



## **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:**

***Western Securities Limited (as represented by Altus Group Limited), COMPLAINANT***

**and**

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

**before:**

***T. Golden, PRESIDING OFFICER***  
***R. Deschaine BOARD MEMBER***  
***D. Julien 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: 130152200**

**LOCATION ADDRESS: 115 Willow Park Dr SE**

**FILE NUMBER: 72524**

**ASSESSMENT: \$8,040,000**

This complaint was heard on the 9<sup>th</sup> day of October, 2013 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 1.

Appeared on behalf of the Complainant:

- *K. Fong D. Main*

Appeared on behalf of the Respondent:

- *G. Jones*

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

- [1] There were no preliminary issues.

**Property Description:**

- [2] The subject property is a retail strip mall of A2 quality of 23,490 square feet (sq. ft.). The structures are located on a 1.56 acre parcel constructed in 1989. An assessment was prepared using the Income Approach to assessment. The rental rate in one category is in dispute while all other inputs to the calculation are not in dispute.

**Issues:**

- [3] **Issue 1:** Has the correct rental rates have been applied to the commercial retail unit (CRU) category 6000 to 14000 Square feet (sq. ft.).

**Complainant's Requested Value:** \$7,940,000

**Board's Decision:** The assessment is confirmed at **\$8,040,000**

**Board Decision on issue 1:** The correct rental rates been applied to the CRU category 6000 to 14000 sq. ft.).

**Position of the Parties**

**Complainant's Position:**

- [4] With respect to CRU category 6000 to 14000 sq. ft. area the Complainant presented a table of 5 leases (C-1 pg.31) from retail strip malls. The table shows a mean \$22.31 per sq. ft.

and median of \$21.05 per sq. ft. demonstrating the subject is over assessed and supports the request. Both A and B+ retail strip malls were included in the lease analysis. There are very few leases in this CRU size.

[5] The rebuttal provided by the Complainant was largely intended to suggest to the Board that one factor can be changed in an income calculation and that the Board could choose to adjust the rental rates and leave all the other inputs the same.

**Respondent's Position:**

[6] The Respondent presented a table of 3 office leases (pg. 26 R-1.) The lease data indicates a median of \$24.50 per sq. ft. and an average of \$23.17 per sq. ft. supporting the assessment. It was pointed out that the Complainant had included a B+ lease and one lease for a neighbourhood mall, neither of which are comparable to the subject.

**Board's Reasons for Decision on issue 1:**

[7] The Board reviewed the leases provided by the Complainant and agreed with the Respondent that the leases at 1221 Canyon Meadows Dr. and 9309 Macleod Tr. were not comparable to the subject and should not be included in the analysis. The result is then the same evidence that was submitted by the Complainant. The evidence supports the assessed rental rate.

[8] It should be noted that this complaint is a request for a reduction in assessment of 1.2% well within the acceptable range of assessments (5%).

DATED AT THE CITY OF CALGARY THIS 28<sup>th</sup> DAY OF November 2013.



**Tom Golden**

**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.*

<b>Roll</b>	<b>Address</b>	<b>Subject</b>	<b>Issue</b>	<b>Detail</b>	<b>Sub Detail</b>
130152200	115 Willow Park Dr SE	Strip mall	income	Rental rate	