

**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-26.1, Section 460(4).

between:

Altus Group Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

S. Barry, PRESIDING OFFICER

J. Rankin, MEMBER

A. Zindler, MEMBER

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

ROLL NUMBER:	200495158
LOCATION ADDRESS:	1215 13 St. S.E. Calgary, Ab.
HEARING NUMBER:	57420
ASSESSMENT:	\$7,710,000

This complaint was heard on the 27th day of July, 2010 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:

- C. Van Staden, Altus Group Ltd.

Appeared on behalf of the Respondent:

- A. Jerome

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

No procedural or jurisdictional matters were raised.

Property Description:

The subject property is characterized as suburban office premises, containing 33,508 sq.ft. of rentable area in the southeast portion of the City of Calgary.

Issues:

There were some fourteen grounds for complaint submitted with the complaint application. The Complainant advised that items 8, 9, 11 and 13 would not be addressed. Of the remaining items enumerated the only issue is the vacancy rate. For the Board to decide, then, is the assessed vacancy rate of 6% correct?

Complainant's Requested Value: \$7,220,000

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

The Complainant referenced City of Calgary Composite Assessment Review Board Order 0505/2010-P dated June 16, 2010. That Order deals extensively with vacancy rates in the southeast area of Calgary and establishes a vacancy rate of 9.5% for the premises under complaint "and others in this set of Complainants where the parties have relied on the same evidence". That Order is taken by both Parties to apply to the circumstances of the matter that is the subject of this Complaint. The Respondent acknowledged the Order and, while not agreeing with it, accepts the decision as applying to this property.

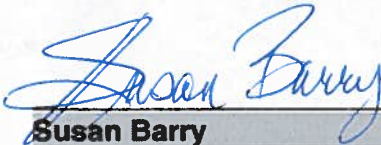
The Complainant's initial disclosure documentation was based on a calculation of a 10% vacancy rate which is now revised to 9.5%. It is noted that the Complainant's disclosure preceded the date of the referenced Order and that the Complainant's rebuttal documentation does raise it in evidence.

The revised calculation was not in evidence and the Board recessed to allow the Complainant to perform the necessary calculations and produce, in writing, a document to be reviewed with the Respondent.

Board's Decision:

The Respondent noted that, while not agreeing with Order 0505/2010-P, the City does accept that decision and did not bring evidence to the Board in opposition to the rate proposed. The Board ensured that the Respondent reviewed the hand-written revised calculations of the Complainant and both parties were requested to sign the document. Accordingly, the Board accepts the vacancy rate of 9.5% as appropriate for these premises and changes the assessment to \$7,220,000.

DATED AT THE CITY OF CALGARY THIS 5th DAY OF August 2010.



Susan Barry
Presiding Officer

Exhibits:

<u>Exhibit No.</u>	<u>Description</u>	<u>Submitted By</u>
C1	Assessment Recalculation	C. Van Staden, Altus Group Ltd.

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.*