

**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: 200491728**

**LOCATION ADDRESS: 130 Country Village Rd. NE**

**HEARING NUMBER: 57418**

**ASSESSMENT: \$38,850,000.00**

This complaint was heard on 5 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:

- *E Lee*

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

There were no preliminary matters in this case.

**Property Description:**

The subject property is part of a commercial power centre with 135,832 square feet (sq ft) of improvements on an 11.96 acre parcel in the Coventry Hills area of the City. Improvements were constructed in 2004. Three portions of the property are the subject of the complaint including portions of a bank, a box store and a restaurant. An income approach was used to develop the assessment and it is the classification of areas and rental rates applied in the calculation that are the issue.

**Issues:**

- 1) Are the areas within the bank correctly classified between bank area and commercial retail unit (CRU)?
- 2) Should a portion of the CRU over 6000 sq ft be classified as a Box store? A sub issue is if there is an area classified as Box, then what is the appropriate rental rate?
- 3) Is the restaurant area classified correctly?

**Complainant's Requested Value:**

With a series of changes to the income calculation respecting the issues in question the Complainant is requesting \$35,360,000.00

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

- 1) The bank area is adjusted to 12,067 sq ft from 17,033 sq ft.

Both the respondent and the Complainant agreed that the bank area should be changed recognizing the use of the areas in question. An area of 4966 sq ft is deducted from the bank area and added to CRU 2501 to 6000. The change reduces the deducted area from a rental rate of \$30.00 /sq ft to \$24.00 /sq ft.

The board accepted the position of the parties that the area in question was best allocated from bank to CRU base on the description of use.

- 2) A portion of the classification of the CRU 6001+ is changed to Box store. The assessment of 46,995 sq ft of Box store changes from \$20.00 to \$17.00 /sq ft.

The complainant and the respondent both agree that the uses involved in the property in question are box store in nature and should be classified as such. An area of 46,995 sq ft should be reduced from CRU 6000+ and placed in the classification Box. In addition both parties agree based on the rent rolls that \$17.00 /sq ft is the correct rental rate. This means the area of Box is reduced from \$20.00 to \$17.00 /sq ft.

The Board agrees with the parties in this case based on the description of the retail areas and the rent roll evidence.

- 3) The restaurant area is classified as CRU 2500 to 6000 changing the rental rate from \$28.00 /sq ft to \$24.00 /sq ft.


The complainant and the respondent agreed there was no freestanding restaurant and suggested that the error be corrected.

The Board agrees an error has occurred based on the evidence presented and it should be corrected.

**Board's Decision:**

Based on three change discussed the assessment is reduced to \$36,570,000.00

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

  
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**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-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.*