

**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:

Ducharme, McMillian & Associates, COMPLAINANT

And

The City Of Calgary, RESPONDENT

Before:

| | |
|-----------------------------|---------------------------------|
| <i>Dean Sanduga,</i> | <i>Presiding Officer</i> |
| <i>K. Coolidge</i> | <i>Board Member</i> |
| <i>E. Reuther</i> | <i>Board Member</i> |

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: 119014009

LOCATION ADDRESS: 9611 44 St. SE

HEARING NUMBER: 57302

ASSESSMENT: \$2,810,000

This complaint was heard on the 3rd day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant: No appearance

- Ducharme, McMillian & Associates

Appeared on behalf of the Respondent:

- Don Kozak: Representing the City of Calgary

Property Description:

The subject property is a multiple buildings Industrial property located at 9611 44 St. SE, comprising of 13,300 sq. ft. Site area 4.41 Acres, the subjects buildings were built in 1991, 1975, and 1998.

Complainant's Requested Value: \$0.00

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

The Board noted there was no attendance by the Complainant.

In view of the above considerations, the CARB finds as follows:

The Board heard the evidence of the Respondent. Upon examination of the documents in the file, the Board found that the Complaint form under MRAC Sec.2 was lacking in essential information. The Board also found that the Complainant's agent on record Ducharme, McMillian & Associates, filed the original complaint form and had not submitted the material in the file. The evidence was submitted by the unauthorized agent, Colliers International Realty Advisors Inc.

The Assessor had no knowledge of agent authorization for this matter.

The Board made further administrative inquiries, but no additional letter of agent authorization to Colliers International Realty Advisors Inc. was found, either by the CARB or the Respondent.

With these deficiencies, the Board was left only with the Respondent's evidence to consider which supports the 2010 assessment based on similar properties sales and equity.

Board's Decision:

The Board confirms the 2010 assessment at \$2,810,000

DATED AT THE CITY OF CALGARY THIS 18 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.*