

**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: 079037206**

**LOCATION ADDRESS: 2312 – 4 St. SW**

**FILE NUMBER: 59718**

**ASSESSMENT: \$2,140,000**

This complaint was heard on the 17<sup>th</sup> day of August, 2010 at the office of the Assessment Review Board located at 3<sup>rd</sup> floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom #11.

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

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

**ISSUES:**

Is the assessment in excess of market value and in contravention of Section 293(1), Section 289(2) and the direction provided by the Bramalea decision?

**PROPERTY DESCRIPTION:**

The subject is located in the Mission community with a Land Use Designation of Commercial – Corridor 1. It is a multi-tenant building in good condition and is occupied by national clients. The City of Calgary rates the quality of the building as A2 and the subject was constructed in 1965. The subject has a site area of 7,395 square feet and a rentable area of 6,303 square feet. The current assessment on the subject is \$2,140,000. The Property Use is commercial and the Subproperty use is retail.

**COMPLAINANT'S POSITION:**

The Complainant requested that the 2010 assessment be reduced to \$1,810,000. The subject has a corner lot influence and a traffic collector influence (C-1, p. 9). The complainant also provided four factors that influence the Highest and Best Use concept. These indicated that the use must be: legally allowable; physically possible; financially feasible and maximally productive (C-1, pp 17-18). The Complainant submitted that current use is the most likely continuing use for the subject property (C-1, p. 19). The complainant also submitted equity comparables (C-1, pp 27-57), and submitted a pro forma income statement (C-1, p. 63) based on rent of \$32 per square foot for the restaurant and \$18 per square foot for the office to arrive at the requested assessment.

**RESPONDENT'S POSITION:**

The Respondent submitted an Income Approach Valuation (R-1, pp 16-17). The market net rents utilized by the Respondent were \$34 per square foot for the retail space, \$38 per square foot for the Fast Food Restaurant and \$23 per square foot for the office space to support the assessment. The Respondent also submitted an Assessment Request for Information (R-1, p. 21) and the Annual Rental Rates were: \$34 per square foot for the office space, \$29.90 per square foot for the Fast Food Restaurant, and an average of \$70 per square foot for the alteration shop and cleaner to support the assessment. The Respondent further submitted equity comparables (R-1, pp 105-106). In addition, five Beltline Commercial Land sales were provided (R-1, p. 50).

**REASONS:**

The board finds that the equity comparables provided by the Complainant ranged in year from 1936 to 1996, and ranged in quality from C to A+. They were mostly from Southwest Calgary, but there were three from the Northwest and one each from the Northeast and Southeast. They ranged in building area from 1,890 square feet to 14,595 square feet.

The Respondent's comparables were all from the Southwest, but there was variability in the land sizes. The Board placed greatest weight on the two comparables (Roll numbers 079031803 and 080106800) that were common to both the Complainant's and Respondent's submissions (R-1, p. 106). Although both of the comparables were smaller in land size than the subject, their assessments per square foot ranged from \$284.46 to \$360.03 per square foot; both were higher than the subject at \$215 per square foot which supports the assessment of the subject. Also Beltline Commercial Land Sales (R-1, p. 50) were in close proximity to the subject, closer in size to the subject and selling price per square foot averaged \$270 which further supports the assessment. The Income Approach Valuation (R-1, pp 17-18) also supports the assessment.

**DECISION:**

The Board finds that the 2010 assessment is fair and equitable and thus confirms the 2010 assessment at \$2,140,000.

DATED AT THE CITY OF CALGARY THIS 2 DAY OF September, 2010.

  
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**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.*