

**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:**

***Westwinds Corner Ltd. (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: 200478576**

**LOCATION ADDRESS: 3660 Westwinds DR NE**

**HEARING NUMBER: 64233**

**ASSESSMENT: \$4,180,000**

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 4.03 acre parcel, improved with a 5,788 square foot (sf) free standing fast food restaurant space, and a 5,453 sf, free standing bank space. The subject property is known as Westwinds Corner and is currently assessed based on capitalized income at \$4,180,000.

**Issues:**

What is the Appropriate Rental Rate to be Applied to the Free Standing Bank Space?

What is the Appropriate Rental Rate to be Applied to the Free Standing Fast Food Restaurant Space?

**Complainant's Requested Value:** \$3,840,000

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

What is the Appropriate Rental Rate to be Applied to the Free Standing Bank Space?

**The Board finds that the appropriate rental rate to be applied to the Free Standing Bank Space is \$32 per square foot.**

The Respondent presented a Bank Lease Rate Study conducted in 2011. The study identified that typical Bank space lease rates can be stratified by the time period during which the space was constructed. Properties, such as the subject, constructed between 2005 and 2007, had

typical market lease rates of \$32 psf. The complete breakdown is presented on pages 19, 20 and 21 of Exhibit R1.

The Complainant requested a lease rate of \$29 psf, which is typical of bank space constructed between 1990 and 2004. Support for the requested rate consisted of seventeen (17) leases of comparable bank space with an average rate of \$29.61, and median of \$29.25 psf.; as shown on Page 25 of Exhibit C1.

When the Complainant's leases are analyzed by year of construction (see chart on page 23 of Exhibit R1), equity also appears to be achieved for the subject, at \$32 psf.

What is the Appropriate Rental Rate to be Applied to the Free Standing Fast Food Restaurant Space?

**The Board finds that the appropriate rental rate for the Free Standing Fast Food Restaurant Space is \$30 psf.**

The Complainant submitted four (4), assessment comparables in support of their request for a reduction in the assessed rate to \$28 psf. There was no market lease evidence submitted.

The Respondent submitted the Assessment Summary Reports for three (3) of these four (4) comparables which show that they are not free standing fast food restaurants, similar to the subject. The Respondent also submitted a list of six (6) equity comparables similar to the subject, all located in NE Calgary, and all assessed at \$30 psf.

**Board's Decision:** The assessment is confirmed at \$4,180,000(rounded).

DATED AT THE CITY OF CALGARY THIS 6 DAY OF October 2011.



**T. B. Hudson**  
Presiding Officer

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

<b>NO.</b>	<b>ITEM</b>
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.*

**For MGB Administrative Use Only**

<i>Decision No.2189</i>			<i>Roll No.200478576</i>	
<u>Subject</u>	<u>Type</u>	<u>Sub-Type</u>	<u>Issue</u>	<u>Issue</u>
CARB	Retail	Free Standing	Income	Rent Rates