

**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:

Spartacus Holdings Ltd., (as represented by Altus Group), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Hudson, PRESIDING OFFICER

H. Ang, MEMBER

J. Kerrison, 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: 082122805

LOCATION ADDRESS: 2525 17 AV SW

HEARING NUMBER: 63089

ASSESSMENT: \$1,570,000

This complaint was heard on the 26th day of October, 2011 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- K. Fong

Appeared on behalf of the Respondent:

- H. Yau

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 0.30 acre parcel of commercial land located in the community of Richmond at 2525 17 AV SW. The parcel was improved in 1971 with a B quality free standing retail automotive repair shop that has 7,440 square feet (sf.) of net rentable area. The current assessment based on capitalized income, is \$1,570,000(rounded).

Issues:

Should the Assessed Rent Rate be Reduced to \$14 from \$18 Per Square Foot(psf.)?

Complainant's Requested Value: \$1,200,000(rounded).

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

Should the Assessed Rent Rate be Reduced to \$14 from \$18 Per Square Foot(psf.)?

The Board finds that the subject property is fairly and equitably assessed as B quality and at \$18 psf.

The Complainant argued that the subject property assessment exceeds market value and that the \$18 psf. assessed rent rate is inequitable. The property is older and should be assessed at \$14 psf. as were several similar properties as shown on the pages 20 and 21 of Exhibit C1.

The Respondent countered that all of the properties submitted by the Complainant are C quality due to inferior location and or size and therefore not similar to the subject.

The Respondent submitted both rent rate and assessment equity comparable B quality properties on pages 41 and 42 of Exhibit R1.

Board's Decision: The assessment is confirmed at \$1,570,000

DATED AT THE CITY OF CALGARY THIS 25 DAY OF November 2011.

A handwritten signature in black ink, appearing to read 'T. B. Hudson', written in a cursive style.

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	Equity	Rent rate