

**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, Revised Statutes of Alberta 2000 (the Act).

between:

***Prairie View Holdings Ltd.
(as represented by Altus Group Ltd.), COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before:

***L. Wood, PRESIDING OFFICER
R. Roy, MEMBER
T. Usselman, MEMBER***

This is a complaint to the Calgary Assessment Review Board in respect of a property assessment prepared by the Assessor of The City of Calgary and entered in the 2011 Assessment Roll as follows:

ROLL NUMBER:	044183408
LOCATION ADDRESS:	1540 16 AV NW
HEARING NUMBER:	64211
ASSESSMENT:	\$1,990,000

This complaint was heard on 10 day of August, 2011 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- *Mr. B. Neeson* *Agent, Altus Group Ltd.*

Appeared on behalf of the Respondent:

- *Mr. S. Powell* *Assessor, City of Calgary*

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

There were no procedural or jurisdictional matters raised by the parties during the hearing.

Property Description:

The subject property is a stand - alone retail building located across the street from the North Hill Shopping Centre in Capitol Hill. The building is comprised of 6,617 sq. ft. and was constructed in 1965. It was assessed as a B+ quality. It is situated on 21,159 sq. ft. (0.49 acres) of land. The land use designation is Commercial Corridor 2. There are three occupants in the building: Budget Rent - A - Car, Adult Source and a Liquor Store.

The CRU space 1,000- 2,500 sq. ft. is currently assessed at \$26.00 psf and the CRU space 2,501- 6,000 is assessed based on a rental rate of \$24.00 psf. It is the assessed rental rates that are in contention before the Board.

Issues:

1. The assessed rental rates applied to the subject property's CRU spaces should be reduced based on equity.

Complainant's Requested Value: \$1,670,000

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

1. The assessed rental rates applied to the subject property's CRU spaces should be reduced based on equity.

The Complainant submitted the assessed rental rates should be reduced from \$26.00 psf to \$22.00 psf for CRU space 1,000- 2,500 sq. ft., and from \$24.00 psf to \$20.00 psf for CRU space 2,501- 6,000 sq. ft. based on several equity comparables (Exhibit C1 pages 20- 31) The Complainant submitted the assessed rental rates should be similar to a strip shopping centre as it has three tenants (or less) and provided several strip centre comparables in support of his position (Exhibit C1 page 30).

The Respondent submitted that unless the subject property has been misclassified, there is no evidence to support a reduction based on the equity comparables submitted by the Complainant. The Respondent submitted several equity comparables in support of the current

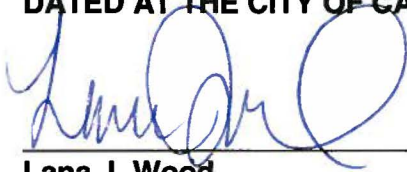
assessed rates of \$26.00 psf and \$24.00 psf, respectively (Exhibit R1 page 22).

The Board finds the Complainant's comparables are not similar in classification to the subject property. The Board notes the Complainant did not provide any comparables from 16 Avenue NW or any comparables located on a major thoroughfare in support of his position. The Board also notes there were no 3rd party lease rates provided to support the Complainant's position.

Board's Decision:

The decision of the Board is to confirm the 2011 assessment for the subject property at \$1,990,000.

DATED AT THE CITY OF CALGARY THIS 21st DAY OF SEPTEMBER 2011.



**Lana J. Wood
Presiding Officer**

APPENDIX "A"**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

EXHIBIT NO.	ITEM
1. C1	Complainant's Submission
2. R1	Respondent's Submission

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.*