

**CALGARY
ASSESSMENT REVIEW BOARD
REVISED 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(4).

between:

Altus Group Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

S. Barry, PRESIDING OFFICER

J. Rankin, MEMBER

A. Zindler, MEMBER

This is a complaint to the Calgary Composite Assessment Review Board in respect of Property assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER:	200766947
LOCATION ADDRESS:	6711 Macleod Trail S.W. Calgary, Ab.
HEARING NUMBER:	56430
ASSESSMENT:	\$10,420,000

This complaint was heard on the 29th day of July, 2010 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:

- R. Hutchinson

Appeared on behalf of the Respondent:

- E. D'Altorio

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

No procedural or jurisdictional matters were raised.

Property Description:

The subject property is a 104,744 sq.ft. site (2.40 acre) located on the corner of Macleod Trail S.W. and Glenmore Trail S.W. The land use classification is commercial (C-COR3 f1.0 h12). The building is vacant but the previous use was as an automobile sales and service centre.

Issues:

1. Has the building been correctly assessed recognizing the period of time it has been vacant?
2. Is the land assessed correctly at \$85 per square foot base rate and is the land assessment fair and equitable having regard to neighbouring assessments and area sales?

Complainant's Requested Value: \$5,771,000

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

The Complainant argues that the building has been vacant for three years and with an asking price of \$14,000,000 has not been able to attract a purchaser. An offer to rent at \$10/sq.ft. does not pay the taxes. The Board notes that the Complainant's Marshall & Swift analysis applies a 74.6% straight line reduction for physical and functional depreciation and that the Complainant is requesting an additional 50% reduction for external and incurable obsolescence. The Complainant was unable to provide any objective basis for the amount of 50% and the Respondent noted that the buildings were in place and useable on December 31, 2009. Without any better evidence to justify a further 50% reduction, the Board accepts the Respondent's building assessment.

The Complainant objects to the land assessment derived from applying \$85/sq.ft. base rate to the land area and requests that a value of \$50/sq.ft. be applied.

An analysis of the Complainant's and Respondent's arguments on market value and equity relative to this property are contained in CARB Order 0984/2010-P and are not repeated in this Decision. The Board notes that the Respondent applied a 5% premium to the property for corner lot

influences.

Board's Decision:

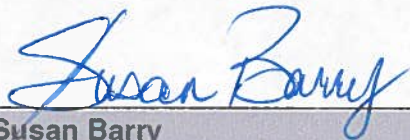
There is no market value or equity evidence that supports the requested value of \$50/sq.ft. There is no other evidence that would justify a change in the assessment having regard to s.467 of the Act. The Board applies a corner lot premium of 5% to the base rate of \$85/sq.ft. pursuant to Order 0984/2010-P to achieve an assessed value of \$89.25 per sq.ft. for the premises.

Building is confirmed at \$1,071,740

The land is amended to \$9,348,402

The Total Assessment is \$10,420,000

DATED AT THE CITY OF CALGARY THIS 22nd DAY OF SEPTEMBER 2010.



Susan Barry
Presiding Officer

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.*