

**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:

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:

| | |
|--------------------------|----------------------|
| ROLL NUMBER: | 044183507 |
| LOCATION ADDRESS: | 1640 16 Av NW |
| HEARING NUMBER: | 58896 |
| ASSESSMENT: | \$2,410,000 |

This complaint was heard on 26th day of July, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom *.

Appeared on behalf of the Complainant:

- Troy Howell- Representing Assessment Advisory Group

Appeared on behalf of the Respondent:

- Christina Neal- 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 Medical Dental 5 story high-rise, the building constructed in 1964. The subject property is located at 1640- 16 Ave. NW comprising of assessable area 18,106 sq.ft. and classified as a "C" quality building.

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:

\$2,070,000 (Includes \$46,000 exemption / related to value)

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

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 sub-lease vacancy and is based on 2nd quarter information.

The Board reviewed the following Respondent's evidence:

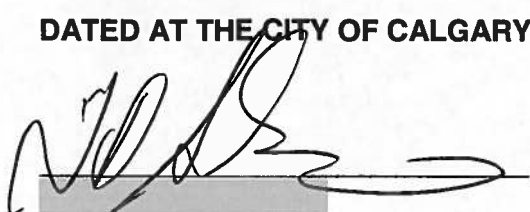
- 1- City of Calgary study supports the 6% vacancy rate.
- 2- Page 22 City of Calgary NW Suburban office vacancy study.
- 3- Pages 26-29 Altus In-site vacancy average at 5.78%

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 19 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.*