



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

R. Deschaine, BOARD MEMBER

A. Zindler, 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: 100500206

LOCATION ADDRESS: 131 5065 13 Street SE

FILE NUMBER: 71483

ASSESSMENT: \$265,500

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 person appeared to represent the Complainant during the hearing. The Board decided that in accordance with procedure, the hearing would proceed.

Property Description:

[2] The subject property is a 1,030 square foot ("sq. ft.") industrial condominium unit located in the Highfield industrial park. There is 609 sq. ft. of finished area on the ground floor and 421 sq. ft. of warehouse on the ground area. There is unfinished mezzanine area in the subject property.

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 the subject property 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 plus \$14,000 for a work bench and shelving, was signed on October 16, 2012. The letter from Mr. Hampton is dated April 27, 2012 and states in the concluding paragraph: "[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 the subject property is *ex post facto*, and the subject property does not appear to have had exposure to the market through a real estate broker.

[7] We have submitted sales of properties in the central region with sizes similar to that of the subject property. These properties sold during the valuation period. Although no equity comparables were provided by the Complainant, we have provided equity comparables at page 17 of R1.

Board's Reasons for Decision:

[8] The Board finds no substantive evidence from the Complainant with respect to the market value of the subject property. The sale of the subject property cannot be said to reflect market value 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. The valuation standard for assessment of property other than land used for farming is market value. 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 appraised value is based is not in evidence. The "critical assumptions" mentioned in his letter are not available for examination and analysis. Even had the appraisal been provided, the Board notes that the appraised value is very close to the assessed value, i.e., within 6 percent, a marginal amount on which to ground a complaint.

[10] The Board finds that there is insufficient evidence to support an adjustment to 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

Subject	Property Type	Property Sub-type	Issue	Sub-Issue
CARB	Warehouse	Condominium	Insufficient evidence	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.*