

**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:

***Canadian Property Holdings (Alberta) Inc., (as represented by Altus Group Ltd.),
COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before:

***C. McEwen, PRESIDING OFFICER
D. Cochrane, MEMBER
D. Pollard, 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: 200683597

LOCATION ADDRESS: 12300 SYMONS VALLEY RD NW

HEARING NUMBER: 60903

ASSESSMENT: \$88,020,000

This complaint was heard on the 25th day of August, 2011 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- A. Izard

Appeared on behalf of the Respondent:

- R. Fegan

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

There were no jurisdictional or procedural matters raised by either party.

Property Description:

The subject property is a Community/Neighbourhood Shopping Centre known as Creekside Shopping Centre located in the Symons Valley district of NW Calgary. The 288,412 square foot development is anchored by Co-op and Rona.

Issues:

Is the subject property assessed higher than market value and is the assessment, therefore, inequitable to comparable properties? Specifically,

1. Should the subject property be assessed with a chronic vacancy rate of either 20% or 25% depending on the treatment of the Shoppers Drug Mart?
2. Should the capitalization rate be raised from 7.25% to 7.75%?
3. Should the CRU rates for CRU spaces 1000-2,500, 2,501-6,000 and 6,001-14,000 be reduced to \$26, \$24 and \$22 respectively?
4. Should the Rona development be considered Big Box for assessment purposes?

Complainant's Requested Value:

\$57,190,000

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

The Complainant argued that the subject property has suffered chronic vacancy (for more than three years) and, in support, provided evidence that the subject experienced retail vacancy rates between 20-25% since 2007. In addition, the Complainant argued that chronic vacancy had applied downward pressure on rent rates. The Complainant provided subject rent rolls to support that contention. The Complainant also provided the Globexx Properties Decision (2011 ABQB 464) to support the argument that the subject property's 2010 assessment should have been more heavily weighed by the assessor in preparing the subject's 2011 assessment.

The Respondent agreed that there was no evidence to indicate any substantive change to the

subject property's vacancy or rental rates over the past year. Accordingly, the Respondent agreed that the 2010 assessment of the subject property represented a fair and equitable value for the 2011 tax year.

Both parties supported a revised assessment to \$63,270,000, the 2010 assessed value of the subject property.

Board's Decision:

The subject assessment is reduced to \$63,270,000.

DATED AT THE CITY OF CALGARY THIS 8th DAY OF September 2011.

C. McEwen

C. McEwen
Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
2. R1	Respondent Disclosure
3. C2	Complainant Disclosure
4. C3	Complainant Disclosure
5. C4	Complainant Disclosure
6. C5	Complainant Disclosure

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.*