

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

**between:**

***HOPEWELL DEVELOPMENT CORPORATION, COMPLAINANT,  
as represented by COLLIERS INTERNATIONAL REALTY ADVISORS INC.***

**and**

***The City Of Calgary, RESPONDENT***

**before:**

***T. Helgeson, PRESIDING OFFICER  
E. Bruton, MEMBER  
H. Ang, 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 2012 Assessment Roll as follows:

**ROLL NUMBER: 031023708**

**LOCATION ADDRESS: 2608 39<sup>th</sup> Avenue NE**

**HEARING NUMBER: 67657**

**ASSESSMENT: \$4,380,000**

This complaint was heard on Monday, the 24<sup>th</sup> of September, 2012 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2.

Appeared on behalf of the Complainant:

- *No-one*

Appeared on behalf of the Respondent:

- *C. Yee*

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

[1] The Board waited 15 minutes for the agent for the Complainant to appear, but after the 15 minutes had expired, the agent had not appeared, and no word was forthcoming as to why the agent had not appeared. In the result, the Board decided it would proceed to hear from the assessor for the Respondent.

**Property Description:**

[2] The subject property is located on a 2.7 acre parcel of land on Barlow Trail at the corner of 39<sup>th</sup> Avenue NE. There are three buildings on the parcel: the Cactus Club restaurant, an A&W, and a Tim Horton's. The subject property is assessed based on the income approach to valuation.

**Issue:**

[3] Is the assessed value of the subject property supported by the evidence?

**Complainant's Requested Value:** \$3,035,538

**Summary of the Respondent's Submission:**

[4] The subject property comprises 2.7 acres, with three buildings. The buildings were constructed between 2000 and 2002. The rental rate as assessed is \$33 per sq. ft. The Complainant is asking for \$23 per sq. ft. The Assessment Request for Information ("ARFI") indicates rental rates from \$31.21 per sq. ft. to \$43.73 per sq. ft. The assessment should be confirmed.

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

[5] The Board finds that the best evidence for determining whether the assessed value is supportable is the ARFI for the subject property. The ARFI shows rental rates from \$31 per sq. ft. to \$43 per sq. ft., and the assessed rental rate of \$33 per sq. ft. for the subject property is well within that range. No evidence of any kind was adduced that would support a rental rate of \$23 per sq. ft.

**The Board's Decision:**

[6] In the absence of any evidence to demonstrate that the assessed rental rate should be varied, the assessment is confirmed at \$4,380,000.

DATED AT THE CITY OF CALGARY THIS 27<sup>th</sup> DAY OF November 2011.

  
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 Presiding Officer
**Exhibits****C-1, Complainant's Evidence Submission.**

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<u>Appeal Type</u>	<u>Property Type</u>	<u>Property Sub-Type</u>	<u>Issue</u>	<u>Sub-Issue</u>
CARB	Retail	Neighbourhood Mall	Income Approach	Rental Rate
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*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.*