

# Appendix E

# Notice of Appeal to the Regina Board of Revision

(DEADLINE FOR APPEALS IS March 6, 2017)

To the Secretary of the Board of Revision of the City of Regina, Saskatchewan:

## Section 1:

I request the:  Simplified appeal process  Regular appeal process (see reverse)

I appeal against the: (check beside those which apply)

- Property valuation
- Property classification
- Exemption
- Preparation or content of the Assessment Roll
- Preparation or content of the Notice of Assessment

Of the following property address: 610 Henderson Drive Account Number: 10018730

Assessed Parcel: Lot: 5, Blk: 15, Plan: 78R30133

## Section 2:

I make this appeal on the following grounds (nature of alleged error): (Attach extra sheets if necessary.)

See Attached Schedule "A"

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## Section 3:

In support of these grounds, I hereby state the following material facts to be true and accurate: (Attach extra sheets if necessary.)

See Attached Schedule "A"

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**Section 4:**

I request that the following change(s) be made to the assessment roll (if known): (Attach extra sheets if necessary)  
See Attached Schedule "A"

I have discussed my appeal with See Attached (Assessor's name), of the City Assessor's Office, on this date See Attached (month/day/year) and the following is a summary of that discussion: (Include the outcome of the discussion and any details of the facts or issues agreed to by the parties.)  
See Attached

OR I have not discussed my appeal with the City Assessor's Office for the following reasons: (Provide reasons why no discussion was held. Attach extra sheets if necessary.)

**Section 5:**

**Appellant's Information:**

Appellant's Name: Abcomp Holdings Ltd. c/o All Fab Building Components Inc.  
E-mail Address: kfriesen@all-fab.com

Mailing Address: 1755 Dugald Road City/Town: Winnipeg, MB Postal Code: R2J 0H3

Home Phone #: N/A Business Phone #: 204-654-5592 Cell #: N/A Fax #: 204-663-4553

If the Appellant is not the owner, what interest does the Appellant have in the property?

Owner

**Agent's Information (if applicable):**

Agent's Name: Altus Group Limited E-mail Address: archie.fieldgate@altusgroup.com

Mailing Address: 311 Albert Street City/Town: Regina, SK Postal Code: S4R 2N6

Home Phone #: N/A Business Phone #: (306) 359-0672 Cell #: (306) 539-2368 Fax #: (306) 359-0674

Please list address for service for all appeal correspondence:

Mailing Address: 311 Albert Street City/Town: Regina, SK Postal Code: S4R 2N6

Dated this 6th day of March, 2017

Current Assessed Value under Appeal: \$6,163,100 \$750 (Enclosed Appeal Fee)

Archie Fieldgate  
(Appellant's/Agent's name - please print)

Archie M. Fieldgate  
(Appellant's/Agent's signature)

**\*What is the difference between the regular and simplified appeal process?**

For regular appeals, any written material and photographs you provide in support of your appeal must be submitted to BOTH the Secretary of the Board of Revision and the City Assessor at least 20 days before the date of your hearing.

If you qualify for a simplified appeal process and request it on the Notice of Appeal, you can provide any written material and photographs in support of your appeal to the Board of Revision and City Assessor at your hearing. However, to avoid delays at your hearing, you are encouraged to provide your material to BOTH the Secretary of the Board of Revision and the City Assessor at least 20 days before the date of your hearing. You are eligible for the simplified appeal process if your appeal is for:

- a single family residential property or residential condominium; or
- any property that has a current assessed value assessment of 250,000 or less.

The written material you provide for either process should identify 63 by you feel there is an error in your assessment.

## **Schedule A**

### **SECTION 2:**

The Assessment is too high and in excess of the market value based on the following grounds:

- A.** The subject assessment appears to have been developed in error through a misapplication of the capitalization rate adjustment for building size. Moreover, the CAP rate size threshold established by the Assessor is maximized or capped at 50,000 square feet appears notwithstanding 65,000 square feet appears to be more appropriate.
- B.** The subject property is considered by the Assessor to be a non-regulated property pursuant to subsection 163(f.4) of the Cities Act (the Act). As such, the Appellant is alleging that the subject property has been over assessed as a result of the subject's base Cap Rate being adjusted in error within the Assessor's *assessed value* calculation. Subsequently, site coverage has been calculated while failing to account for areas and features that directly limit the availability of extra or excess land.
- C.** Equity has not been achieved pursuant to subsection 165 (5) of the Act. This legislation speaks to the application of the market valuation standard which in turn speaks to the use of Mass Appraisal. As such, the Appellant is alleging that with the Assessor using site specific Cap Rates, he has moved away from the concept of Mass Appraisal.
- D.** The Market Valuation Standard has not been achieved for the subject property. The appellant is alleging here again that with the Assessor using site specific Cap Rates, he has moved away from the concept of Mass Appraisal.

### **SECTION 3:**

In support of these grounds, I hereby state the following material facts to be true and accurate:

#### **A. Size Adjustment**

- The Industrial model applies an adjustment for size in the sales capitalization rate analysis and in the rent analysis.
- The CAP rate size threshold is maximized or capped at 50,000 square feet.
- The current maximum capitalization rate adjustment for size is 1.76. An adjustment of 0.044 per every 1,000 square feet above 10,000 square feet.
- The rent model applies a size adjustment of  $-\$2.53$  per square foot greater than or equal to 65,000 square feet.
- The sales with site coverage larger than 30% and net building areas greater than or equal to 65,000 square feet less the  $-\$2.53$  psf adjustment have cap rates that continue to trend upwards.

- There are no industrial sales between 50,462 square feet and 87,760 square feet with site coverages greater than 30%.

#### **B. Issue of Site Coverage**

- The City of Regina has employed a new methodology whereby a special *site specific coverage adjustment* is being applied to the Assessor's Modeled Base Cap Rate with the intention of reflecting extra and excess land that is on a site.
- In determining the percentage of site coverage, being a major factor within the *site specific coverage formula*, the Assessor only considers the foot print of the buildings that are located on site. Such areas of a site that are covered with canopy's, fuel tanks (above or below ground), business signage, garbage bins, docking zones, storage area, etc. are not being considered within the *site specific coverage formula*.
- Nor, what has not been considered within the *site specific coverage formula* is the fact that there are City Bylaws that require a property owner to provide a certain level of parking areas for both tenants and customers. This also means that a certain area of the land would also be required for the movement of automobiles.

#### **C. Equity**

- Subsection 165 (5) of the Act states that: *equity in non-regulated property assessments is achieved by applying the market valuation standard so that the assessments bear a fair and just proportion to the market value of similar properties as of the applicable base date.*

#### **D. Market Value Standard**

- Subsection 163 (f.1) of the Act states: *market valuation standard means the standard achieved when the assessed value of property is prepared using mass appraisal.*
- Subsection 163 (f.3) defines the term mass appraisal as: *the process of preparing assessments for a group of properties as of the base date using standard appraisal methods, employing common data and allowing for statistical testing.*
- In the Saskatchewan Court of Appeal case, *Sasco Developments Ltd. vs. The City of Moose Jaw*, 2012 SKCA 24, the Court on pg. 5, made it clear of its understanding of mass appraisal vs site specific values when it stated on pg. 5, *the techniques associated with mass appraisal are grounded in data common to a group of properties, whereas the techniques associated with single property appraisal are grounded in the main in data specific to a particular property.*

**Results of Pre-filing Discussion with the Assessor's Office @ City Hall – 9: 30 AM March 3rd, 2017.**

**Assessor's Present: Gerry Krismer & Aaron Homes - Binns.**

**Altus Agent's Present: Archie Fieldgate and Ryan Simpson.**

**Issue: Site Coverage/ Moving Cap Rate**

**Discussion:** Altus is questioning the validity of the moving Cap Rate that is triggered by a site coverage formula.

The City holds the position that what they are doing is correct and claims to have plenty of data to support the Methodology.

**Result of Discussion:** This issue would need to proceed through the Appeal process.

Altus: Archie Fieldgate