

**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(4).

**between:**

***Altus Group Ltd., COMPLAINANT***

**and**

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

**before:**

***T. Sadlowski, PRESIDING OFFICER***

***J. Massey, MEMBER***

***R. Kodak, 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:

<b>ROLL NUMBER:</b>	<b>128146404</b>
<b>LOCATION ADDRESS:</b>	<b>11440 Braeside Dr SW</b>
<b>HEARING NUMBER:</b>	<b>58982</b>
<b>ASSESSMENT:</b>	<b>\$16,550,000</b>

This complaint was heard on 27th day of July, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 4.

Appeared on behalf of the Complainant:

- *Mr. D. Hamilton, Agent*

Appeared on behalf of the Respondent:

- *Ms. M. Byrne, Assessor*

**Issues:**

There is one issue in this appeal – Is the vacancy rate used by the Respondent too low?

**Description:**

The subject is a retail development located in the Braeside community in Southwest Calgary. The property was built in 1978, with some additions in 2002. A community office of the Calgary Police Service is located in the facility. There is office and retail space, as well as restaurants and auto service facilities. The anchor tenant, a food store, vacated and that space has undergone various changes since that time.

**Position of the Complainant:**

The Complainant requested that the assessment for 2010 be reduced to \$13,600,000. The request is based on the chronic vacancy that the subject has experienced in the past: In 2005 – 23.89%; 2006 – 26.83%; 2007 – 23.06%; 2008 – 14.25%; and 2009 – 19.17%. As a result of this pattern of vacancies, the Complainant requested that the vacancy rate be increased from 9% to 20%, to arrive at the requested assessment.

**Position of the Respondent:**

The Respondent recognized the vacancy patterns in the subject property. However, the rate of 9% was applied, as that was the typical vacancy rate for that area of the city. Evidence was also submitted that indicated that the subject property was sold in April 2008 for \$23,000,000. As a result, the Respondent indicated that the assessment for the subject was fair and equitable.

**Reasons for Decision:**

The Board found that the 2010 assessment was fair and equitable, in particular with the subject property having been sold in April 2008 for \$23,000,000. The Complainant presented oral evidence that properties had declined in value by 20% from July 2008 to July 2009. With that, a 20% reduction on \$23,000,000 leaves the subject at \$18,400,000, which is greater than the assessed value of \$16,550,000. An assessment is an estimate of the value of a property on July 1 of the assessment year (MRAT, Sec 3). This demonstrates a fair and equitable assessment.

**Board's Decision:**

The decision of the Board is to confirm the 2010 assessment at \$16,550,000.

DATED AT THE CITY OF CALGARY THIS 20<sup>th</sup> DAY OF August 2010.

  
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**T. Sadlowski**  
**Presiding Officer**

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*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.*