

**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

A. Zindler, MEMBER

S. Rourke, MEMBER

A hearing was convened on July 8, 2010 in Boardroom 8 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:	049003106
LOCATION ADDRESS:	3320 20 Avenue NE
HEARING NUMBER:	57467
ASSESSMENT:	\$6,340,000

PART A: BACKGROUND AND DESCRIPTION OF PROPERTY UNDER COMPLAINT

The subject property is a 104,784 square foot (sq.ft.) parcel of land improved with a single storey, multi-tenant, retail building constructed in 1989, containing a total area of 34,118 sq.ft.

PART B: PROCEDURAL or JURISDICTIONAL MATTERS

The Assessment Review Board derives its authority under Part 11 of the Act. No specific jurisdictional or procedural matters were raised during the course of the hearing.

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 7 reasons for complaint in Section 5 of the Complaint form, however, the Complainant stated only the fifth issue remained in dispute:

Issue 1: The assessed (rental) rate of \$16.00 per sq.ft. is inequitable to similar properties.

The Complainant submits that a correct, fair and equitable assessment value is \$5,530,000.

Issue 1. The assessed (rental) rate of \$16.00 per sq.ft. is inequitable to similar properties.

The Complainant submitted 8 comparables that are assessed at a \$12.00 or \$14.00 net rent coefficient. [C1 pgs 23-43].

The Respondent submitted a listing of 5 comparable leases in NE Calgary that range from \$14.50 to \$28.00 per sq.ft. [R1 pg. 14], as well as details of the leases within the subject property from the "Assessment Request for Information" form [R1 pg 21]. The Respondent also submitted list of 5 retail equity comparables in NE Calgary, assessed at \$16.00 to indicate that the subject property is assessed fairly and equitably with similar, competing properties. [C1 pg 13]. Under cross examination by the Complainant, some of the lease comparables were agreed to be not particularly comparable to the subject.

Decision- Issue 1

The Board finds that the \$16.00 per sq.ft. net rent coefficient is fair and equitable in relation to other properties.

Although the Board was uneasy by the limited amount of lease and equity evidence presented by the Respondent, the Board accepts the Respondent's position that the location of the subject property within the Sunridge Mall parking lot is superior to the Complainant's equity comparables.

PART D: FINAL DECISION

The assessment is confirmed at \$6,340,000.

Dated at the City of Calgary in the Province of Alberta, this 06 day of August, 2010



J. Krysa
Presiding Officer

APPENDIX "A"

DOCUMENTS RECEIVED AND CONSIDERED BY THE COMPOSITE ARB:

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

APPENDIX 'B'

ORAL REPRESENTATIONS

PERSON APPEARING	CAPACITY
1. A. Izard	Representative of the Complainant
2. D. Joehnck	Representative of the Respondent
3. S. Turner	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.*