

**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:**

***Board Chair, T Golden  
Board Member, H Ang  
Board Member, D Cochrane***

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: 085068005**

**LOCATION ADDRESS: 165 Stewart Gr. SW**

**HEARING NUMBER: 59248**

**ASSESSMENT: \$13,300,000.00**

This complaint was heard on 4 day of November, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 1.

Appeared on behalf of the Complainant:

- *C Fong*

Appeared on behalf of the Respondent:

- *P Sembrat*

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

There were no preliminary issues in this case.

**Property Description:**

The subject property is a theatre complex of 51,903 square feet (sq ft) in size located on 3.48 acres of land in the West Hill Towne Centre.

**Issues:**

- 1) Is the rental rate of \$20.00 /sq ft the correct rate to be applied in the calculation of the assessment?

**Complainant's Requested Value:**

Based on a reduced rental rate the Complainant requests an assessment of \$10,610,000.00

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

The rental rate of \$20.00 /sq ft is the correct rate.

The Complainant stated that in the original complaint a value of \$16.00 sq ft was requested however there is a new assessment request for information form showing a step up in the lease to \$22.50 /sq ft. Although the information was provided after the valuation period the Complainant agreed that the new lease rate tended to support the assessment.

The Respondent provided the Board with a package defending the current assessment.

The Board accepted that although post facto the new assessment request for information data was strong evidence to support the assessment.

**Board's Decision:**

The Board confirms the assessment at \$13,300,000.00

DATED AT THE CITY OF CALGARY THIS 25 DAY OF November 2010.

A handwritten signature in blue ink, appearing to read "Tom Golden", written over a horizontal line.

**Tom Golden**  
**Presiding Officer**

**APPENDIX "A"****DOCUMENTS RECEIVED AND CONSIDERED BY THE ASSESSMENT REVIEW BOARD:**

<b>NO.</b>	<b>ITEM</b>
1.	Exhibit C-1 Letter of Complaint
2.	Exhibit C-2 Complainants Brief
3.	Exhibit R-3 Respondent's Assessment Brief

*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.*