

**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 Ltd., COMPLAINANT***

**and**

***The City Of Calgary, RESPONDENT***

**before:**

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

***E. Reuther, MEMBER***

***R. Roy, MEMBER***

This is a complaint to the Calgary Assessment Review Board in respect of a 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>175036409</b>
<b>LOCATION ADDRESS:</b>	<b>7414 Crowfoot Rd NW</b>
<b>HEARING NUMBER:</b>	<b>59014</b>
<b>ASSESSMENT:</b>	<b>\$6,420,000</b>

This complaint was heard on the 12<sup>th</sup> 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:

- *D. Genereux*                      *Agent, Altus Group Ltd.*
- *S. Cooper*                        *Agent, Altus Group Ltd.*

Appeared on behalf of the Respondent:

- *B. Duban*                        *Assessor, The City of Calgary*

**Property Description:**

The 2 properties under appeal are located in the Crowfoot Power Centre in the community of Arbour Lake in the northwest quadrant of the city of Calgary.

**Complainant's Requested Value:**

\$5,960,000.

**Issue:**

The Complainant is seeking rental rate reductions in the two CRU categories, as follows:

- a) CRU 1,001 – 2,500 sq. ft. is assessed at \$32 per sq. ft. and he is seeking a reduction to \$24 per sq. ft. - Area = 1.322 sq. ft.
- b) CRU 2,501 – 6,000 sq. ft. is assessed at \$29 per sq. ft. and he is seeking a reduction to \$22 per sq. ft. – Area – 3,588 sq. ft.

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

The Complainant relied on 4 comparables to seek a rental rate reduction for the 2 CRU classification categories.

For the 2 classification categories for the CRU spaces 1,000 – 2,500 sq. ft. and 2,501 – 6,000 sq. ft., he relied on comparisons in the Country Hills Towne Centre and a Co-Op building on Centre Street. The size of these comparables ranged from 83,549 sq. ft. to 198,964 sq. ft.

The Respondent argued that the Complainant's comparables were not comparable to the 2 CRU spaces under dispute on the grounds that the comparables were much larger in size, were lower quality, were located in a different power centre and not located in a power centre at all.

The Respondent, in evidence in EX R1 - Page 12, had a number of lease comparables within the Crowfoot Power Centre for the years 2008 and 2009 for the CRU 1,001 – 2,500 sq. ft., having a median rental rate of \$35 per sq. ft. The assessment for this classification is \$32 per sq. ft.

On Page 13 - EX R1, the Respondent also identified 5 equity comparables in the Power Centre having a rent rate of \$32 per sq. ft., similar to the subject.

For the CRU space of 2,501 – 6,000 sq. ft., the Respondent identified a number of current leases with a median rate of \$31 per sq. ft. The assessment rental rate for this classification is \$29 per sq. ft. (EX R1 – Page 14).

For the same CRU classification, the Respondent showed equity comparables of 4 properties in the same power centre of \$29 per sq. ft. (EX R1 – Page 15).

**Board's Findings:**

The comparables of the Complainant were not consistent with the subject CRU's size, quality and location when compared with the lease and equity comparables of the Respondent.

**Board's Decision:**

Based on the evidence of the Respondent and relied on by the Composite Assessment Review Board, the assessment is confirmed at \$6,420,000.

DATED AT THE CITY OF CALGARY THIS 16 DAY OF November 2010.

  
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J. Gilmour  
Presiding Officer

*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.*