

**CALGARY
COMPOSITE 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 Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

Steven C. Kashuba, PRESIDING OFFICER

Donald Steele, MEMBER

John Mathias, 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 NUMBERS: 1) 045098811, 2) 045098886, and 3) 045098894

LOCATION ADDRESS: 1110 – 16 Avenue NW; 1130 – 16 Avenue NW; 1116 – 16 Avenue NW

HEARING NUMBER: 59889

ASSESSMENTS: 1) \$1,880,000, 2) \$1,340,000, and 3) \$710,500

This complaint was heard on 10th day of September, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212–31 Avenue NE, Calgary, Alberta, Boardroom 1.

Appeared on behalf of the Complainant:

- *Kam Fong*

Appeared on behalf of the Respondent:

- *David Zhao*

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

At the outset of the hearing, both parties submitted to the Board that they had agreed upon the lease rate which should be applied to the three restaurants. These recommended lease rates per square foot are presented in the Merit Section of this hearing along with the current assessment values for each of the three restaurants.

Property Description:

The subject properties, located at 1110, 1130, and 1116 – 16 Avenue NW, are in the Capitol Hill Community, and are comprised of three restaurants; Earl's, Starbuck's, and Arby's. The land use designation is Commercial – Corridor 1 and the sub property use is CM0301 Retail Food/Beverage-Restaurant/Dining Lounges. The current assessments are \$1,880,000 for Earl's, \$710,000 for Starbuck's, and \$1,340,000 for Arby's.

Issues:

1. The current assessments of \$30 per square foot for Earl's, \$32 per square foot for Starbuck's, and \$32 per square foot for Arby's are too high.

Complainant's Requested Values: 1) for Earl's, \$1,620,000, 2) for Starbuck's, \$620,000, and 3) for Arby's, \$1,170,000.

Position of Complainant:

The Complainant presented their recommendation to the Board as follows:

1. For Earl's Restaurant: A value of \$28 per square foot in place of the present \$30 per square foot,
2. For Starbuck's Restaurant: A value of \$30 per square foot in place of the current \$32 per square foot, and
3. For Arby's Restaurant: A value of \$30 per square foot in place of the current \$32 per square foot.

Position of Respondent:

The Respondent agreed with the recommendation of the Complainant.

Board's Decision in Respect of Issue:

The Board considered the recommendation of the two parties and accepts the following lease rate values and assessments for the three restaurants:

1. Earl's Restaurant: A lease rate of \$28 per square foot and an assessment value of \$1,750,000 (a reduction from the current \$1,880,000),
2. Starbuck's Restaurant: A lease rate of \$30 per square foot and an assessment value of \$666,000 (a reduction from the current \$710,500), and
3. Arby's Restaurant: A lease rate of \$30 per square foot and an assessment value of \$1,260,000 (a reduction from the current \$1,340,000).

Board's Decision:

1. Roll Number 045098811, Earl's Restaurant:

It is the decision of the Board to reduce the assessment of the subject property for 2010 from \$1,880,000 to \$1,750,000.

2. Roll Number 045098894, Starbuck's Restaurant:

It is the decision of the Board to reduce the assessment of the subject property for 2010 from \$710,000 to \$666,000.

3. Roll Number 045098886, Arby's Restaurant:

It is the decision of the Board to reduce the assessment of the subject property for 2010 from \$1,340,000 to \$1,260,000.

Reasons:

The Board accepts the recommendation of both parties to reduce the lease rates for the three restaurants as indicated in the body of this Complaint. By applying the reduced lease rates to the Pro-Forma of each of the 3 Roll numbers, the parties also arrived at recommended assessment values which were presented to and accepted by the Board.

DATED AT THE CITY OF CALGARY THIS 28 DAY OF September 2010.



Steven C. Kashuba
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.*