

**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: 101049401

LOCATION ADDRESS: 6227 – 2 Street SE

HEARING NUMBER: 59917

ASSESSMENT: \$9,620,000

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 ARB 0640/2010-P, which is a decision of CARB issued on June 28, 2010 with respect to the vacancy allowance for suburban office buildings in southeast Calgary. The decision in this case was to increase the vacancy allowance from 6% used to prepare the assessment to 9.5%. 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 this CARB decision 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 \$8,980,000.

Property Description:

A detailed description of the property, having regard for the agreement of the parties as noted in the Preliminary Matter, was not provided.

Issues:

At issue is the vacancy rate applied to the subject property.

Complainant's Requested Value: \$8,890,000.

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

The board's decision as regards the issue in this complaint is incorporated within the presentation under Preliminary Matter.


Board's Decision:

It is the decision of the board to reduce the assessment of the subject property for 2010 from \$9,620,000 to \$8,980,000.

Reasons:

The board accepts the agreement of the parties that a vacancy rate of 9.5% should be applied to the subject property through which, when applied to the pro-forma, results in a reduction in the assessed value.

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.*