

**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:**

***Board Chair, T Golden  
Board Member, H Ang  
Board Member, D Cochrane***

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: 415035518**

**LOCATION ADDRESS: 388 Country Hills BV. NE**

**HEARING NUMBER: 57430**

**ASSESSMENT: \$46,800,000.00**

This complaint was heard on 5 day of November, 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:

- *C Fong*

Appeared on behalf of the Respondent:

- *E Lee*

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

There were no preliminary matters in this case.

**Property Description:**

The property is part of a commercial power centre in the Country Hills area of the City. Improvements constructed in 1999 are 199,502 square feet (sq ft) in size and are located on a 20 acre parcel. In particular the properties in question are the Canadian Tire store and one of the restaurants.

**Issues:**

- 1) Is the rental rate of the Box store appropriate?
- 2) Is the area of the Canadian Tire store classified correctly?
- 3) Are the restaurant areas properly classified?

**Complainant's Requested Value:**

The complainant calculated the requested amount to be \$43,920,000.00.

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

- 1) The rental rate of \$10.00 sq ft for the Box store is the appropriate rate.

The Respondent and the Complainant agreed the rental rate should remain at \$10.00 sq ft. based on rent roll information in the Complainants evidence.

The Board notes the rent roll evidence is dated January 2010 but agrees that it supports the current rental rate.

- 2) The area of the Box store is reduced 2502 sq ft and this amount is added to mezzanine area.

During a review of the property assessment the Respondent determined that the areas of the Box

store were incorrect. The Board accepted the Respondents information and agrees with the correction and reallocation of areas.

- 3) An area of 5001 sq ft for a restaurant space is classified as CRU 2501-6000 reducing the rental rate from \$28.00 sq ft to \$24.00 sq ft.

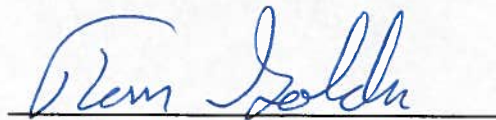
The Respondent and the Complainant agree that there is no free standing structure for this area incorrectly classified as restaurant.

The Board agrees that this correction should be made based on the evidence provided by the parties regarding the existing free standing restaurants.

**Board's Decision:**

The assessment is established at \$44,850,000.00

DATED AT THE CITY OF CALGARY THIS 25 DAY OF November 2010.

A handwritten signature in blue ink, appearing to read "Tom Golden", is written over a horizontal line.

**Tom Golden  
Presiding Officer**

**APPENDIX "A"****DOCUMENTS RECEIVED AND CONSIDERED BY THE ASSESSMENT REVIEW BOARD:**

<b>NO.</b>	<b>ITEM</b>
1.	Exhibit C-1 Letter of Complaint
2.	Exhibit C-2 Complainants Brief
3.	Exhibit R-1 Respondent's Assessment Brief

*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.*