

**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

H. Ang, MEMBER

D. Julien, 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: 068 177 005

LOCATION ADDRESS: 224 – 15 Avenue S.W. Calgary, Alberta

HEARING NUMBER: 59442

ASSESSMENT: \$1,890,000

This complaint was heard on 10 day of September, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- B. Neeson, *Altus Group Ltd.*

Appeared on behalf of the Respondent:

- D. Grandbois, *Assessor City of Calgary*

Preliminary Matters:

None. The merit hearing proceeded

Property Description:

The subject property is located at 224 – 15 Avenue S.W. Calgary. It is an office conversion with a 3370 sq.ft. building built in 1912 on a 7007 sq.ft. (0.16 acre site).

The property is assessed \$1,890,000 as land only at \$270.00 per Square Foot.

Issues:

- Assessment amount
- Assessment class

Complainant's Requested Value:

The requested value on the complaint form was \$1,401,400. This value was increased to \$1,506,000 in the evidence and at the hearing.

Board's Findings:

The Complainant presented evidence including past Board decisions from 2008 and 2009 There was also a list of properties listed for sale or reported as sold from 2007 to 2010 by Realnet and Alberta Data Search.

The Respondent replied that the Complainants comparables should be carefully reviewed as they included non-arms length sales, partial interest being sold and transactions that were not considered as "Market Transactions"

The Respondent also provided a list including sales, equity of office conversions which provided a base rate of \$270.00 Sq.ft.

The Complainant challenged one of the Respondents comparables (1019 13th Ave SW) as the Realnet Data they presented stated the tenant in place at the time of sale was a company

affiliated with the purchaser and the purchaser intended to utilize the property as an office for their own law firm.

Board's Decision:

The Board agreed that there was insufficient evidence to warrant a change to the assessment

The assessment is confirmed at \$1,890,000

DATED AT THE CITY OF CALGARY THIS 18 DAY OF OCTOBER 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.*