



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:

***SUN LIFE ASSURANCE COMPANY OF CANADA (as represented by MNP LLP),
COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before:

***R. Glenn, PRESIDING OFFICER
R. Kodak, BOARD MEMBER
J. Joseph, 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:	033044207
LOCATION ADDRESS:	1339 40 AVE NE
FILE NUMBER:	71116
ASSESSMENT:	\$7,540,000

This complaint was heard on Wednesday, the 14th day of August, 2013 at the offices of the Assessment Review Board located on Floor Number 4, at 1212 – 31 Avenue NE, in Calgary, Alberta, in Boardroom 10.

Appeared on behalf of the Complainant:

- J. Langelaar, Agent

Appeared on behalf of the Respondent:

- L. Cheng, Assessor

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

[1] When asked, neither party raised any issues with regard to either Jurisdiction or Procedure. However, the parties jointly requested that the time adjustment argument from file #CARB 71112-2013-P, heard August 14th, 2013 in this series, be carried forward and applied to files numbered: CARB 71128, CARB 71114, and CARB 71116. The Board accepted this request

Property Description:

[2] The subject consists of a 2.80 acre parcel improved with two multi-bay industrial "A-" class warehouses, both constructed in 2001, with building areas of: 33,478, and 14,069 SF respectively, for a total assessable area of 47,547 SF, located in the NE district of McCall Industrial just off Deerfoot Trail and 32Ave NE. The interior finish of each of the subjects is: 52%, and 96% respectively.

Issues:

[3] The only issue suggested is whether the subject assessment of the larger of the two buildings needs adjustment, based on comparable sales. The assessment of the smaller building is not in issue.

Complainant's Requested Value:

[4] \$6,700,000

Board's Decision:

[5] The subject assessment is reduced to \$6,700,000.

Complainant's Position:

[6] The Complainant initiated their argument by presenting three comparable sales which demonstrated an average sale price of \$126/SF and a median sale price of \$125/SF. The average and median of the 2013 assessment of the comparables was \$136/SF. The Complainant also noted in argument that the 2013 assessment was an increase of 15.5% over the previous year.

[7] The Complainant noted that the Respondent stated on their Assessment Explanation Supplement that the Multiple Building Adjustment (MBA) had been applied, though the actual percentage used in the MBA was not disclosed. The Complainant expressed a substantial concern about this.

[8] The Complainant suggested that a different Time Adjustment and application of the 8.86% reduction for the MBA should be utilized. They stated that the MRAT regulations should be relied on regarding the fee simple estate and that the market conditions (comparables) should reflect the NE quadrant of the City, not the SE quadrant.

[9] The Complainant completed their presentation by arguing that sufficient sales exist to establish a fair and equitable assessment and their comparables are evidence of that. They reiterated that the Time Adjustment argument from CARB 71112-2013-P was to be carried forward, though the argument was not repeated here.

[10] In closing their argument, the Complainant reiterated the MRAT regulations at Sec 2(a) regarding fairness and equity in Mass Appraisal.

Respondent's Position:

[10] The Respondent presented a number of sales comparables (several of which were in different quadrants of the City) In addition, one of the comparables had a very much lower site coverage figure than the subject.

[11] The Respondent presented a number of equity comparables, some of which were in a different quadrant of the City. Some of the comparables were located on a larger land parcel, others on a much larger parcel of land, some were much smaller in assessable area, and only one of the Respondent's comparables was of the same age, while others were as much as 10 to 40 years older than the subject.

[12] The Respondent completed their argument by simply stating that their sales and equity comparables support the subject assessment.

Board's Decision in Detail:

[13] The Board found the evidence of the Complainant to be persuasive. Their comparables were closest to the characteristics of the subject property. The comparables of the Respondent were not close enough to the subject's essential characteristics to convince the Board that a change in the subject assessment was not warranted.

[14] The Board accepts the Complainant's comparable information which confirms the reduction sought by the Complainant

[15] The Board also accepts that the multiple building coefficient to be 8.86%, pursuant to the figure for 2012.

[16] All told, the argument of the Complainant, based on its comparables, convinced the Board that the subject assessment was in need of correction, and accordingly, the within assessment is herewith reduced to the amount of \$6,700,000.

DATED AT THE CITY OF CALGARY THIS 14 DAY OF OCTOBER, 2013.



R. Glenn
Presiding Officer

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

NO.	ITEM8
1. C1	Complainant Disclosure
2. C2	Complainant Rebuttal Disclosure
3. 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.*