

**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:

Altus Group Limited, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

Steven C. Kashuba, PRESIDING OFFICER

R. Cochrane, MEMBER

R. Deschaine, 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:

ROLL NUMBER: 200142107

LOCATION ADDRESS: 4639 Manhattan Rd SE

HEARING NUMBER: 59769

ASSESSMENT: \$6,580,000

This complaint was heard on 5th day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 4.

Appeared on behalf of the Complainant:

- *C. Van Staden*

Appeared on behalf of the Respondent:

- *J. Young*

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

At the outset of the hearing the Complainant submitted three recent decisions of Composite Assessment Review Boards which support a vacancy rate of 9.5% as opposed to the Respondent's 6%. These three decisions are presented in ARB 0640/2010-P, ARB 0692/2010-P, and ARB 0642/2010-P, which use a vacancy rate of 9.5% for suburban office buildings in southeast Calgary.

The Complainant advised that one of the issues in this complaint is the vacancy allowance and the evidence and argument are substantially the same. As a result, the Complainant is requesting the same decision.

The Respondent is aware of these CARB decisions and accepts that the assessment for the subject property should take into account a vacancy rate of 9.5% as opposed to the original 6%.

With the agreement of the parties, a vacancy rate of 9.5% is used to arrive at a reduced assessment of \$6,150,000.

Property Description:

The subject commercial property is located in the Albert Park/Radisson Hts. Subdivision with an assessable land area of 4.51 acres, with retail/strip space of 18,972 square feet, and 68,043 square feet of office space. Built in 1981, the quality of the building is rate C plus. The current assessment is \$6,580,000.

Issues:

Is the vacancy rate applied to the subject correct?

Complainant's Requested Value: \$6,080,000.

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

The board accepts the recommendation of the parties to increase the vacancy rate of the subject property from 6 to 9.5% through which a reduction in the assessed value is determined.

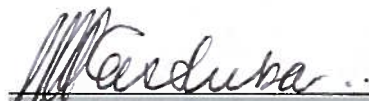
Board's Decision:

It is the decision of the board to reduce the assessment of the subject property for 2010 from \$6,580,000 to \$6,150,000.

Reasons:

The board notes that three earlier CARB decisions dealing with vacancy rates in the South quadrant of the City reflect a vacancy rate of 9.5%. This issue of vacancy rates came up as a Preliminary Matter at which time the parties agreed that the application of a vacancy rate of 9.5% is appropriate for the subject property for the current assessment year.

DATED AT THE CITY OF CALGARY THIS 24 DAY OF August 2010.



Steven C. Kashuba
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.*