

**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:**

***J. Gilmour, PRESIDING OFFICER***

***R. Roy, MEMBER***

***S. Rourke, 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>200722403</b>
<b>LOCATION ADDRESS:</b>	<b>9309 Macleod TR SW</b>
<b>HEARING NUMBER:</b>	<b>59164</b>
<b>ASSESSMENT:</b>	<b>\$7,500,000</b>

This complaint was heard on the 3<sup>rd</sup> day of September, 2010 at the office of the Assessment Review Board located at 4<sup>th</sup> Floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2.

Appeared on behalf of the Complainant:

- *D. Hamilton*

Appeared on behalf of the Respondent:

- *M. Byrne*

**Property Description:**

The subject property is a strip mall, although it has the physical characteristics of a warehouse. It was built in 1969 and contains three tenants. The location of the property is in Heritage Hill in the Southwest quadrant of the city.

**Issues:**

The issue before the Board is the rental rates of one of the tenants, CO-OP Home Health Care, which has a space area of 28,800 square feet. In its model for the area, the City has determined that a CRU greater than 6,000 square feet would have a rental rate of \$16 per square foot. The Complainant is seeking a rental rate of \$15 per square foot, for a requested assessment of \$7,070,000.

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

The Respondent presented in evidence before the Board the ARFI for the subject tenant property which indicated a six year lease in November 2008 for \$13 per square foot.

The Respondent also relied on three business lease comparables in the Southwest of Calgary, but all these comparables were approximately one-third the size of the subject property of 28,800 square feet.

The Complainant in evidence provided a table of neighbourhood and strip mall spaces either in the same shopping centre or in close proximity to the subject indicating an average rental rate of \$14.50. It should be noted however that the areas of these comparables were much smaller than the subject.

The Complainant also maintained that the three comparables from the Respondent were located not close to the subject property, as compared to his fourteen lease comparables which he presented. The Complainant also argued that the subject building was older than the comparables presented by the City and had very limited parking space available on site.

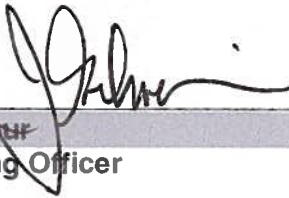
**Findings:**

In view of the evidence provided by both parties, the ARB finds that based on the lease comparables presented by the Complainant, the recent lease of the subject tenant at \$13 per square foot, the CRU greater than 6,000 square feet for the subject space of 28,800 square feet, should be assessed at \$15 per square foot in lieu of \$16 per square foot.

**Board's Decision:**

The Board approves the request of the Complainant and reduces the assessment from \$7,500,000 to 7,070,000.

DATED AT THE CITY OF CALGARY THIS 8<sup>th</sup> DAY OF OCTOBER 2010.



J. Gilmour  
Presiding Officer

CC: Owner

*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.*