

**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
S. Rourke, MEMBER
R. 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: 067 080 002

LOCATION ADDRESS: 855 – 8 Avenue S.W. Calgary, Alberta

HEARING NUMBER: 57235

ASSESSMENT: \$17,460,000

This complaint was heard on the 23rd 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:

- *There was no representation for the Complainant (Colliers) when the hearing began as the Colliers agent Mr Hartley had left the hearing room 10:10am advising that another agent would appear immediately. The Board delayed until 10:25am and as no one had arrived, further delayed until 10:40am and then began the hearing. Mr. Meiklejohn joined the hearing at 10:48am.*

Appeared on behalf of the Respondent:

- E. Borisenko , A Czechowski, Assessors City of Calgary

Preliminary Matters:

None. The merit hearing proceeded.

Property Description:

The subject property is a 75,765 square foot office building built in 1982. The property is located at 855 8 Ave SW and is assessed at \$17,460,000.

Issues:

The complaint information in section 4 of the complaint form indicated the following matters that applied to the 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

Complainant's Requested Value:

The requested value on the complaint form was \$4,370,000. This was revised to \$10,400,000 in the evidence.

Board's Findings:

As there was no representative for the complainant, the board reviewed the written submissions included in the file of documents exchanged August 11/12 2010

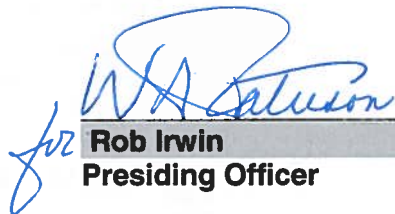
The Complainant's evidence (marked 1C and 1C-b) included a list of rent comparables, past ARB decisions. Exhibit 2C was a collection of past ARB decisions that were noted as being B+ properties and 3C was a collection of past ARB decisions marked as Class B+.

The Respondent indicated that the City considered the subject property was Class "C" and presented evidence (Exhibit 1R page 119) to support that position. The Respondent presented the subject Assessment Request for Information which included the actual rents being generated in the subject property and noted that they supported the assessment.

Board's Decision:

The Board agreed that there was insufficient evidence to warrant a reduction in the assessment. The assessment is confirmed at \$17,460,000

DATED AT THE CITY OF CALGARY THIS 26 DAY OF October 2010.


for **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.*