

**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:

***Harmin Holdings Ltd.*
(as represented by *Altus Group Limited*), COMPLAINANT**

and

***The City of Calgary*, RESPONDENT**

before:

***J. Dawson, PRESIDING OFFICER*
M. Grace, MEMBER
*J. Pratt, MEMBER***

This is a complaint to the Calgary Composite Assessment Review Board [*CARB*] 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:	098016009
LOCATION ADDRESS:	6127 Barlow Trail SE
LEGAL DESCRIPTION:	Plan 8510325; Block A; Lot 8
HEARING NUMBER:	68087
ASSESSMENT:	\$ 2,880,000

- [1] This complaint was heard on the 16 day of October, 2012 at the office of the Assessment Review Board [ARB] located at Floor Number 3, 1212 31 Avenue NE, Calgary, Alberta, Boardroom 8.
- [2] Appeared on behalf of the Complainant:
- K. Fong Agent, Altus Group Limited
- [3] Appeared on behalf of the Respondent:
- R. Farkas Assessor, City of Calgary

SECTION A: Preliminary, Procedural or Jurisdictional Issues:

- [4] No preliminary, procedural, or jurisdictional matters were identified.

SECTION B: Issues of Merit

Property Description:

- [5] Constructed in 2000, the subject – 6127 Barlow Trail SE, is a freestanding retail building located in the community of Foothills Industrial along Barlow Trail at the intersection of 61 Avenue SE.
- [6] The Respondent prepared the assessment on the income approach showing 9,379 square feet; 7,491 square feet of bank space and 1,888 square feet of storage space. The quality is graded as an 'A-'. The site has an area of 39,226 square feet.

Matters and Issues:

- [7] The Complainant identified two matters on the complaint form:
- Matter #3 - an assessment amount*
 - Matter #4 - an assessment class*
- [8] Following the hearing, the Board met and discerned that this is the relevant question which needed to be answered within this decision:
1. *What is the area of the improvement on the property?*

Complainant's Requested Value:

- \$2,250,000 on complaint form
- \$1,930,000 in disclosure document and confirmed at hearing as the request

Board's Decision in Respect of Each Matter or Issue:***Matter #3 - an assessment amount******Question 1 What is the area of the improvement on the property?******Complainant's position***

- [9] The Complainant articulated that the rent roll indicates a leasable area of 7,491 square feet including storage while the assessment shows 7,491 square feet plus storage. The storage area is also in dispute. (C1 p. 2)
- [10] The Complainant reviewed the subject with; 2012 Property Assessment Notice, Property Assessment Summary Report, Non-Residential Properties – Income Approach Valuation, maps, and photos. (C1 pp. 83-93)
- [11] The Complainant provided a rent roll for the subject indicating 5,000 square feet of 'Area Rentable' and a total 'Area Leased' of 7,491 square feet. (C1 p. 94)
- [12] The Complainant summarised by stating that the bank space is 5,000 square feet, storage space is 2,491 square feet with a total derived assessment using all parameters supplied by the Respondent of \$1,930,000. (C1 p. 96)

Respondent's position

- [13] The Respondent contends that the leasable area is 9,379 square feet including; 7,491 square feet for retail bank and 1,888 square feet for storage. (R1 p. 2)
- [14] The Respondent reviewed the subject details; map, photos, and Non-Residential Properties – Income Approach Valuation. (R1 pp. 4-12)
- [15] The Respondent showed a screen shot from their computer showing a computer calculated area, from an aerial photo of the subject, of 7,506 square feet. (R1 p. 13)

Board's findings

- [16] The Board is disappointed that neither party went to the subject property and measured the area. When in doubt the Board typically gives the benefit of doubt to the Complainant; in this case, the aerial calculation provided by the Respondent provided limited evidence of a building footprint near 7,500 square feet.
- [17] The compelling evidence is provided by the Complainant through the rent roll. On careful examination it shows 'Rent Commercial' on two lines and 'Common Area Estimate': 1) the first line indicates \$1,250 per month at an annual rate of \$2 per square foot that works out to 7,500 square feet; 2) the second line indicates \$11,250 per month at an annual rate of \$18.02 per square foot that works out to ~7,491 square feet; and 3) the common area maintenance of \$5,323.75 per month at an annual rate of \$8.53 per square foot equated to ~7,489 square feet. Using the 'Area Rentable' identified at 5,000 square feet, it would work out to a rental rate of

\$27 per square foot.

- [18] **The Board finds the retail bank area to be correct at 7,491 square feet and the basement storage to be 7,491 square feet with 1,888 square feet assessed.**

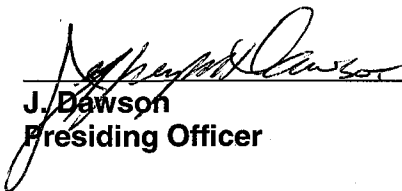
Matter #4 - an assessment class

- [19] The Board did not hear any evidence requesting a change in an assessment class from its current non-residential designation.

Board's Decision:

- [20] **After considering all the evidence and argument before the Board it is determined that the subject's assessment is correct at a value of \$2,880,000 which reflects market value and is fair and equitable.**

DATED AT THE CITY OF CALGARY THIS 18 DAY OF December 2012.



J. Dawson
Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure – 119 pages
2. R1	Respondent Disclosure – 32 pages

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.*

Municipal Government Board use only: Decision Identifier Codes

Appeal Type	Property Type	Property Sub-Type	Issue	Sub-Issue
CARB	Retail	Freestanding	Income Approach	Leasable Area