



## **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:**

**396982 Alberta Ltd., (as represented by Linnell Taylor Assessment Strategies),  
COMPLAINANT**

**and**

***The City Of Calgary, RESPONDENT***

**before:**

***R. Fegan, PRESIDING OFFICER  
H. Ang, BOARD MEMBER  
P. Charuk, BOARD 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 2013 Assessment Roll as follows:

<b>ROLL NUMBER:</b>	<b>054011606</b>
<b>LOCATION ADDRESS:</b>	<b>3016 5 AV NE</b>
<b>FILE NUMBER:</b>	<b>70284</b>
<b>ASSESSMENT:</b>	<b>\$8,580,000</b>

This complaint was heard on the 16<sup>th</sup> day of July, 2013 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- *J. Mayer, (Linnell Taylor Assessment Strategies)*

Appeared on behalf of the Respondent:

- *K. Buckry, (City of Calgary)*

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

- [1] No procedural or jurisdictional were raised.

**Property Description:**

- [2] The subject property is a "B" class suburban office building located on 1.94 acres of land. The building has 55,761 square feet of above grade office space and 13,995 square feet of below grade office space.

**Issues:**

- [3] The issue in this complaint is the market rent that has been applied to the above grade office space. The Complainant is requesting a \$12.00 rate rather than the \$13.00 rate that has been used.

**Requested Value: \$7,900,000.**

**Board's Decision: The complaint is denied and the assessment is set at \$8,580,000.**

**Position of the Parties**

**Complainant's Position:**

- [4] The Complainant provided a rental study taken from the subject property. The study included a sample size of 22,946 square feet representing 41% of the total building space. The study involved five separate leases, four from 2011 and one from 2012. The average rate from the sample was \$12.30 per square foot.

**Respondent's Position:**

- [5] The respondent provided a rental rate study taken from Northeast Calgary using 38 different leases in 12 different buildings. The leasing time frame ranged from July 01, 2011 to July 01, 2012.

[6] The Respondent noted that three of the leases used by the Complainant were taken from outside the twelve month period used by the assessor to analyze the rental market.

**Board's Reasons for Decision:**

[7] The Board noted that the Complainant's rental study was taken exclusively from the subject property and that it covered a longer period of time than that used by the Respondent. The Board further noted that in the Complainant's analysis the oldest lease had the lowest rate per square foot and the most recent lease had the highest rate per square foot. While this may not be conclusive proof of an increasing rental market it is a sign of an increasing rental market.

[8] The Board found that the Respondent's rental analysis was based on a larger sample and was based on a shorter time frame. The Board found that the Respondent's analysis was in accordance with the intent of AR 220/2004, "An assessment based on market value must reflect typical market conditions for properties similar to that property".

[9] In summary the Board found the Respondent's evidence to be more compelling than that of the Complainant.

**DATED AT THE CITY OF CALGARY THIS 16<sup>th</sup> DAY OF August 2013.**



**R. Fegan**

**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.*

**CARB Identifier Codes**

<b>Decision No.</b> CARB-70284-P			<b>Roll No.</b> 054011606	
<b><u>Complaint Type</u></b>	<b><u>Property Type</u></b>	<b><u>Property Sub-Type</u></b>	<b><u>Issue</u></b>	<b><u>Sub-Issue</u></b>
CARB	Commercial	Suburban Office	Market Value	Rental Rate

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