



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:

***Harmin Holdings Ltd., Leotel Holdings Ltd., Majestic Holdings Ltd., and
Madacalo Investments Ltd.
(represented by Altus Group), COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before:

***Ms. V. Higham, PRESIDING OFFICER
Mr. R. Cochrane, BOARD MEMBER
Mr. P. Cross, BOARD MEMBER***

This is a complaint to the Calgary Assessment Review Board (the Board) in respect of a property assessment prepared by the Assessor of The City of Calgary (the City) and entered in the 2014 Assessment Roll as follows:

ROLL NUMBER:	048042709
LOCATION ADDRESS:	2016 25 Avenue NE Calgary, Alberta
FILE NUMBER:	73965
ASSESSMENT:	\$5,040,000

This complaint was heard on the 22nd day of July, 2014 at the office of the Calgary Assessment Review Board located at 1212 – 31 Avenue NE, Calgary, Alberta, 4th Floor, Boardroom 4.

Appeared on behalf of the Complainant:

- **Mr. M. Robinson** **Agent, Altus Group**

Appeared on behalf of the Respondent:

- **Mr. N. Domenie** **Assessor, City of Calgary**

Procedural or Jurisdictional Matters:

- [1] Neither party objected to the composition of the Board as introduced at the hearing.
- [2] The Board notes an executed Agent Authorization Form present in the file.
- [3] All disclosure materials were received in a timely fashion.
- [4] No preliminary issues were raised by either party.
- [5] Upon request, the Board agreed to carry forward evidence, arguments, and questioning from “lead file” #75084, relative to the “multiple versus single building” argument addressed by both parties.

Property Description:

[6] The subject is assessed as a multi-tenant industrial warehouse property (IWM), located at 2016 25 Avenue NE on 2.12 acres of land, with 29% site coverage. The parcel is improved by one building constructed in 1978, comprising 33,925 square feet (sf) of space, assessed at \$149 per square foot (psf) using the direct sales comparison approach to value.

Issues:

[7] The Complainant identified one matter on the Complaint Form as under complaint, being the assessment amount. The Complainant requested a different valuation (\$3,460,000) than originally noted on the Complaint Form (\$4,376,325), and raised the following issue for the Board’s consideration:

- 1) What is the correct psf value to apply to the subject property: the assessed \$149 or the requested \$102?

Complainant’s Requested Value: \$3,460,000

Board’s Decision: The Board varies the subject assessment from \$5,040,000 down to a truncated value of **\$3,960,000**.

Legislative Authority, Requirements and Considerations:

[8] A Composite Assessment Review Board (CARB) derives its authority from the *Act*, section 460.1, which reads as follows:

- (2) Subject to section 460(11), a composite assessment review board has jurisdiction to hear complaints about any matter referred to in section 460(5) that is shown on an assessment notice for property other than property described in subsection (1)(a).

Section 293 of the *Act* requires that:

- (1) In preparing an assessment, the assessor must, in a fair and equitable manner,
 - (a) apply the valuation and other standards set out in the regulations, and
 - (b) follow the procedures set out in the regulations.

Sections 2 and 4 of the *Matters Relating to Assessment and Taxation Regulations* (the *MRAT*) state:

- (2) An assessment of property based on market value
 - (a) must be prepared using mass appraisal,
 - (b) must be an estimate of the value of the fee simple estate in the property, and
 - (c) must reflect typical market conditions for properties similar to that property.
- 4(1) The valuation standard for a parcel of land is
 - (a) market value, or
 - (b) if the parcel is used for farming operations, agricultural use value.

Position of the Parties

Issue: What is the correct psf value to apply to the subject property: the assessed \$149 or the requested \$102?

Complainant's Position:

[9] The Complainant submitted a table of three comparable sales (all IWM properties), with a median time adjusted sale price (TASP) of \$102 psf, the requested valuation rate. The Complainant also submitted third party reports supporting each sale, and argued that two of the three comparables (comps) were "over-assessed" with assessment-to-sale ratios (ASRs) of 1.22 and 1.33 for the first and third comps respectively.

[10] The Complainant argued that the Respondent's single tenant warehouse (IWS) sales are not good comps, since IWS properties transact in a different market, with different prospective purchasers, than do the IWM properties.

[11] In rebuttal, the Complainant submitted CARB decisions 72276P-2013, 72366P-2013, 1426/2011-P, 0751/2012-P, and 72102/2013-P to support his argument that the Board is free to derive an assessment valuation for the subject based on a single best sale.

[12] In carry over argument, the Complainant referenced two CARB decisions (74070P-2014 and 74649P-2014) in defence of the Respondent's challenge to the Complainant's multi-building sale (2835 23 Street NE), given the subject is a single building property.

Respondent's Position:

[13] The Respondent submitted the City's sales table analysing four comps (one common to the Complainant at 1423 45 Avenue NE), yielding median/mean rates of \$143 and \$148 psf respectively.

[14] The Respondent argued that the City's sales table provides a range of value from \$124 to \$182 psf, within which the subject assessment squarely falls at \$149 psf.

[15] The Respondent further argued that the Complainant's third sale (4140 6 Street NE) is not a good comp, being firstly 20 years older than the subject, and secondly, given a 2013 sale Assessment Request for Information (ARFI) on the property noting capital expenditures required at the time of sale (and made subsequent to the sale), all of which the Complainant failed to adjust for.

[16] The Respondent submitted CARB decisions 73118P-2013 and 72359P/2013 to support the City's contention that the Complainant's multi-building sale (2835 23 Street NE) is not an appropriate comparable to the single building subject. The Respondent also submitted an additional multi-building sale (not included in the City's sales table at 1826 25 Avenue NE) which sold for a TASP of \$140 psf.

BOARD'S REASONS FOR DECISION:

[17] The Board finds that the correct value to apply to the subject is \$117 psf, based on the mean of the four most comparable sales submitted by both parties.

[18] In analysing the sales evidence submitted, the Board acknowledges that all property characteristics influence the City's regression model in some manner, but some factors influence value more than others.

[19] Since no evidence was submitted by either party relative to how the Board might quantify the various factor adjustments needed to make the respective sales more reliably comparable to the subject, the Board focused on three key factors: *building size*, *year of construction*, and *site coverage* as most relevant to its analysis.

IWS versus IWM Argument:

[20] The Board accepts the Complainant's argument that IWS properties transact in a different market than do IWM properties. Both parties conceded that IWSs typically transact for higher market rates, owing in part to the difference in operations required by prospective purchasers for each property type. Investors in multi-tenant buildings, for example, typically focus on the potential rent each unit might garner, rather than the general investment potential of the entire parcel.

[21] Thus, the Board excluded the Respondent's two IWS comps (6835 8 Street NE and 2620 22 Street), being IWS sales.

Multi-Building versus Single Building Argument:

[22] With respect to the Complainant's multi-building sale challenged by the Respondent (2835 23 Street NE), the Board accepts the Complainant's argument that a multi-building sale may be compared to a single building subject, so long as the buildings in the comparable sale are similar enough in property type and characteristics to each other, and to the subject, as to be reasonably comparable.

[23] The Board concludes that an investor in the marketplace would evaluate a multi-building property based on the combined square footage of all buildings on site, since in most instances, multi-building parcels cannot be subdivided and sold separately. Thus, while improved with multiple buildings, such a parcel is likely to transact in the marketplace as *one property* (CARB 72357P-2013).

[24] In examining the Complainant's multi-building sale (2835 23 Street NE), the Board finds that the property characteristics of this sale (while least comparable of all sales), are similar enough to the subject relative to the identified key factors to be acceptable.

Comparable Sales Analysis:

[25] The Board reviewed the sale ARFI of the Complainant's third sale (4140 6 Street NE), and determined that the details surrounding the noted capital expenditures are inconclusive of precisely when the expenditures were made, and how, if at all, they affected the value of the property at the time of sale, or since. The declared value of these expenditures is relatively small at \$10,000.

[26] While the Board acknowledges that this property is dated (1958 year of construction), given the small number of comparable sales submitted by both parties, the Board included the sale in its analysis, since the other property characteristics are similar enough to the subject as to be reasonably comparable.

[27] The Board excluded the Respondent's fourth comp (2801 18 Street NE) because it is 46% smaller in building size than the subject.

Conclusion:

[28] The Board accepted the four remaining sales (2835 23 Street NE, 1826 25 Avenue NE, 4140 6 Street NE, and one common at 1423 45 Avenue NE), resulting in median/mean rates of \$113 and \$117 psf respectively.

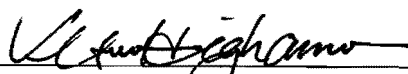
[29] While *median* rates perhaps better represent typical value in larger studies, in this case the Board finds that the *mean* rate better reflects typical market value for the subject, given the relatively small sample size.

[30] Thus, on the evidence, the Board finds that the best indicator of value for the subject property is derived by applying the mean rate of \$117 psf to the subject's assessable area of 33,925 sf, for a truncated value of \$3,960,000.

Board's Decision:

[31] For reasons outlined herein, the Board varies the subject assessment from \$5,040,000 down to a truncated value of **\$3,960,000**.

DATED AT THE CITY OF CALGARY THIS 05 DAY OF AUGUST 2014.


V. Higham, Presiding Officer

APPENDIX "A"

**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

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

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.*

For Administrative Use Only – Roll Number 048042709

Municipal Government Board Use Only: Decision Identifier Codes				
Municipality/Appeal Type	Property Type	Property Sub-Type	Issue	Sub-Issue
Calgary CARB	Warehouse	Warehouse-Multi	Sales Approach	Land & Improvement Comparables