

**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:**

***Wernick Omura Limited, COMPLAINANT***

**and**

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

**before:**

***F.W. Wesseling, PRESIDING OFFICER***

***S. Rourke, MEMBER***

***F. Wong, MEMBER***

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: 048043707**

**LOCATION ADDRESS: 2720-12 Street N.E.**

**HEARING NUMBER: 56248**

**ASSESSMENT: \$ 5,360,000.00**

This complaint was heard on 9<sup>th</sup> day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- *Bruno D. Boccaccio*

Appeared on behalf of the Respondent:

- *R. Scott Powell*

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

The City of Calgary indicated that during the evidence exchange the complainant raised the issue of building size discrepancy. The City is of the opinion that the issue of building size was not properly disclosed as per MRAC section 9 (1) and as such the matter must not be heard by the Composite Assessment Review Board. The complainant requested a short recess to review this matter with the City's representative. A recess was granted and following the recess both parties reported to the Board that building size was no longer at issue.

**Property Description:**

The assessment complaint concerns a 2 storey concrete block building containing office space on the second floor and bays on the main level. The building is located in the South Airways Industrial Park and was built in 1981. The building contains 59,760 sq. ft. Classification under the City of Calgary Land Use Bylaw is IG- Industrial General

**Issues:**

The primary issue raised is the historic chronic vacancy rate for this building and that the City should take that into account as part of the assessment.

**Complainant's Requested Value:** \$5,000,000.00

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

**Complainant's Position:** Historical information was provided about the vacancy issues in this property. Generally vacancy rates are in the order of 17-18% over the last 4 years. It is felt the City should make some allowances for that in the annual assessment. The complainant accepts the City's sales approach to assessing this building and property.

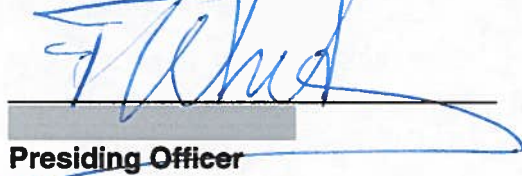
**Respondent's Position:** The City of Calgary acknowledges the chronic vacancy rate for this property. No additional information was presented.

**Board's Decision:**

Upon reviewing the written and verbal information presented to the Board, it was agreed to vary the assessment to \$5,000,000.00 as requested by the complainant.

Reasons for the Decision: General agreement was established between both parties that the historical high vacancy of this property is to be acknowledged.

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.*