

**CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaint against the Property/Business 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, R Deschaine
Board Member , R Glenn***

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

ROLL NUMBER:	071042196
LOCATION ADDRESS:	2710 17 Av SE
HEARING NUMBER:	58803
ASSESSMENT:	\$12,580,000.00

This complaint was heard on 21 day of July, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 12.

Appeared on behalf of the Complainant:

- *D Chabot*

Appeared on behalf of the Respondent:

- *A Jerome*

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

At the commencement of the hearing the complainant agreed not to argue the cape rate and vacancy rate based on previous decisions of the ARB. The hearing proceeded with a site specific argument regarding rental rate.

Property Description:

The subject is a suburban office building 66,569 sq ft in area on a .82 ac site. Access to the building is only available in one direction on 17 Av.

Issues:

Is the rental rate used by the City the correct value?

Complainant's Requested Value:

\$7,970,000.00

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

Rental rate

The rental rate of \$16.00 remains unchanged.

The complainant provided a rent roll of the building and extracted 3 leases signed in 2009 that suggested the current rental rate was \$13.00 sq ft.

The City explained the use of a typical rental rate of \$16.00 used in the assessment model was based on ARFI information. Also presented were examples from the subject's rent roll showing that other recent leases show rent rates higher than \$13.00.

The ARB was reluctant to adjust the rental rate based on a small number of recent signed leases in the subject building.

Board's Decision:

The assessment is confirmed at \$12,580,000.00

DATED AT THE CITY OF CALGARY THIS 4th DAY OF August 2010.



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.*