

**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

A. Blake , MEMBER

D. Morice, 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: 200 601 581

LOCATION ADDRESS: 119 – 6 Avenue S.W. Calgary, Alberta

HEARING NUMBER: 59030

ASSESSMENT: \$18,250,000

This complaint was heard on 28 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:

- G. Worsley, *Altus Group Ltd.*

Appeared on behalf of the Respondent:

- D. Lidgren, *Assessor City of Calgary*

Preliminary Matters:

No Preliminary Matters were raised and the merit meeting proceeded

Property Description:

The subject property is a 62,651 square foot office building noted as being built in 1900 located at 119 6 Ave SW. The property has 20 parking stalls and is assessed at \$18,250,000.

Issues:

On the complaint form it was indicated that the matters that apply to the complaint were:

- #3 - An assessment amount
- #4 - An assessment class

Complainant's Requested Value:

The requested value on the complaint form was \$9,570,000. This was revised to \$8,010,000 in the evidence and revised at the hearing to \$9,530,000.

Board's Findings:

Both parties agreed that general information from hearing 58233 should be considered in this hearing. The Board notes that the Complainant and the Respondent stated that neither party had actually been in the subject property.

The Complainant stated they were not pursuing the vacancy argument but would be addressing the Capitalization Rate increase request from 8% to 10%, a parking rate reduction from \$450 per month to \$375 per month and to amend the building classification. There was a presentation of Office Equity Comparables presented which included Class "A", "B", and "C" buildings.

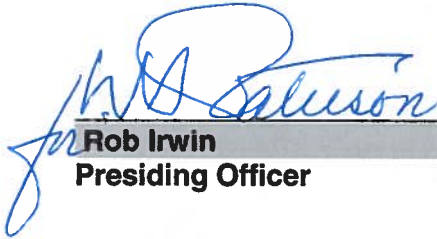
The Respondent countered that some of the Complainant's comparables were not valid as they were not market sales. The Respondent presented an 'Assessment Request for Information' for the subject property indicating it was 100% occupied and they highlighted that the Complainant had not made a case for the Board to consider regarding re-classification of the subject property.

Board's Decision:

The Board weighed all the evidence and argument presented and decided that the Complainant had not presented persuasive evidence that the property should be re-classified, that there was no evidence presented to warrant a change in the Capitalization Rate and the parking request was unsupported by the evidence.

The assessment is confirmed at \$18,250,000

DATED AT THE CITY OF CALGARY THIS 15 DAY OF October 2010.



Rob Irwin
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.*