

**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).

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: 085051407

LOCATION ADDRESS: 5551 Richmond Rd. SW

HEARING NUMBER: 59232

ASSESSMENT: \$11,180,000.00

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 part of the Signal Hill commercial power centre. Improvements include 6 free standing structures on 5.77 acres of land. The portions in question are the 20,981 square feet (sq ft) of fast food and restaurant space.

Issues:

- 1) Is the \$30.00 /sq ft for restaurant space and the \$40.00 /sq ft for fast food space the correct rental rates to be applied to calculate the assessment?

Complainant's Requested Value:

The Complainant applied reduced rental rates to calculate a requested assessment of \$9,590,000.00

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

- 1) The rental rates of \$30.00 /sq ft for restaurant space and the \$40.00 /sq ft are the appropriate rental rates.

The Complainant agreed with the Respondent that the rent roll provided to the Board tends to support the assessment.

After reviewing the rent roll in the Respondents evidence the Board agrees the rental rates applied by the Respondent support the assessment.

Board's Decision:

The Board confirms the assessment at \$11,180,000.00

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

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

Tom Golden
Presiding Officer

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

NO.	ITEM
1.	Exhibit C-1 Letter of Complaint
2.	Exhibit C-2 Complainants Brief
3.	Exhibit R-1 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.*