

**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, Revised Statutes of Alberta 2000 (the Act).

**between:**

***Hopewell Development Corporation, COMPLAINANT (as represented by Colliers International Realty Advisors)***

**and**

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

**before:**

***F.W. Wesseling, PRESIDING OFFICER  
H. Ang, MEMBER  
S. Rourke 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 2011 Assessment Roll as follows:

**ROLL NUMBER: 031023708**

**LOCATION ADDRESS: 2608 39 Ave NE**

**HEARING NUMBER: 64591**

**ASSESSMENT: \$ 4,210,000.00**

This complaint was heard on 21 day of June, 2011 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- *D. Porteous*

Appeared on behalf of the Respondent:

- *S. Turner*

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

No specific jurisdictional or procedural matters were raised during the course of the hearing, and the CARB proceeded to hear the merits of the complaint.

**Property Description:**

Subject property is located in the Horizon Business Park along a major traffic arterial. The site contains 116,830 square feet and has three (3) free standing retail food outlets with shared parking. The restaurants have a combined floor area of 10,723 square feet.

The property is designated "Commercial-Corridor 3" in the City of Calgary land Use Bylaw.

**Issues:**

The Complainant raised the following matter in Section 4 of the Assessment Complaint form:

Assessment amount

Presentation of the Complainant and Respondent were limited to:

- Assessment overstated in relation to comparable properties.
- Income approach vs land value.

**Complainant's Requested Value:** \$3,720,000.00

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

Complainant's Position: The property is assessed as land only and this property should be assessed on the income approach. Supporting data was provided in terms of rental rates for the subject property and the 3 free standing restaurants on the property. In addition, equity data was reviewed which indicated that similar comparable properties in this part of Calgary as assessed based on the income approach. An income approach calculation was provided to show the requested value.

Respondent's Position: A general background on land value vs income approach was outlined. The City provided calculations based on both the land value and income approach on the comparable properties outlined by the Complainant and reported as to why the income approach was more appropriate for the assessment for those properties. Based on the comparable sales data, it was indicated that a land value of \$36.00 per square foot supports the approach used on this particular property.

**Board's Decision:**

Upon reviewing the verbal and written evidence provided by the parties, the Board considers that the Complainant failed to demonstrate that the assessment was inequitable. The Board confirms the assessment at \$4,210,000.00.

Reasons: The Board considers that the evidence provided by the complainant was lacking and failed to demonstrate that the assessment was not equitable.

DATED AT THE CITY OF CALGARY THIS 20 DAY OF July 2011.



**F.W. Wesseling**  
**Presiding Officer**

**APPENDIX "A"**

**DOCUMENTS PRESENTED AT THE HEARING  
AND CONSIDERED BY THE BOARD:**

Complainant: C1 Complainant's Brief

Respondent: R1 Assessment Brief prepared by City of Calgary Assessment

*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.*