

**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:

**1377716 ALBERTA INC., COMPLAINANT,
as represented by COLLIERS INTERNATIONAL REALTY ADVISORS INC.**

and

The City Of Calgary, RESPONDENT

before:

***T. Helgeson, PRESIDING OFFICER
E. Bruton, MEMBER
H. Ang, 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 2012 Assessment Roll as follows:

ROLL NUMBER: 074004805

LOCATION ADDRESS: 5701 17th Avenue SE

HEARING NUMBER: 68532

ASSESSMENT: \$2,800,000

This complaint was heard on Wednesday, the 26th of September, 2012 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2.

Appeared on behalf of the Complainant:

- T. Howell

Appeared on behalf of the Respondent:

- C. Yee

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

[1] At the outset of the hearing, the Complainant and the Respondent advised the Board that their arguments would be the same as those in file 68533, and, as in file 68533, the only issue would be the capitalization rate. It was requested that relevant comments from file 68533 be carried forward to the present hearing, and this request was agreed to by the Board.

Property Description:

[2] The subject property is located on the south side of 17th Avenue between 54th Street and Hubalta Road SE. The site is 49,085 sq. ft. in area, and has one building on it that was constructed in 1978. The subject property is classified as a "C-" quality retail strip centre. The subject property has been assessed using the income approach, with a cap rate of 7.50%.

Issue:

[3] Do recent sales support an increase in the capitalization rate from 7.50% to 8.25%?

Complainant's Requested Value: \$2,550,000

Summary of the Complainant's Submission

[4] There are enough current sales to produce a current, valid, cap rate. The Complainant disagrees with the Respondent's use of a long-time range of sales to avoid "fluctuations".

[5] The Respondent's cap rate is 7.50%, well below the average cap rate for strip centres in Calgary. To derive its cap rate, the Respondent relies on 16 sales that occurred over a 24 month period. We rely on four sales that took place during the relevant time period, i.e., between March and June, 2011. These four sales provide adequate sales information to establish an accurate cap rate as at July 1st, 2011.

[6] The cap rates for the four sales are 9.27%, 8.48%, 5.96% and 8.00%. The average cap rate is 7.93%, and the median is 8.25%. These results support our request for a modest capitalization rate of 8.25%. Applying that cap rate to the net operating income of the subject

property will produce the requested assessment of \$2,550,000.

Summary of the Respondent's Submission:

[7] In determining a cap rate for assessment purposes, we use a two year period. We look for a general trend in cap rates, instead of relying on yearly fluctuations. A two year period produces consistency.

[8] A strip centre cap rate study that includes 16 sales is found at p. 15 of Exhibit R-1. These 16 sales indicate an average cap rate of 7.38%, and a median of 7.48%. Our cap rate of 7.50% is amply supported.

[9] The assessment is correct, fair and equitable, and is supported by the evidence. We respectfully request that the Board confirm the assessment.

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

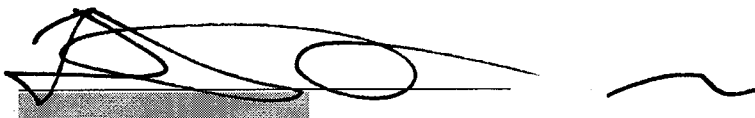
[10] The Board notes that the Complainant's four strip centre sales are included in the Respondent's study at p. 15 of R-1. The Board also notes that another sale is included in the Respondent's study. This sale, which was registered on July 5th, 2010, is important because it too falls within a relevant valuation period, i.e., the period from July 1st of 2010 to July 1st of 2011. The cap rate from this sale is 6.08%.

[11] When the cap rate from the sale of July 5th, 2010 is added to the cap rates from the Complainant's four sales, the average of the five cap rates becomes 7.56%, which amply supports the Respondent's cap rate.

The Board's Decision:

[12] The Board finds the Respondent's cap rate is supported by the evidence. The assessment is confirmed at \$2,800,000.

DATED AT THE CITY OF CALGARY THIS 27th DAY OF November 2012.


Presiding Officer

Exhibits

C-1, Complainant's Evidence Submission

R-1, Respondent's Assessment Brief

<u>Appeal Type</u>	<u>Property Type</u>	<u>Property Sub-Type</u>	<u>Issue</u>	<u>Sub-Issue</u>
CARB	Retail	Strip Plaza	Income Approach	Cap rate

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.*