

**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, Colliers International Realty Advisors Inc.

and

RESPONDENT, The City Of Calgary

before:

R. Irwin PRESIDING OFFICER

R. Rourke, MEMBER

P. Charuk, 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: 080 052 103

LOCATION ADDRESS: 601 – 17 Avenue S.W., Calgary, Alberta

HEARING NUMBER: 58180

ASSESSMENT: \$4,680,000

This complaint was heard on 23 day of September, 2010 at the office of the Assessment Review Board located at 4th Floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- D. Porteous, *Colliers International Realty Advisors Inc.*

Appeared on behalf of the Respondent:

- D. Satoor, *Assessor City of Calgary*

Preliminary Matters:

There was discussion from the agent Colliers regarding postponing this hearing as Colliers had technical issues and the inability to receive emails due to the size of the material that the Colliers system can receive. It was disclosed by the Complainant, Mr. Porteous and , that this had been an ongoing issue in 2010 and Colliers has not resolved the problem. The Respondent stated that the Complainant had not attempted to secure the Respondent's information in any other matter and the hearing has been scheduled and the board was arranged to hear the complaint at this time. The Respondent also noted that exchanging documentation was only an issue with Colliers International. The Board noted that this complaint was filed on March 1, 2010 and the Respondent had copies of City evidence packages being sent September 7, 2010. The Board agreed that this ongoing issue is a Colliers problem and that Colliers has the responsibility to find a solution.

The Respondent supplied the Complainant with copies of the evidence and the Board and the Complainant agreed that they be allowed time to review and when the review was complete the hearing would proceed.

Property Description:

The subject property is a low rise office/retail building of 21,864 square feet built in 1974. The parking was described by the complainant as being a non-descript, aging retail/office building with a small amount of parking. The assessment is based on Land Value only of 20,742 square feet, at a base rate of \$215.00 per square foot with a +5% site influence adjustment due to corner lot. The property is assessed at \$4,680,000.

Issues:

On the Complaint Form the Complainant indicated that the following matters applied to this complaint.

1. The description of the property or business
2. The name or mailing address of an assessed person or taxpayer
3. An assessment amount
4. An assessment class
5. An assessment sub-class
6. The type of property
7. The type of improvement

The attachment also noted that no meaning meaningful discussions had been held within the 60 day Complaint period due to operational time constraints.

Complainant's Requested Value:

The requested value on the attachment included with the complaint form requested \$1,170,000. This was revised to \$2,900,000 in the evidence and at the hearing.

Board's Findings:

In respect of each issue identified on the complaint form:

1. **No argument presented regarding:**
#1 The description of the property or business
2. **No argument presented regarding:**
#2 The name or mailing address of an assessed person or taxpayer
4. **No argument presented regarding:**
#4 An assessment class
5. **No argument presented regarding:**
#5 An assessment sub-class
6. **No argument presented regarding:**
#6 The type of property
7. **No argument presented regarding:**
#7 The type of improvement

Only #3 "An assessment amount" argument and evidence were brought forward at the hearing.

The Complainant requested that the method of assessment for this property be the Income Approach. The evidence included Income Approach Valuation Calculations with an 8.5% vacancy rate and a 7.5% Capitalization Rate. The Complainant also offered argument stating that the subject property had a chronic vacancy issue.

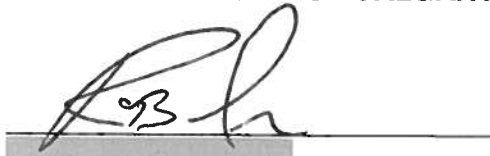
The Respondent's position was that the property had been assessed in the same manner in 2008 and there had been no appeal. The Complainant also included a list of Beltline equity sales comparables that supported the \$215.00 per square foot land rate.

Board's Decision:

The Board considered all evidence presented and agreed that there was no compelling evidence to warrant a change in the method of assessment of the subject property nor to support a reduction in the assessment.

The assessment of \$4,680,000 is confirmed.

DATED AT THE CITY OF CALGARY THIS 15 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.*