

**CALGARY  
COMPOSITE ASSESSMENT REVIEW BOARD (CARB)  
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:**

***R & N Properties Ltd., COMPLAINANT***

**and**

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

**before:**

***P. Irwin, PRESIDING OFFICER***

***P. Grace, BOARD MEMBER***

***D. Pollard, BOARD MEMBER***

This is a complaint to the Calgary Assessment Review Board in respect of the property assessment prepared by the Assessor of the City of Calgary, and entered in the 2011 Assessment Roll as follows:

<b>ROLL NUMBER:</b>	<b>101029106</b>
<b>LOCATION ADDRESS:</b>	<b>5808 MACLEOD TR SW</b>
<b>HEARING NUMBER:</b>	<b>62841</b>
<b>ASSESSMENT:</b>	<b>\$2,040,000</b>

**Property Description:**

The subject is a property with a land area of 26,650 square feet (sf) and on it is a commercial building with an assessed area of 13,043 sf (9375 sf main level & 3668 sf basement). It is located on a major thoroughfare in the Manchester Industrial community. The building is used for auto repair and operates under the business name of Blaskin & Lane Tire Centre. The Land Use Designation is Commercial – Corridor 3. Year of construction of the building was 1963. The property is assessed on an income valuation approach.

This complaint was heard on September 1<sup>st</sup>, 2011 at the office of the Assessment Review Board, located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

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

There were no objections to the composition of the Board, nor were there any jurisdictional matters.

**Issues:**

1. Is the rental rate of \$18/ sf applied to the subject property too high?

The Complainant requested that the Board cross-reference this case to the previous hearing, number 62839, regarding 1624 16 AV NW because of the similarities in the two properties. The subject in this case, however, has a main floor and a basement.

The Complainant stated that the current assessment of \$18/ sf applied to the main floor area is excessive.

**Complainant's Requested Value:** \$14/ sf.

The Respondent also requested a carry-over of evidence and argument from the previous hearing number 62839.

In the Complainant's summary, it drew attention to two comparable properties: the Crystal Glass/ Johnny Rocket property at 5908 Macleod Trail SW, and the Integra Tire property at 5702 Macleod Tr SW. Both are within a block of the subject, both have better access to Macleod Trail, being on a corner as compared to the subject which is mid-block. Both are assessed at a rate of \$14/ sf.

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

Issue #1: The Board finds that the comparable properties with assessed values in the \$14 range to be the most similar to the subject property. The board finds the City's comparables are of superior quality and newer construction and geographically further from the subject property. The Board also finds that the lease rate of \$16.54/ sf in place at the subject property is non-arms length as the property and business owners are related parties, and should be given less weight. The Board finds that the rate is \$14/ sf is a more accurate reflection of the rental value of the subject property.

**Board's Decision:**

The 2011 assessment on the subject property is adjusted to \$1,580,000.

DATED AT THE CITY OF CALGARY THIS 29<sup>th</sup> DAY OF SEPTEMBER 2011.

  
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P. Irwin, Presiding Officer

**APPENDIX "A" : ORAL REPRESENTATIONS****PERSON APPEARING                      CAPACITY**

Kam Fong	Altus Group
Greg Lane	Controller/ Partner, R & N Properties Ltd.
Brenda Thompson	Assessor, City of Calgary

**APPENDIX "B" : DOCUMENTS RECEIVED BY THE ASSESSMENT REVIEW BOARD**

Document C – 1	Complainant's Disclosure
Document R – 1	Respondent's Disclosure
Document C – 2	Rebuttal

*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.*