

**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:

Loblaw Properties West Inc., (as represented by Altus Group), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Hudson, PRESIDING OFFICER

Y. Nesry, MEMBER

R. Kodak, 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: 200533982

LOCATION ADDRESS: 3633 Westwinds DR NE

HEARING NUMBER: 61216

ASSESSMENT: \$25,020,000

This complaint was heard on the 8th day of September, 2011 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- K. Fong

Appeared on behalf of the Respondent:

- S. Turner
- S. Powell

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

There were no procedural or jurisdictional matters raised by the parties.

Property Description:

The subject property is a 20.85 acre parcel, improved with a Big Box store (Superstore) of 155,753 square feet(sf), 13,043sf of non-retail mezzanine, 6,448sf of pad site liquor store, 2,135sf of office, 9,442sf of recreation, and a gas bar. The property is currently assessed based on capitalized income at \$25,020,000(rounded).

Issues:

What is the Appropriate Rental Rate to Apply to the Pad Site Liquor Store?

Complainant's Requested Value: \$24,310,000

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

What is the Appropriate Rental Rate to Apply to the Pad Site Liquor Store?

The appropriate rental rate for the pad site liquor store is \$22 per square foot.

The parties agreed by mutual consent, that the rental rate to be applied to the pad site liquor store should be reduced from the assessed rate of \$31psf, to \$22psf, based on equity with comparable properties.

Board's Decision: The assessment is reduced to \$24,310,000.

DATED AT THE CITY OF CALGARY THIS 19 DAY OF October 2011.



T. B. Hudson
Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
2. R1	Respondent 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.*

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<i>Decision No.</i>		<i>Roll No.</i>		
<u>Subject</u>	<u>Type</u>	<u>Sub-type</u>	<u>Issue</u>	<u>Sub-Issue</u>
CARB	Retail	Big Box Store	Income	Rent Rate