



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:

35BB Holdings Ltd. (as represented by Linnell Taylor Assessment Strategies)
COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

R. Fegan, PRESIDING OFFICER
M. Grace, BOARD MEMBER
J. Pratt, 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:

ROLL NUMBER:	044072502
LOCATION ADDRESS:	1837 20 AV NW.
FILE NUMBER:	72012
ASSESSMENT:	500,500.

This complaint was heard on 18th day of June, 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:

- S. Turner (City of Calgary)
- N. Sunderji (City of Calgary)

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

- [1] No procedural or jurisdictional matters were raised.

Property Description:

[2] The subject property is a single storey commercial property comprised of 3,970 square feet, with two tenants. One tenant is an office use, the occupant of that space is exempt from taxation and is assessed on a separate roll number. The portion of the building that is the subject of this complaint is a retail store.

Issues:

3) The issues in this complainant are value and equity as they relate to the rental rate that has been applied to the retail area. The complainant believes that it is higher than typical market rent for similar space and that it is higher than the assessed rental rate applied to similar property in the vicinity.

Complainant's Requested Value: \$372,210.

Board's Decision:

- [4] **The complaint is allowed and the assessment is set at \$372,210.**

Position of the Parties:

Complainant's Position:

[5] The complainant provided pictures to support his opinion that the subject property which was built in 1960 has not been renovated or updated since that time and it was not capable of achieving the rental rate used by the assessor. The complainant provided the actual rents in the subject building which indicated that the office component was capable of achieving the \$24.00 rental rate because it had been renovated and up dated, however the retail portion had not been renovated and was not capable of achieving the \$24.00 rental rate. This was supported by the actual rents being achieved in the building. The office lease was renewed in 2008 at a rate of \$26.00 and the retail space lease was renewed in 2009 at a rental rate of \$16.00. The complainant presented two comparable properties in the immediate vicinity. 1903

20 AV NW and 1904 20 AV NW were assessed using rental rates of \$18.00 for the ground floor retail.

Respondent's Position:


[6] The respondent provided 3 comparables which are assessed using the same \$24.00 rate, however these properties were located some distance from the subject property. The respondent argued that the comparables provided by the complainant should not be used because they are two storey structures.

Board's Reason for Decision:

[7] The Board found that the comparable properties used by the Complainant were in the immediate vicinity of the subject property while the comparable properties presented by the respondent were further away and on busier streets.

[8] The Board found the fact that the comparable properties presented by the complainant were two storey structures did not affect their use as comparable properties because it was only the first floor rate that was being compared and that the assessment of these properties had been calculated using different rates for each floor. The Board felt that the comparable properties used by the complainant were in fact similar competing retail space in the immediate vicinity of the subject.

DATED AT THE CITY OF CALGARY THIS 17th DAY OF July 2013.



R. Fegan
Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
2. R2	Respondent Disclosure
3.C2	Complainant Rebuttal

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.*