

**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(4).

between:

Altus Group, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Sadlowski, PRESIDING OFFICER

P. Charuk, MEMBER

J. Pratt, MEMBER

This is a complaint to the Calgary 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: 200505642

LOCATION ADDRESS: 1919 – 4 St. SW

FILE NUMBER: 59486

ASSESSMENT: \$1,870,000

This complaint was heard on the 16th day of August, 2010 at the office of the Assessment Review Board located at 3rd floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom #11.

Appeared on behalf of the Complainant: K. B. Bickford
Altus Group

Appeared on behalf of the Respondent: D. Satoor
Assessor, The City of Calgary

ISSUE:

Is the assessment of the subject property equitable with other similar properties?

PROPERTY DESCRIPTION:

The subject, known as Great Canadian Bagel, is located in the community of Cliff Bungalow. The Property Use is Commercial, Subproperty use is Retail and the Land Use designation is Commercial – Corridor 1. The subject is a multi-tenant retail space with 4,031 square feet of retail space and a site area of 8,326 square feet. The building was constructed in 1970 and is of A- quality.

COMPLAINANT'S POSITION:

The Complainant indicated that the subject's assessment is \$464 per square foot on the building (C-1, p. 26). The Complainant also provided 16 comparable properties (C-1, pp 28-59). The comparables ranged in size from 1,890 square feet to 14,595 square feet, and ranged in year of construction from 1936 to 1996. The comparables presented were primarily from the Southwest but there were some from the Northwest, Northeast and Southeast. There were also variances in quality and Property Type.

RESPONDENT'S POSITION:

The subject is assessed at the Land Rate of \$215 per square foot. The Respondent submitted a list of Land Sales Comparables and Income Equity Comparables (R-1, pp 20-21) and highlighted three properties (R-1, p. 21), two of which were also submitted by the Complainant. The Respondent also submitted a list of Beltline Commercial Land Sales (R-1, p.22). The Respondent assessed the subject on a Highest and Best Use principle.

REASONS:

The Board was persuaded by the two comparables which were submitted by both the Complainant and the Respondent. Those properties were 2212 – 4 St. SW and 2015 – 4 St. SW (R-1, p. 21; C-1 p. 28; and C-1, p. 32). The subject land was assessed at \$225 per square foot. The comparable in C-1, p. 28 has a smaller land area, is A- quality but was built in 1936. The

land was assessed at \$358.71 per square foot. The comparable in C-1, p. 32 also has a smaller land area and is quality C and was built in 1965. The land was assessed at \$283 per square foot.

DECISION:

Based on the two common comparables the Board was persuaded that the assessment of the subject is fair and equitable and confirms the 2010 assessment at \$1,870,000.

DATED AT THE CITY OF CALGARY THIS 26th DAY OF AUGUST, 2010.



T. SADLOWSKI
Presiding Officer

CC:Owner

TS/mc

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.*