

**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:

Pockar Management Inc. (as represented by Altus Group Limited), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***Board Chair, J. Zezulka
Board Member, J. Rankin
Board Member, S. Rourke***

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 2012 Assessment Roll as follows:

ROLL NUMBER: 034189191

LOCATION ADDRESS: 4628 - 5 Street NE

HEARING NUMBER: 66824

ASSESSMENT: 4,150,000.00

This complaint was heard on the 19 day of July, 2012 at the office of the Assessment Review Board located at Floor Number Four, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom four.

Appeared on behalf of the Complainant:

- C. Van Staden

Appeared on behalf of the Respondent:

- M. Hartmann

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

(1) At the outset of the hearing, the Complainant objected to the inclusion of certain documents contained in the Respondent's submission, on the grounds that the information contained on those pages was confidential, and could possibly prejudice the client. By agreement between the parties, pages 176 and 177 of exhibit R1 were removed from the evidence package, and certain items on exhibit C3 were redacted.

Property Description:

(2) The subject is a single tenant industrial warehouse situated in the Greenview Industrial area of NE Calgary.

Issues:

(3) The building was initially assessed as having a net rentable area of 50,554 s.f. The Complainant takes the position that the building has a net rentable area of no more than 39,621 s.f. based on a building diagram submitted. The Respondent agreed to amend the assessable area to 39,621 s.f.

Complainant's Requested Value: \$3,320,000

Board's Decision

(4) With the agreement of both parties, the size of the building was amended, and a new assessment amount of \$3,790,000 was agreed upon.

(5) The board agrees with the changes, and the assessment is reduced to \$3,790,000.00.

DATED AT THE CITY OF CALGARY THIS 29 DAY OF August, 2012.


Jerry Zezulka
Presiding Officer

APPENDIX "A"**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

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1. C1 General Rebuttal Submission of the Complainant
 2. C2 Follow Up Rebuttal Submission of the Complainant
 3. C3 Evidence Submission of the Complainant
 4. C4 Specific Rebuttal Submission of the Complainant
 4. R1 City of Calgary 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.*
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Decision No. 0674/2012-P			Roll No. 067088229	
<u>Subject</u>	<u>Type</u>	<u>Issue</u>	<u>Detail</u>	<u>Issue</u>
CARB	3. Office	Classification	Income approach	Lease Rates, capitalization rate