

**CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaint against the Property/Business 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:

B. Horrocks, PRESIDING OFFICER

I. Fraser, MEMBER

Y. Nesry, MEMBER

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

ROLL NUMBER:	041021395
LOCATION ADDRESS:	6928 - 29 AVE. NW
HEARING NUMBER:	59581
ASSESSMENT:	\$7,370,000

This complaint was heard on the 16th day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2.

Appeared on behalf of the Complainant:

- Mr. K. Fong (Altus Group Ltd.)

Appeared on behalf of the Respondent:

- Mr. D. Zhao
- Mr. K. Gardiner

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

None. The merit hearing hearing proceeded.

Property Description:

The subject property is a 78,485 sq. ft. parcel located in the Bowness community of Calgary. There are 4 buildings situated on the site occupied by Totem Building Supplies.

Issues:

Rental rates

Complainant's Requested Value:

The complainant requested a reduction in the assigned rental rate of the retail component from \$10.00/ sq. ft. to \$8.00 / sq. ft. which would result in an assessment of \$5,360,000.

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

At the outset, and to his credit, the complainant advised that the wrong evidence had been submitted and therefore his presentation would be confined to argument only.

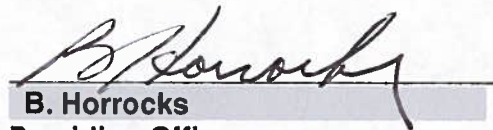
The respondent requested the assessment be confirmed because the complainant had failed to provide convincing evidence upon which a change in the assessment could be based.

The Board finds no evidence to support the requested change in the assessment.

Board's Decision:

The assessed value of \$7,370,000 is confirmed.

DATED AT THE CITY OF CALGARY THIS 18 DAY OF August 2010.


B. Horrocks
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.*