

**COMPOSITE
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 (MGA).

between:

**2113362 Ontario Limited & Trinity Properties Alberta Limited
(as represented by Altus Group Limited)
COMPLAINANT**

and

The City Of Calgary, RESPONDENT

before:

**C. J. Griffin, Presiding Officer
J. Rankin, MEMBER
P. Pask, MEMBER**

This is a complaint to the 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: 200768620

LOCATION ADDRESS: 11690 Sarcree Trail NW

HEARING NUMBER: 68269

ASSESSMENT: \$20,690,000.

This complaint was heard on 16th day of October, 2012 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant:

- B. Neeson

Appeared on behalf of the Respondent:

- S. Turner

Procedural Matters:

[1] It was agreed, by both parties, that the capitalization rate argument and evidence of both parties would be carried forward from a previous Hearing with this same panel of the CARB earlier this week. Accordingly the CARB will refer the reader to CARB Decision 2022-2012-P for all matters in this Hearing dealing with the capitalization rate argument and/or evidence.

Property Description:

[2] According to the *Property Assessment Public Report* (Exhibit C-1 pg. 12) the subject property is a combination 'A2' and 'B' quality, 2 building retail development totalling 90,558 Sq. Ft. This Power Centre development incorporates an 84,996 Sq. Ft. combination Big Box and Commercial Rental Unit (CRU) component together with a 5,562 Sq. Ft. free standing bank. The development was constructed in 2007 and the underlying site is reportedly 7.24 acres in size. The property is categorized as being a CM1403 Retail – Shopping Centre – Power. The property has been valued, for assessment purposes, through application of the Income Approach with the following inputs:

Big Box Retail 14,000 – 40,000 Sq. Ft.	16,339 Sq. Ft.	@ \$17.00/Sq. Ft.
Big Box Retail 40,001 – 80,000 Sq. Ft.	51,403 Sq. Ft.	@ \$12.50/Sq. Ft.
CRU 2,501 – 6,000 Sq. Ft.	5,014 Sq. Ft.	@ \$28.00/Sq. Ft.
CRU 6,001 – 14,000 Sq. Ft.	12,240 Sq. Ft.	@ \$25.00/Sq. Ft.
Bank	5,562 Sq. Ft.	@ \$33.00/Sq. Ft.

Vacancy	Big Box Retail	1.00%
	CRU Space	2.50%
	Bank Space	2.50%

Operating Cost	@ \$ 8.00/Sq. Ft.
Non Recoverables	1.00%
Capitalization Rate	7.25%

Issues:

[3] While there are a number of interconnected issues listed on the Assessment Review Board Complaint form, at the Hearing the Complainant reduced the issue to be considered by the CARB to:

1. The 7.25% capitalization rate utilized by the Assessor to estimate the assessed value of the subject property, and all 2012 assessments of Power Centres in Calgary, is excessively low and is not representative of market conditions as at the Date of Value. A more realistic capitalization rate of 7.75% is warranted for the valuation of Power Centres, including the subject property.

Complainant's Requested Value: \$19,350,000. (Exhibit C-1 pg. 26)

Party Positions:**Complainant's Position:**

[4] In terms of the capitalization rate evidence and argument, the reader is referred to CARB Decision 2022-2012-P for the Complainant's position.

Respondent's Position

[5] The Respondent's position is presented in detail in CARB Decision # 2022-2012-P.

Board's Decision:

[6] The assessment is **confirmed** at: **\$20,690,000.**

Decision Reasons:

[7] The single issue for the CARB to consider in this case is that of the assessed capitalization rate. As outlined in CARB Decision 2022-2012-P, both parties have analyzed two of the same sales and they have both arrived at the same conclusion regarding same; however, the Respondent has analyzed a third sale not considered by the Complainant. It is the analysis of this third property which, combined with the other two, the Respondent maintains, provides support for the 7.25% capitalization rate as assessed. The Complainant explained to the CARB that they did not analyze this third sale as they were of the judgment that it was not a good comparable as it involves the sale of a relatively small, free standing bank and as such is not representative of a Power Centre property sale. The CARB does not accept this position of the Complainant. The property is clearly located within the Crowfoot Power Centre and it constitutes, in the judgment of the CARB, a valid sale for consideration in a capitalization rate analysis of Power Centre properties. In this regard the Board concurs with the findings of other CARBs that have dealt with this same issue and that position is best explained in CARB Decision 1882-2012-P:

"The Board concurs with the Respondent that a Power Centre is not any one single building, but rather the sum of its components, an amalgam of large and/or small buildings acting in concert to attract business to a definable area. Therefore, to exclude any one component strictly on the basis of its size relative to the other components, is erroneous."

[8] In consideration of the foregoing, the assessment is confirmed.

DATED AT THE CITY OF CALGARY THIS 5th DAY OF Nov 2012.


C. J. Griffin,
Presiding Officer

APPENDIX “A”

**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

NO.	ITEM
1. C-1	Complainant's Submission
2. R-1	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.

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Decision No. 2030-2012-P		Roll No. 200768620		
<u>Subject</u>	<u>Type</u>	<u>Issue</u>	<u>Detail</u>	<u>Issue</u>
CARB	Retail- Power Centre	Market Value	Capitalization Rate	Sales Data