

**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:**

***COMPLAINANT, Altus Group Ltd.***

**and**

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

**before:**

***R. Irwin PRESIDING OFFICER***

***P. Charuk, MEMBER***

***R. Deschaine, 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: 104144605**

**LOCATION ADDRESS: 5 – Richard Way S.W. Calgary, Alberta**

**HEARING NUMBER: 59918**

**ASSESSMENT: \$14,100,000**

This complaint was heard on the 12<sup>th</sup> day of August, 2010 at the office of the Assessment Review Board located at Floor Number four, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2.

Appeared on behalf of the Complainant:

- D. Chabot

Appeared on behalf of the Respondent:

- M. Ryan, *Assessor City of Calgary*

**Preliminary Matters:**

None. The merit hearing proceeded

**Property Description:**

The subject is a 47,806SF. suburban office building located on a 1.01 acre site at 5 – Richard Way S.W. Calgary in the community of Lincoln Park. The property use is Commercial and the Sub Property Use is CS0302 Suburban Offices. There are 104 parking stalls and it is assessed at \$14,100,000.

**Issues:**

The complaint form indicates the following matters apply to the complaint:

#3 – an assessment amount

#4 - an assessment class

**Complainant's Requested Value:**

The attachment that was included with the complaint form requests \$8,460,000 but this was revised in the complainants' evidence package to \$13,340,000

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

Both parties requested that #1 vacancy rebuttal evidence presented in hearing #59791 be carried forward to this hearing.

The only issue the Complainant presented evidence on at the hearing was vacancy rate. The Complainant requested this to be increased from 6% to 9.5%. The Complainant's evidence included a 2010 vacancy rate study – suburban office (south) which highlighted a Avison & Young Calgary office market report , a CBRE market view (Calgary suburban office) and a Colliers International report titled "The Calgary Perspective Suburban mid year 2009". There was also a chart compiled titled "Suburban Office Vacancy Study for the South".

The Respondent's evidence included lease comparables that they felt supported a \$25.00 rate , equity comparables and a City of Calgary assessment request for information that was received by the City March 26, 2009. This ARFI indicated a 0% total Vacant Area.

**Board's Decision:**

After careful review of all evidence presented at the hearing ,the Board finds there was insufficient evidence to warrant a reduction in the assessment.

The assessment is confirmed at \$14,100,000.

DATED AT THE CITY OF CALGARY THIS 9<sup>th</sup> DAY OF SEPTEMBER 2010.

  
**R. Irwin**  
**Presiding Officer**

CC: Owner

*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.*