

**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:

***Castera Properties Inc and Camargue Properties Ltd, 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: 053241303

LOCATION ADDRESS: 920 36 Street NE

HEARING NUMBER: 64604

ASSESSMENT: \$9,440,000.00

This complaint was heard on 22 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:

- *M. Uhryn*

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 a strip mall known as Vista Landing along a major traffic arterial. The site contains 4.4 acres and consists of 62,050 square feet of CRU's and office space. Onsite parking is provided for by means of 262 spaces. The mall was constructed in 1980. The property is classified "Commercial-Corridor 2" 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 the quality and condition of the buildings.

Complainant's Requested Value: \$ 8,670,000.00

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

Complainant's Position: The focus of the complainant's presentation was on the condition of the building as of January 2010. A Property Condition Survey, prepared by Pinchin Environmental, was reviewed which, according to the Complainant, placed in doubt the listed B+ quality standard. In addition it was indicated that the tax exempt component for this property amounted to \$3,350,000.00. The property sold in March of 2010 for \$12,015,000.00.

Respondent's Position: The Respondent is not contesting that the sale of the property is not the best evidence for market value, but that the analysis done by the City shows that the assessed value is within the range legislated by MRAT as well as the range set out by the Guide to Property Assessment and Taxation in Alberta. The Non-Residential Property Sale

Questionnaire, completed in May of 2010 was reviewed in detail. The class of building, in particular quality, was addressed and indicated that multiple attributes make up the final classification of a building for assessment purposes.

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 overstated.

The Board confirms the assessment at \$9,440,000.00.

Reasons: The Board accepts that the sale of the subject property in March 2010 is the best indicator of value. There is no evidence provided by the Complainant that would compel the Board to adjust the assessment. The arguments with regard to the quality of the building and the amount of maintenance/repair cost required were known to the owner prior to (January 2010) the purchase of the property. The exempt component of the property was not an issue for either party.

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.*