

**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:	111003307
LOCATION ADDRESS:	7337 Macleod Trail S.W. Calgary, Ab.
HEARING NUMBER:	58916
ASSESSMENT:	\$22,900,000

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 246,381 sq.ft. site (5.66 acre) located on the west side of Macleod Trail S.W. between 73 Ave. S.W. and 71 Ave S.W. The land use classification is commercial (C-COR3 f1.0 h12) and the current use is as an automobile sales centre.

Issues:

1. Is the building assessment correct?
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: \$12,300,000

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

The Complainant argues that the buildings have been effectively demolished as of December 31, 2009. Services to the site were discontinued in October in 2009 and internal demolition of the building commenced and was actively pursued in November 2009 when an application for a demolition permit was made to the City. Because the permit was not issued until 2010, the Respondent was not aware of the permit as having potential application to the 2010 assessment notice. While the Respondent argues that the building, in some form, was on the site on December 31, 2009 and that it enjoyed the benefit of a 76.6% depreciation reduction per Marshall & Swift, the Board concurs that the premises were effectively demolished and agrees that the building assessment should be removed.

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:

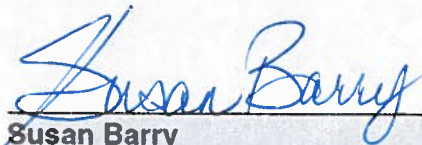
There is no market value or equity evidence that supports the requested value of \$50/sq.ft. There is no other evidence that would justify a change in the assessment having regard to s.467 of the Act. The Board applies a corner lot premium of 5% to the base rate of \$85/sq.ft. pursuant to Order 0954-2010/P to achieve an assessed value of \$89.25 per sq.ft. for the premises.

Building is amended to \$0

The land is confirmed to \$21,989,504

The Total Assessment is \$21,980,000

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.*