

**CALGARY
COMPOSITE ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaints against the Property assessments as provided by the *Municipal Government Act*, Chapter M-26.1, Section 460(4).

between:

*Assessment Advisory Group (Agent) on behalf of
Tibele Properties Ltd., COMPLAINANT*

and

The City Of Calgary, RESPONDENT

before:

*D. H. Marchand, PRESIDING OFFICER
B. Jerchel, MEMBER
J. Joseph, MEMBER*

The complaints to the Calgary Composite Assessment Review Board (CARB) are in respect of the Property Assessments prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER:	067178608	067178509
LOCATION ADDRESS:	530 – 15 AVE SW	528 – 15 AVE SW
LEGAL DESCRIPTION:	Plan A1, Block 106, Lots 38-39	Plan A1, Block 106, Lots 36-37
HEARING NUMBER:	58316	58322
ASSESSMENT:	\$2,100,000	\$2,100,000

These complaints were heard on 14 day of October, 2010 at the office of the Assessment Review Board located at 4th Floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant; *Assessment Advisory Group*: T. Howell

Appeared on behalf of the Respondent; *City of Calgary*: J. Toogood

Description and Background of the Properties under Complaint:

Prior to the opening of the hearing the Complainant advised that they would be arguing only one of the issued filed within the subject's Assessment Review Board Complaint form under *Section 5 – Reason(s) for Complaint*. "The gross income multiplier (GIM) applied in the assessment calculation is not reflective of the market GIM rates."

The subject's are two, 16 unit low-rise apartment complexes, built in 1962 in the Beltline community. The income approach methodology was employed in determining the assessments. The subject's typical potential gross income less a 2% vacancy allowance multiplied by a market based multiplier of 14 times was determined to reflect the subject's market value assessment.

At the outset of the hearing the Respondent expressed concern that the Complainant's disclosed data and rates associated with the data for the subject and the Complainant's two comparables was all 2009 base data, nothing is relative 2010 data and rates.

The Complainant acknowledged these shortcomings within the evidence exchanged and requested a revised assessment in the amount of \$1,960,000 without the benefit of any 2010 data to support the request.

Based on the Respondent's and the CARB's questioning of the evidence it became clear the Complainant's disclosed material is 2009 dated and does not reflect the current rates and adjustments.

The CARB recessed the hearing giving the Complaint an opportunity to review his files for the current data and an opportunity to withdraw the complaint, if it was felt reasonable.

Decision:

The assessment of roll number 067178608 and 067178509 are confirmed.

Reasons:

The evidence presented by the Complainant relative to the subject and two comparables presented represents 2009 data and is irrelevant to the current data. No evidence was received to call into question the current assessment.

DATED AT THE CITY OF CALGARY THIS 3 DAY OF November 2010.



D. H. Marchand
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.*