

**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:

Giovanni Esposito, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Helgeson, PRESIDING OFFICER

T. Usselman, MEMBER

C. McEwen, MEMBER

This is a complaint to the Calgary Assessment Review Board in respect of the Property assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER: 083114405

LOCATION ADDRESS: 2711 38 Street SW

HEARING NUMBER: 56268

ASSESSMENT: \$909,000

This complaint was heard on the 12th day of November, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- *G. Esposito*

Appeared on behalf of the Respondent:

- *D. Thistle*

Preliminary Matter

The Respondent requested that the assessment be confirmed as the Complainant failed to file disclosure evidence in accordance with Matters Relating To Assessment Complainants Regulation.

The Panel's Decision Regarding Disclosure:

The Panel found that the Complainant had provided sufficient disclosure on the Assessment Review Board Complainant form to allow the hearing to proceed.

Issue:

The subject property is over assessed due to the blight caused by the bottle depot.

Complainant's Requested Value:

A bottle depot located in a a commercial strip mall is operating directly outside the front door of the subject property. The noise and unsightliness of this industrial business causes residential tenant's to leave after short stays. The Complainant requested a 25% reduction in the assessment of the subject.

Assessors Response:

The Respondent told the panel that a 5% commercial adjustment had been provided to the assessment of the subject property due to commercial influence. The Respondent requested that the assessment be confirmed as there was no evidence provided by the Complainant to support a reduction in the assessment.

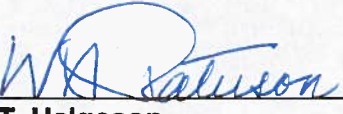
Panel's Decision:

The Panel confirmed the assessment at \$909,000.

Reason's For Panel's Decision:

While the Panel sympathizes with the Complainant, insufficient evidence was provided by the Complainant to reduce the assessment.

DATED AT THE CITY OF CALGARY THIS 6 DAY OF December 2010

for 
T. Helgeson
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.*