

**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-26.1, Section 460(4).

**Between:**

***Colliers International Realty Advisors, COMPLAINANT***

**And**

***The City Of Calgary, RESPONDENT***

**Before:**

***Dean Sanduga, PRESIDING OFFICER***

***Yvette Nesry, MEMBER***

***Jim Joseph, MEMBER***

This is a complaint to the Calgary Assessment Review Board in respect of Property assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

**ROLL NUMBER : 072225709**

**LOCATION ADDRESS : 3745 Memorial Dr. SE**

**HEARING NUMBER : 57310**

**ASSESSMENT : \$3,690.000**

This complaint was heard on 8<sup>th</sup> day of July, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom #10.

Appeared on behalf of the Complainant:

- *Chris Hartley – Representing Colliers International Realty Advisors*

Appeared on behalf of the Respondent:

- *Kelly Gardiner – Representing the City of Calgary*

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

The question of bias was raised and all parties indicated that there was no bias

Both the Complainant and the Respondent indicated that there were no preliminary matters

**Property Description:**

The subject property includes a multi-tenant and a single tenant retail buildings constructed in 1981. The subject property is located in the community of Forest Heights at: 3745 Memorial Dr. SE comprising of 18,301 sq.ft.of improvements

**Issues:**

- 1- Is the assessed value reflective of the income potential of the subject property and assessed in excess of market value?
- 2- Have the changes to condition in the leasing market, been properly reflected in the assessment model?
- 3- Is the assessment of similar property equitable with the subject property?
- 4- Has the physical condition and attributes of the subject property been reflected in the subject's assessed value?
- 5- Has the location of the property been properly reflected in the subject's assessed value?

**Complainant's Requested Value:** \$3,080,000

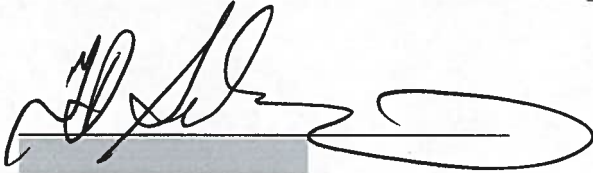
**Board's Decision in Respect of Each Matter or Issue:**

- 1- The Board does agree with the Respondent that the Complainant presented no Evidence to indicate assessment is in excess of market.
- 2- The Board is persuaded by the Respondent's sales comparables on the subject property and is of the opinion that when time adjustment is applied to the date of the most recent sale, the subject property is fairly assessed.
- 3- The Board places no weight on the Complainant's post facto July 1, 2010 lease agreement

**Board's Decision:**

The decision of the Board is to confirm the 2010 assessment at \$ 3,690,000

DATED AT THE CITY OF CALGARY THIS 20 DAY OF July 2010.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, is written over a grey rectangular box.

**Presiding Officer**

*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.*