

**CITY OF CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of a complaint filed with the City of Calgary Assessment Review Board pursuant to Part 11 of the *Municipal Government Act*, Chapter M-26, Revised Statutes of Alberta 2000 (the Act).

BETWEEN:

Altus Group, COMPLAINANT

and

The City Of Calgary, RESPONDENT

BEFORE:

J. Krysa, PRESIDING OFFICER

I. Zacharopoulos, MEMBER

H. Ang, MEMBER

A hearing was convened on July 23, 2010 in Boardroom 4, at the office of the Assessment Review Board, located at 1212 - 31 Avenue NE, Calgary, Alberta in respect of the property assessment prepared by the assessor of the City of Calgary, and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER:	112105408
LOCATION ADDRESS:	7004 MACLEOD TRAIL SE
HEARING NUMBER:	59920
ASSESSMENT:	\$4,430,000

PART A: BACKGROUND AND DESCRIPTION OF PROPERTY UNDER COMPLAINT

The subject property is a 67,293 square foot (sq.ft.) parcel of land, improved with a 19,644 sq.ft. strip retail structure constructed in 1990, and a 3021 sq.ft. "pad" restaurant structure constructed in 1988, with paved surface parking and known as Chinook Village.

PART B: PROCEDURAL or JURISDICTIONAL MATTERS

There were no procedural or jurisdictional matters raised by the parties.

PART C: MATTERS / ISSUES

The Complainant raised the following matters in section 4 of the complaint form:

3. an assessment amount
4. an assessment class

At the commencement of the hearing, the Complainant withdrew matter 4, and indicated that the evidence and submissions would only apply to matter number 3, an assessment amount. The Complainant set out 13 reasons for complaint in Section 5 of the Complaint form, however at the hearing the Complainant stated only the following issue remained in dispute:

Issue: The rent rate in the assessment is not appropriate for the commercial retail unit (CRU) spaces within the subject property.

The Complainant requested an assessment of \$3,930,000.

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The Complainant submitted an analysis of the leases within the subject property to illustrate that the average rent rate of the CRU leases commencing during 2006 to 2008 is \$15.62 per sq.ft. in contrast to the \$17.00 to \$18.00 per sq.ft. rent rates relied on in the preparation of the assessment. Further the most recent CRU contract rents in the subject, commencing in September and November 2008 were set at \$15.00 per sq.ft. [C1 pgs 30 and 31].

The Respondent provided 3 lease comparables for each of the CRU size ranges in dispute, indicating a range of rent rates that support the market rent rates of the subject property assessment. [R1 pgs 18, 21, and 24]

Decision - Issue 2

The Board finds that there was insufficient evidence to establish that the rent coefficients applied in the preparation of the assessment, were not reflective of typical market conditions for similar properties.

The Board must apply the valuation standard of market value as required by the Act and the Regulation. The Complainant's site specific lease evidence may reflect the recent leasing activity within this particular property, but there was no evidence to establish that the leasing activity within this property is indicative of typical market conditions for similar properties, as required in the legislation.

PART D: FINAL DECISION

The assessment is confirmed at \$4,430,000.

Dated at the City of Calgary in the Province of Alberta, this 25 day of August, 2010.



J. Krysa, Presiding Officer

APPENDIX "A"**DOCUMENTS RECEIVED AND CONSIDERED BY THE ASSESSMENT REVIEW BOARD:**

NO.	ITEM	
1.	Exhibit C1	Complainant's Brief
2.	Exhibit R1	Respondent's Brief

APPENDIX 'B'**ORAL REPRESENTATIONS**

PERSON APPEARING	CAPACITY
1. S. Sweeney-Cooper	Representative of the Complainant
2. B. Duban	Representative of the Respondent

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.*