

**CALGARY
COMPOSITE 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:

Altus Group Limited, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

L.R. Loven, PRESIDING OFFICER

B. Kodak, MEMBER

T. Usselman, MEMBER

This is a complaint to the Calgary Combined 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: 102093804

LOCATION ADDRESS: 615 57 Avenue S.W.

HEARING NUMBER: 58895

ASSESSMENT: \$4,110,000

This complaint was heard on the 27th day of October, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- B. Neeson, representing Altus Group Limited, on behalf of Ruebenach Properties Ltd.
c/o ICM Realty Group Ltd.

Appeared on behalf of the Respondent:

- I. Pau, representing the City of Calgary

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

Both the Respondent and the Complainant confirmed to the Board that they had no procedural or jurisdictional matters to be raised.

Property Description:

The subject property consists of a 3.5 story, 32 suite low-rise apartment building, built in 1969 and located in the Windsor Park (WND) community within market zone 8. The assessment is \$4,110,000.

Issues:

1. Vacancy rate increased to 5%.

Complainant's Requested Value: \$3,980,000.

Board's Findings in Respect of Each Matter or Issue:

Issue 1: Vacancy Rate

The Complainant provided a table containing one equity comparable assessed at a vacancy rate of 2%, the same as the subject property.

The Complainant submitted a CMHC Rental Market Report for Fall 2009, showing a increase in the total apartment vacancy rate for zone 8 from 1.4% as of October 2008 to 4.0 % as of October 2009. The Board notes that the change in vacancy rates does not distinguish between apartment types, sizes or year of construction.

The Complainant referenced Calgary Assessment Review Board ARB WR0083/2010-P regarding a single family property, reducing the assessment based in part on the equity comparables used by the Respondent.

The Respondent provided a table containing four assessment comparables with 28 to 41 suites, one located in Windsor Park and three in Kingsland, all in market zone 8 all assessed at 2.00% vacancy.

Based on its consideration to the foregoing evidence and argument, the CMHC report does not provide the Board with sufficient information regarding the vacancy rate for low-rise apartments. The Complainant's low-rise comparable supports the assessed vacancy rate of 2%, and the Respondent's assessment comparables supports a 2% vacancy rate in equity.

Summary

The only issues argued by the Complainant were to increase the assessed vacancy rate from 2% to 5%.

The Board finds that the Calgary Assessment Review Board decision referenced by the Complainant, regarding the lowering of an assessment for a single family property, has little weight given the decision was based, in part, on the change in assessment of the Respondent's comparables. The Complainant provided a table containing one equity comparable showing a percent change in assessment of -10.41% from 2008 to 2009, compared to -10% for the same time period for the subject property. Given the foregoing, on this basis alone, it is difficult for the Board to find that the assessment of the subject property should be reduced.

The Respondent's comparables supported the assessment of the subject property regarding vacancy rate. The low-rise comparable provided by the Complainant was assessed at the same GIM as the subject property. The CMHC report submitted by the Complainant did not provide the Board with any details to determine that the apartment vacancy rate rose uniformly across all apartment types. Finally, the low-rise comparable provided by the Complainant supports the assessed vacancy rate.

Therefore, based on the comparables provided, the Board finds that the subject property appears to have been assessed fairly and equitably with respect to the vacancy rate.

Board's Decision:

For the reasons set forth above, the assessment of the subject property is hereby confirmed as follows: \$4,110,000.

DATED AT THE CITY OF CALGARY THIS 1 DAY OF December 2010.


L.R. Loven
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.*