

**CALGARY
COMPOSITE 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:

Don H Marchand, PRESIDING OFFICER

Phil Pask, MEMBER

Bo Jerchel, 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:

ROLL NUMBER:	176108009
LOCATION ADDRESS:	217 Hawksbrow DR NW
LEGAL DESCRIPTION:	Plan 8810555; Block 8; Lot 6
HEARING NUMBER:	59754
ASSESSMENT (2010):	\$2,020,000

This complaint was heard on 29 day of July, 2010 at the office of the Composite Assessment Review Board (CARB) located at 4th Floor Number Floor, 1212 – 31 Avenue NE, Calgary, Alberta.

Appeared on behalf of the Complainant; *Altus Group Ltd.*: *K. Fletcher*

Appeared on behalf of the Respondent; *City of Calgary*: *W. Wong*

Description and Background of the Property under Complaint:

The subject is identified with a sub-property use code CM02210 Retail Store – Strip. The land use designation is Direct Control District. The land contains 47,255 square feet (1.08 acres) with 8,220 square feet of rentable space. The property is known as the Hawkwood Village in the community of Hawkwood.

Prior to the opening of the hearing the Complainant advised that only 1 of the 13 points filed as **Grounds for Appeal** within the subject's Assessment Review Board Complaint form under *Section 5 – Reason(s) for Complaint* would be argued at this hearing. They are as follows:

"> The assessment of the subject property is not fair and equitable considering the assessed value and assessment classification of comparable properties"

An initial dispute as to the actual size of the rentable space was withdrawn by the Complainant. The materials exchanged for this complaint is identical to the information exchanged and submitted to the CARD under **file 59751 for roll number 176107902**.

Issue:

Is the typical vacancy allowance adjustment inequitably applied when a 4% allowance is applied to the subject and other strip malls around Calgary have rates in the range of 7% to 9%?

Party Positions:

The Complainant provided the CARB with 20 assessment comparables with the same CM0210 Retail Store–Strip sub-property use code with vacancy allowances in the range of 7% to 9% were applied in the computation of the assessments and is requesting equal treatment and requested that the assessment be revised to **\$1,860,000**.

The Respondent provided the CARB with 27 assessment comparables with the same CM0210 Retail Store–Strip sub-property use code where a vacancy allowance of 4% was applied in support of the assessment. The Respondent provided the results of their study that concluded that the North West quadrant of the Municipality had a different vacancy rate than the other quadrants.

Decision:

The assessment is confirmed at **\$2,020,000**.

Reasons for the Decision:

The income approach determines value based upon many factors that depend upon and influence each other. The level of income is dependent upon a multiple of factors and features. Without

evidence that supports the fact that the subject would trade in the market equivalent to the strip retail type property in the other quadrants the CARB is not prepared to revise the assessment.

DATED AT THE CITY OF CALGARY THIS 1 DAY OF SEPTEMBER 2010.



D. H. Marchnad
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.*