

**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, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Sadlowski, PRESIDING OFFICER

P. Charuk, MEMBER

J. Pratt, MEMBER

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

ROLL NUMBER: 080104292

LOCATION ADDRESS: 1915 4 St. SW

HEARING NUMBER: 59475

ASSESSMENT: \$1,680,000

This complaint was heard on the 16th day of August, 2010 at the office of the Assessment Review Board located at 3rd floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom #11.

Appeared on behalf of the Complainant: K.B. Bickford
Altus Group

Appeared on behalf of the Respondent: P. Satoor
Assessor, The City of Calgary

ISSUE:

Is the assessment of the subject property equitable with other similar properties?

PROPERTY DESCRIPTION:

The subject property known as Rigby Insurance is a Commercial Retail Property located in the Cliff Bungalow Community. The Land Use Designation is Commercial – Corridor 1. The site area is 7,483 square feet and the rentable area is 3,000 square feet. The subject property has a single tenant, is in average condition and has been assigned a C+ quality. The Property Type for the subject is land and improvements. The building was constructed in 1969.

COMPLAINANT'S POSITION:

The Complainant requests that the assessment be reduced to no more than \$1,050,000. In addition, the Complainant provided evidence (C-1, pp 18-20) regarding the Highest and Best Use concept. Generally the Highest and Best Use must be: legally allowable, physically possible, financially feasible and maximally productive. The Complainant indicated that the subject's assessment is \$560 per square foot on the building (C-1, p. 26). The Complainant also provided 16 comparable properties. There was a wide variance in building size, year of construction, location, quality, and building type from the subject.

RESPONDENT'S POSITION

The Respondent informed the Board that the subject was assessed at \$215 at the Land Rate plus 5% for a corner location. The Respondent also submitted a list of land sale comparables (R-1, pp 74-75) and a list of Beltline Commercial Land Sales (R-1, p. 18). The Respondent highlighted three comparables (R-1, p. 75), two of which were also submitted by the Complainant. The Respondent noted that the 5% adjustment for a corner location for the subject is an error.

REASONS:

The Board was persuaded by the submissions of the Complainant and the Respondent. The properties at 2212 – 4th St. SW and 2015 – 4th St. SW (R-1, p. 75; C-1, p. 28; and C-1, p. 32)

were common to both submissions. The land only at 2015 – 4th St. SW was assessed at \$360.03 per square foot. The land at 2212 – 4th St. SW was assessed at \$284.46 per square foot (R-1, p. 75). The comparable in C-1, p. 28, has a smaller land, is A- quality and was built in 1936. The comparable in C-1, p. 32 also has a smaller land area, is quality C and was built in 1965. Assessments of both properties support the 2010 assessment of the subject. The Board corrected the assessment for the erroneous corner lot location.

DECISION:

The Board is of the opinion that the assessment is fair and equitable with exception of the corner lot location. To correct for that exception the Board reduced the assessment for 2010 to \$1,600,000.

DATED AT THE CITY OF CALGARY THIS 2 DAY OF September, 2010.



T. SADLOWSKI
Presiding Officer

CC: Owner

TS/mc

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.*