

**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:

Edward T. Weening, (as represented by Altus Group), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Hudson, PRESIDING OFFICER

S. Rourke, 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: 088109202

LOCATION ADDRESS: 2047 34 AV SW

HEARING NUMBER: 64672

ASSESSMENT: \$1,410,000

This complaint was heard on the 14th day of October, 2011 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 4.

Appeared on behalf of the Complainant:

- K. Fong

Appeared on behalf of the Respondent:

- C. Fox

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 0.13 acre parcel of land, located in the Altadore community at 2047 34 AV SW. The parcel is improved with a 5,508 square foot (sf.) free standing restaurant constructed in 1955. The improvement has 4,524 sf. of main floor area, and 984 sf. of storage. The property is assessed based on the capitalized income approach at \$1,410,000 (rounded)

Issues:

Should the Assessed Rental Rate for the Main Floor Area be Reduced from \$26 Per Square Foot (psf.), to \$24 psf.?

Complainant's Requested Value: \$1,310,000 (rounded)

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

Should the Assessed Rental Rate for the Main Floor Area be Reduced from \$26 Per Square Foot (psf.), to \$24 psf.?

The Board finds that the evidence of both parties supports the \$26 psf. assessed rental rate for the main floor area.

The Complainant argued that the assessment of the subject is not equitable when compared to the assessments of similar properties. In support, the Complainant submitted the assessments of two free standing restaurants. The first is located at 907 Glenmore Trail SW assessed at \$20 psf., and the second at 1501 34 AV SW assessed at \$26 psf. However, the second comparable has an actual month to month lease at \$15 psf.

The Respondent noted that the Complainant comparable property at 907 Glenmore Trail has a lesser quality improvement on a larger lot, and has been assessed for 2011 based on land

value only. The second comparable at 1501 34 AV SW has been assessed at \$26 psf., the same as the subject.

In support of the current assessment, the Respondent submitted two equity, and two leases from properties similar to the subject, including the equity comparable located at 1501 34 AV SW. All of the evidence supports the current assessed rental rate of \$26 psf.

Board's Decision: The assessment is confirmed at \$1,410,000.

DATED AT THE CITY OF CALGARY THIS 18th DAY OF November 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	Free Standing Restaurant	Equity	Rent Rate