

**CALGARY  
ASSESSMENT REVIEW BOARD  
DECISION WITH REASONS**

In the matter of the complaints against the property assessments as provided by the *Municipal Government Act*, Chapter M-26, Section 460, Revised Statutes of Alberta 2000 (the Act).

between:

***The Building Bloc Inc.***  
***(as represented by Assessment Advisory Group), COMPLAINANT***

and

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

before:

***J. Krysa, PRESIDING OFFICER***  
***Y. Nesry, MEMBER***  
***E. Reuther, MEMBER***

These are complaints to the Calgary Assessment Review Board in respect of Property assessments prepared by the Assessor of The City of Calgary and entered in the 2011 Assessment Roll as follows:

<b>ROLL NUMBER:</b>	<b>067092908</b>	<b>067093005</b>
<b>LOCATION ADDRESS:</b>	<b>720 11 Ave SW</b>	<b>722 11 Ave SW</b>
<b>HEARING NUMBER:</b>	<b>64886</b>	<b>64829</b>
<b>ASSESSMENT:</b>	<b>Amended Annual</b>	<b>Annual</b>
<b>ASSESSMENT AMOUNT:</b>	<b>\$2,120,000</b>	<b>\$4,320,000</b>

The complaints were heard on July 28, 2011, in Boardroom 8 at the office of the Assessment Review Board, located at 1212 – 31 Avenue NE, Calgary, Alberta.

Appeared on behalf of the Complainant:

- T. Howell

Appeared on behalf of the Respondent:

- L. Wong

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

There were no procedural or jurisdictional matters raised by either party during the course of the hearing.

**Property Description:**

The subject properties are two individually titled parcels of land, improved with attached, concrete block retail structures. The particulars of each parcel are detailed below:

<b>LOCATION ADDRESS:</b>	<b>720 11 Ave SW</b>	<b>722 11 Ave SW</b>
<b>PARCEL SIZE (Sq.Ft.):</b>	<b>6,510</b>	<b>13,021</b>
<b>IMPROVEMENT SIZE (Sq.Ft.):</b>	<b>13,824 sq.ft.</b>	<b>22,699 sq.ft.</b>
<b>YEAR OF CONSTRUCTION:</b>	<b>1949</b>	<b>1914</b>

**Issues:**

The Complainant raised the following matters in section 4 of the complaint forms:

3. an assessment amount

The Complainant set out a number of grounds for the complaint in section 5 of the complaint form, with requested assessments of \$1,800,000 for the property located at 720 11 Ave SW, and \$3,600,000 for the property located at 722 11 Ave SW; however, at the hearing the Complainant's evidence and argument related to only the following issue:

**Issue:** The assessed values do not accurately reflect the characteristics of the subject properties as related to the size (leasable areas).

**Complainant's Requested Values:**

<b>ROLL NUMBER:</b>	<b>067092908</b>	<b>067093005</b>
<b>LOCATION ADDRESS:</b>	<b>720 11 Ave SW</b>	<b>722 11 Ave SW</b>
<b>CURRENT ASSESSMENT:</b>	<b>\$2,120,000</b>	<b>\$4,320,000</b>
<b>REQUESTED ASSESSMENT:</b>	<b>\$1,451,659</b>	<b>\$1,290,856</b>

### Parties' Positions

The Complainant argued that the assessed total area of the improvements is incorrect, and the assessed areas allocated to each individual building are also incorrect. In support of the argument, the Complainant submitted a tenant summary for each of the subject properties, exhibiting the following total leasable areas, in contrast to the assessed total leasable areas:

LOCATION ADDRESS:	720 11 Ave SW	722 11 Ave SW
<b>TOTAL LEASABLE AREA:</b>	<b>12,155 sq.ft</b>	<b>9,848 sq.ft.</b>
TOTAL ASSESSED AREA:	15,681 sq.ft	33,000 sq.ft.

The Complainant stated that he has inspected the subject properties; however, he did not measure the areas, nor examine any plans or drawings.

The Respondent conceded that the assessments were prepared incorrectly, and recommended revisions to the assessments as follows:

LOCATION ADDRESS:	720 11 Ave SW	722 11 Ave SW
CURRENT ASSESSED AREA:	15,681 sq.ft	33,000 sq.ft.
RECOMMENDED TOTAL AREA:	13,824 sq.ft.	22,699 sq.ft.
<b>RECOMMENDED ASSESSMENT:</b>	<b>\$1,836,000</b>	<b>\$3,095,000</b>

In support of the recommended assessments, the Respondent provided the 2011 Assessment Request For Information (ARFI) forms, setting out the tenant occupied spaces for both properties [R1, pp.26-29] and [R1, pp.26-31].

In rebuttal argument, the Complainant argued that some of the areas set out in the Respondent's ARFI form evidence, were applicable to another property located at civic address 724 11 Ave SW, and not within the two subject properties.

### Decision in Respect of the Issue

The Board finds that the current assessed value does not accurately reflect the characteristics of the subject property as related to the size (leasable areas). The Board further finds the Respondent's evidence of the total leasable area to be more persuasive than the Complainant's, and accordingly accepts the Respondent's recommended assessment values.

The Complainant's tenant summary was not afforded as much weight as the ARFI responses in the Respondent's evidence, as the summary was not supported with documentary evidence of the subject's actual rent roll. Further, the Board noted several discrepancies between the Complainant's summary and the ARFI responses included in the Respondent's evidence; e.g. the 1,669 sq.ft. space occupied by Cookbook Co. and indicated to be located in 722 11 Ave SW at page 14 of C1, is indicated to be located in 720 11 Ave SW at page 28 of R1. As the Complainant did not measure the actual areas of the tenancies, the Board is persuaded by the ARFI responses prepared by the owner of the properties.

The Board further finds that the spaces with a civic address of 724 11 Ave SW are properly associated with the improvement located on tax roll number 067093005. The site plan at page 10 of C1 indicates that the adjacent structure to 722 11 Ave SW has a civic address of 730 11 Ave SW, and there is no distinct improvement associated with the 724 address. The site plan also indicates that the improvement located on 722 11 Ave SW is approximately twice the width of the improvement located on 720 11 Ave SW. When comparing that evidence with the photograph on page 12 of C1, it is evident that the spaces with 724 civic addresses (e.g. Paul Kuhn Gallery), are located within the same improvement as those with a 722 civic address, as set out by the owner in the ARFI response.

The Board notes that the legislation sets out the definition of a parcel of land as follows:

*Municipal Government Act, Chapter M-26, Section 460, Revised Statutes of Alberta 2000*

**1(1)** *In this Act,*

(v) *"parcel of land" means*

(i) *where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office;*

The Board finds that contrary to the Complainant's argument, the criterion with respect to civic addressing is a separate and distinct function, unrelated to the assessment of properties.

**Board Decision:**

The assessments are revised as set out below:

ROLL NUMBER:	067092908	067093005
LOCATION ADDRESS:	720 11 Ave SW	722 11 Ave SW
ASSESSMENT AMOUNT:	\$2,120,000	\$4,320,000
REVISED ASSESSMENT:	<b>\$1,830,000</b>	<b>\$3,090,000</b>

DATED AT THE CITY OF CALGARY THIS 23 DAY OF SEPTEMBER, 2011.

  
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J. Krysa,  
Presiding Officer

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

<b>NO.</b>	<b>ITEM</b>
1. C1	Complainant's Submission
2. R1 (64829)	Respondent's Submission
3. R1 (64886)	Respondent's Submission

*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.*

FOR ADMINISTRATIVE USE

Subject	Property Type	Property Sub-Type	Issue	Sub-Issue
CARB	Retail	Stand Alone	Income Approach	Leasable Area