMBER: 100500263

LOCATION ADDRESS: 119 5065 13 Street SE

FILE NUMBER: 70595

ASSESSMENT: \$478,500

This complaint was heard on the 27th day of June, 2013 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 8.

Appeared on behalf of the Complainant:

- *No one appeared on behalf of the Complainant*

Appeared on behalf of the Respondent:

- *T. Luchak*

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

[1] It was noted at the outset that no one appeared to represent the Complainant at the hearing. The Board decided that in accordance with procedure, the hearing would go ahead.

Property Description:

[2] The subject property is a 2,238 square foot ("sq. ft.") industrial condominium unit located in the Highfield Industrial Park. There is 1,272 sq. ft. of finished area on the ground floor and 966 sq. ft. of finished area on the mezzanine level.

Issue:

[3] Is there evidence to support a reduction in the assessment?

Complainant's Requested Value: Not stated.

Board's Decision: The assessment is confirmed.

Positions of the Parties

Complainant's Position *in absentia*:

[4] A person named Susan Meitner e-mailed to the Assessment Review Board a copy of the real estate purchase contract for 131, 5056 – 13th Street SE with a copy of the Certificate of Title. A copy of a letter from James Hampton of Atkinson Appraisal Consultants Ltd. was also e-mailed to the Assessment Review Board.

[5] The commercial real estate purchase contract in the amount of \$210,000 was signed on October 16, 2012. The letter from Mr. Hampton is dated April 27, 2012 and states with reference to 131, 5065 – 13th Street SE: "[A]fter analyzing all available information, it is our opinion, the Market Value of the subject condominium unit in accordance with the critical assumptions as

outlined herein, in fee simple estate, as of April 18, 2012 is: -TWO HUNDRED FIFTY THOUSAND DOLLARS- -(\$250,000)-."

Respondent's Position:

[6] It is worth noting that the appraisal itself was not included in evidence. The sale of 131, 5065 – 13th Street ("Unit 131") is *ex post facto*, and it does not appear that Unit 131 was exposed to the market through a real estate broker. Furthermore, the subject property is not similar to Unit 131.

[7] The Respondent submitted sales of properties in the central region with sizes similar to that of the subject property. The properties sold during the valuation period. These six sales are at page 10 of R1. Although no equity comparables were provided by the Complainant, we have provided equity comparables at page 12 of R1.

Board's Reasons for Decision:

[8] The Board finds no probative evidence from the Complainant with respect to the market value of the subject property. The sale of Unit 131 cannot be said to reflect market value for Unit 131, much less the subject property. That is because there is nothing to show that the sale was at arms-length, nor is there evidence that the sale was exposed to the market. As defined in section 1(n) of the *Municipal Government Act*, "market value" means "*the amount that a property, as defined in section 284(1)(r), might be expected to realize if it is sold on the open market by a willing seller to a willing buyer*".

[9] The appraised value in the letter from Mr. Hampton is not supported by evidence because the appraisal on which the value is based is not in evidence. The "critical assumptions" mentioned in his letter are not available for examination and analysis.

[10] The Board finds that there is insufficient evidence to support a reduction in the assessment.

DATED AT THE CITY OF CALGARY THIS 22nd DAY OF August 2013.



Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
2. C2	Complainant Disclosure
3. R1	Respondent Disclosure

For Administrative Use

<u>Subject</u>	<u>Property Type</u>	<u>Property Sub-Type</u>	<u>Issue</u>	<u>Sub-Issue</u>
CARB	Warehouse	Undisclosed	Sales Approach	Equity Comps

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.*