

**CALGARY
COMPOSITE ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaints against the Property assessments as provided by the *Municipal Government Act*, Chapter M-26.1, Section 460(4).

between:

***Altus Group (Agent) on behalf of
Community Natural Foods LTD., COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before:

***D. H. Marchand, PRESIDING OFFICER
D. Pollard, MEMBER
M. Peters, MEMBER***

This is a complaint to the Calgary Composite Assessment Review Board (CARB) 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:	101016616
LOCATION ADDRESS:	6120 – 1A Street SW
LEGAL DESCRIPTION:	Plan 7995HD; Block 1
HEARING NUMBER:	57548
ASSESSMENT (2010):	\$1,580,000

This complaint was heard on 20th day of October, 2010 at the office of the Assessment Review Board located at 4th Floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant; *Altus Group*: C. VanStatan

Appeared on behalf of the Respondent; *City of Calgary*: M. Byrne

Description and Background of the Property under Complaint:

The subject property parcel consists of a low rise office with 12, 136 square feet of rentable area located on 0.61 acres of land in the Manchester Industrial area in SW Calgary. It is identified with a sub-property use code labelled CS1835- office/warehouse. The subject's land use designation is industrial – General.

Prior to the opening of the hearing the Complainant advised that only 1 issue of the 11 points filed as **Grounds for Appeal** within the subject's Assessment Review Board complaint form under *Section 5 – Reason(s) for Complainant* would be argued at this hearing. It was reworded and restated as follows: "*The vacancy rate for the subject is understated*".

The Parties advised the CARB that the same issue has been argued several times previously and identified CARB decisions **0505/2010-P**, **0629/2010-P**, and **0790/2010-P** wherein the vacancy allowance adjustment was amended from 6% to 9.5%.

The Parties advised that the subject was similar in its characteristics and physical condition to those identified in the previous decisions.

The Respondent concedes that the subject and its valuation parameters are similar to those identified in the previous decisions and concurred that the Complainant's recalculated assessment amount is a measure of the difference in vacancy allowance percentages only.

The Complainant's requested assessment is \$1,470,000.

Issue:

1. Is the vacancy allowance adjustment used in the income approach valuation methodology, for the subject, 6% or the requested 9.5%; based on the subject's location and features that are similar to those in previous CARB decisions.

Party Positions:

The Parties both submitted their written evidence. The Complainant's evidence submission was received as exhibits C-. Exhibit C-1 provided the mathematical calculations for the only change requested – a 9.5% vacancy allowance instead of the 6.0% allowance. The Respondent's exhibit was received and marked as R-1.

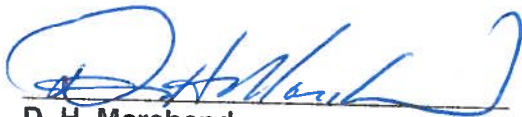
Decision:

The assessment of roll number 101016616 is revised to \$1,470,000.

Reasons:

The CARB was advised that conceding is not the same as agreeing. The written evidence put forth in this hearing was presented as being similar to the materials which lead to CARB decisions **0505/2010-P**, **0629/2010-P**, and **0790/2010-P**. After a review of the exhibits and the previous decisions nothing was received that would persuade the CARB to alter the vacancy rate differently than the previously decided 9.5% rate.

DATED AT THE CITY OF CALGARY THIS 3 DAY OF November 2010.



D. H. Marchand
Presiding Officer

DM/sd

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.*