

**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:

B. Horrocks, PRESIDING OFFICER

A. Blake, MEMBER

K. Farn, 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:

ROLL NUMBER:	200450039
LOCATION ADDRESS:	4916 130 AV SE
HEARING NUMBER:	59511
ASSESSMENT:	\$27,200,000

This complaint was heard on the 30th 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:

- Mr. K. Fong (Altus Group Ltd.)

Appeared on behalf of the Respondent:

- Ms. M. Byrne

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

None. The merit hearing proceeded.

Property Description:

The subject property is a 9.95 acre parcel located in the East Shepard Industrial community in SE Calgary, within what is commonly referred to as the Shepard Regional Power centre. The site contains 4 multi tenant buildings and 5 single tenant buildings that were all constructed between 2006 and 2009. The buildings are considered to be of B+ quality. There is a total of 76,189 sq. ft. of Rentable Area.

Issues:

The Assessment Review Board Complaint form contained 14 Grounds for Appeal. At the outset of the hearing, the Complainant advised that the only outstanding issue was that the space allocation of pad restaurants was incorrect.

Complainant's Requested Value: \$26,330,000

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

Issue Area allocation

The Complainant submitted Evidence Submission labelled C-1.

The Respondent submitted Assessment Brief labelled R-1.

The parties agreed to the reallocation of spaces as shown on page 87 of R-1 as follows:

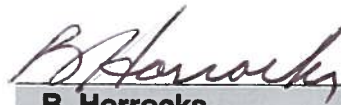
RESTAURANT DINING LOUNGE	10,859 sq. ft.
BANK	23,841 sq. ft.
CRU 0 – 1000 sq. ft.	2,000 sq. ft.
CRU 1001 – 2500 sq. ft.	15,435 sq. ft.
CRU 2501 – 6000 sq. ft.	16,893 sq. ft.
CRU 6001+ sq. ft.	7,161 sq. ft.
RESTAURANT FAST FOOD	0 sq. ft.

Board's Decision:

Extending the areas by the applicable Rental Rate yields a Potential Net Income of \$2,101,061. Utilizing the parameters for Vacancy (2.0%), Non Recoverable Allowance (1.0%) and Operating Costs (\$9.00 / sq. ft) in the Income Approach Valuation yields a Net Operating Income (NOI) of \$2,024,735 which when capitalized at 7.5 % yields a market value of \$26,996,471.

The 2010 assessment is reduced to \$26,990,000.

DATED AT THE CITY OF CALGARY THIS 7th DAY OF DECEMBER 2010.



B. Horrocks
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.*