

**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:**

***Charles Starke, COMPLAINANT***

**and**

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

**before:**

***D Trueman, PRESIDING OFFICER***

***J Rankin, Board Member***

***I Fraser, 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: 067232900**

**LOCATION ADDRESS: 1140 – 10 Avenue SW**

**HEARING NUMBER:57867**

**ASSESSMENT: \$12,500,000**

This complaint was heard on 17th day of September, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 8.

Appeared on behalf of the Complainant:

- *There was no one in attendance on behalf of the Complainant.*

Appeared on behalf of the Respondent:

- D Lidgrin

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

Inasmuch as there was no one in attendance on behalf of the Complainant the panel reviewed Matters Relating to Assessment Complaints Regulation (MRAC), Alberta Regulation 310/2009 Part 1, Division 3, 16(1) and determined that 'parties to a hearing before an assessment review board may instead of attending in person file a written presentation'. The panel accepted the Complainant's letter of August 5, as well as a 2010 property assessment chart; and "Marketbeat" which is a Cushman Wakefield Calgary Office Report, as his written presentation, and proceeded with the hearing

**Property Description:**

The panel found in the original copy of the Respondent exhibit R1, on page 12, a reproduced and thus dark copy of a colored photograph of the subject property dated May 7, 2004. Otherwise, neither the Complainant nor the Respondent described the subject property to the panel.

**Issues:**

The Complainant described three issues in his letter of August 5.

**Issue #1**

The City's mass appraisal model does not contemplate reductions as a result of assessment appeals. Further, it is unfair with respect to the assessment person's access to the City's information.

**Issue #2**

Commercial reporting of cap rate ranges for the year ending 2009 suggest that the City assessment exceeds market value by between roughly \$8-\$10 million.

**Issue #3**

Beltline vacancy rates have increased significantly thus increasing capitalization rates.

**Complainant's Requested Value:**

This was not identified in Complain form or Complainant written submission.

**Complainant's position with respect to issues**

The Complainant provided commentary with respect to the assessment process, capitalization rates and vacancy rates. His most significant information related to a 2010 property assessment chart which indicated assessed values in the range of 135 to 236 Dollars per Sq. foot.

**Respondent's position with respect to issues**

The Respondent provided a large package of material which contained everything that is typically included in their defense of an assessment, except a property detail report and assessment calculations. Their material did however contain a chart of sales of comparable properties in the Beltline neighbourhood together with a page explaining adjustment criteria. There was also considerable detail with respect to the nature and characteristics of each of the sales. Their chart suggests a median adjusted market value on a per square foot basis for similar properties of \$221. It is noted that they have selected a value of \$215 and further adjustments of -10% to arrive at a total assessment of \$14,990,000 based upon land value. From this they have subtracted \$2,490,000 for an exempt tenant in the property thereby arriving at a final assessment of \$12,500,000.

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

It is impossible for the board to make conclusions with respect to an assessment variation or reduction without the benefit of a clear and accurate description of the subject property. Therefore, the panel decided that the Respondent's presentation of comparable land sales and the general knowledge that the Assessor uses land sales when in his opinion the improvements do not contribute value the property, was the best information available on which to make their decision.

**Board's Decision:**

The appeal is denied and the assessment is confirmed at \$12,500,000.

DATED AT THE CITY OF CALGARY THIS 5 DAY OF October 2010.

  
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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.*