

**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:**

***The TDL Group Ltd.  
(as represented by Altus Group Limited), COMPLAINANT***

**and**

***The City of Calgary, RESPONDENT***

**before:**

***J. Dawson, PRESIDING OFFICER  
D. Pollard, MEMBER  
J. Lam, MEMBER***

This is a complaint to the Calgary 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:

<b>ROLL NUMBER:</b>	<b>032044208</b>
<b>LOCATION ADDRESS:</b>	<b>2027 Pegasus Road NE</b>
<b>LEGAL DESCRIPTION:</b>	<b>Plan 8710104; Block 1; Lots 14-Multiple</b>
<b>HEARING NUMBER:</b>	<b>68489</b>
<b>ASSESSMENT:</b>	<b>\$ 4,530,000</b>

- [1] This complaint was heard on the 29 day of October, 2012 at the office of the Assessment Review Board [ARB] located at Floor Number 4, 1212 31 Avenue NE, Calgary, Alberta, Boardroom 2.
- [2] Appeared on behalf of the Complainant:
- B. Neeson                      Agent, Altus Group Limited
- [3] Appeared on behalf of the Respondent:
- S. Turner                      Assessor, City of Calgary

### **SECTION A: Preliminary, Procedural or Jurisdictional Issues:**

- [4] No preliminary, procedural, or jurisdictional matters were identified.

### **SECTION B: Issues of Merit**

#### **Property Description:**

- [5] The subject – 2027 Pegasus Road NE, is three buildings (2 office and 1 retail) located at the corner of McKnight Boulevard and 19 Street NE in the community of Pegasus Industrial.
- [6] The Respondent prepared the assessment on the income approach showing 16,471 square feet comprised of 13,471 square feet of office space graded as an 'A-' quality and 3,000 square feet of restaurant fast food. The site has an area of 100,496 square feet.

#### **Matters and Issues:**

- [7] The Complainant identified two matters on the complaint form:
- Matter #3 -        an assessment amount*  
*Matter #4 -        an assessment class*
- [8] Following the hearing, the Board met and discerned that this is the relevant question which needed to be answered within this decision:
1. *Is the requested assessment correct?*

**Complainant's Requested Value:**

On complaint form: \$2,890,000  
Within disclosure: \$2,260,000  
Confirmed at hearing: \$3,110,000

**Board's Decision in Respect of Each Matter or Issue:*****Matter #3 - an assessment amount*****Question 1 Is the requested assessment correct?*****Complainant's position***

- [9] The Complainant indicated that the assessment is incorrect and after reviewing the Respondent's materials feels a value of \$3,110,000 is correct.

***Respondent's position***

- [10] The Respondent indicated that a value of \$3,110,000 is acceptable.

***Board's findings***

- [11] The Board accepted the position of both parties that a value of \$3,110,000 is correct and did not review the evidence disclosed.

***Matter #4 - an assessment class***

- [12] The Board did not hear any evidence requesting a change in an assessment class from its current non-residential designation.

**Board's Decision:**

- [13] After considering all the presentations before the Board it is determined that the subject's assessment is changed to a value of \$3,110,000 which reflects market value and is fair and equitable.

DATED AT THE CITY OF CALGARY THIS 21 DAY OF December 2012.

  
J. Dawson, Presiding Officer

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

<b>NO.</b>	<b>ITEM</b>
1. C1	Complainant Disclosure – 195 pages
2. R1	Respondent Disclosure – 80 pages

*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.*

**Municipal Government Board use only: Decision Identifier Codes**

Appeal Type	Property Type	Property Sub-Type	Issue	Sub-Issue
CARB	Retail	Freestanding	Income Approach	Market Rental Rate
	Office	Freestanding	Income Approach	Market Rental Rate