

**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-26.1, Section 460(4).

between:

Altus Group Limited, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

Paul G. Petry, PRESIDING OFFICER

Don Steele, MEMBER

Ike Zacharopoulos, 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: 200669646

LOCATION ADDRESS: 14815 Bannister Road S.E.

HEARING NUMBER: 59165

ASSESSMENT: \$5,430,000

This complaint was heard on 26 day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant:

- Altus Group Limited – A. Izard

Appeared on behalf of the Respondent:

- City of Calgary – R Farkas

Property Description and Background:

This complaint along with two others was the subject of a jurisdictional hearing heard by the same CARB panel on July 6, 2010. In its decision (0830/2010-P) respecting the jurisdictional matter the CARB raised its intention to consider the potential awarding of costs under section 52(3) of MRAC. The matter of costs will be dealt with under a separate decision.

The subject property is a Totem Building Supplies consisting of 39,300 sq. ft. of rentable area located at 14815 Bannister Road S.E. The assessment is \$5,430,000 for 2010 based on a rental rate of \$12.00 per sq. ft. The Complaint indicated that this rate is not consistent with rental rates applied to other similar Totem outlets and similar properties.

Issues:

1. Does the rental rate of \$12.00 per sq. ft. result in the subject property being assessed in excess of its market value as of July 1, 2009?

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

1. The rental rate of \$10.00 per sq. ft. results in an assessment for the subject that is correct and equitable as agreed by the parties to this complaint.

Several other issues were raised in the Complainant's complaint filed with the Assessment Review Board (ARB) on March 4, 2010. The only issues that the parties brought forward in the hearing on August 26, 2010 before the Composite Assessment Review Board (CARB) are those referred to above, therefore the CARB has not addressed any of the other issues initially raised by the Complainant.

Overview of the Positions of the Parties

Both parties had reviewed their evidence again prior to the hearing and concluded that the subject rental rate was not consistent with other similar properties where the assessment had been based on a rate of \$10.00 per sq. ft.. The parties were given time to determine the value of the subject based on an adjusted rental rate of \$10.00. This value was agreed to be \$4,500,000.

Reason for the Decision

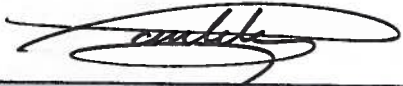
While both parties submitted their evidence, the CARB accepted the acknowledgement of both parties that the correct and equitable rate for the subject should be \$10.00 per sq. ft.

Decision Summary

Based on the foregoing the decision of the CARB is to set the assessment for the subject property at \$ 4,500,000.

It is so ordered.

DATED AT THE CITY OF CALGARY THIS 22 DAY OF September 2010.



Paul G. Petry
Presiding Officer

xxx/xx

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.*