

**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).

**Between:**

***Assessment Advisory Group, COMPLAINANT***

**And**

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

**Before:**

***Dean Sanduga, Presiding Officer  
T. Usselman, Board Member  
J. Pratt, Board Member***

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

<b>ROLL NUMBER:</b>	<b>156141806</b>
<b>LOCATION ADDRESS:</b>	<b>295 Midpark Wy SE</b>
<b>HEARING NUMBER:</b>	<b>58823</b>
<b>ASSESSMENT:</b>	<b>6,270,000</b>

This complaint was heard on 26 day of Julay, 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:

- Troy Howell- Representing Assessment Advisory Group

Appeared on behalf of the Respondent:

- Jerome Ashley- Representing the City of Calgary

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

The question of bias was raised and all parties indicated that there was no bias

**Property Description:**

The subject property is a suburban office, the building constructed in 1982. The subject property is located at 295 Midpark Wy SE comprising of assessable area 48,578 sq.ft.

**Issues:**

- 1: The vacancy rate applied in the assessment calculation is not reflective of market vacancy rates.
- 2: The capitalization rate applied in the assessment calculation is not reflective of market Capitalization rates.

**Complainant's Requested Value:** \$4,410,000

**Findings**

The Board reviewed the Complainant's evidence and noted that the complainant presented no equitable comparables for capitalization rate and vacancy rate.

The Vacancy rate evidence submitted by the Complainant includes leases and sub-lease vacancy for strip retail malls.

The Board reviewed the following Respondent's evidence:


- 1- City of Calgary study supports the 6% vacancy rate.
- 2- Pages 17-19 City of Calgary NW Suburban office vacancy study.
- 3- Page 20, City of Calgary A-Class capitalization rate study
- 4- Pages 22- 39 City of Calgary capitalization rate study
- 5- pages 46-56 ( Respondent,) on Complainant ( Strip Malls) comparables
- 6- Pages 61-66 Assessment request for information

The Board is persuaded by the evidence provided by the Respondent on Vacancy rate and Capitalization rate.

**Board's Decision:**

The Board confirms the 2010 assessment

DATED AT THE CITY OF CALGARY THIS 18 DAY OF August 2010.



**Dean Sanduga**  
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.*