

**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-26.1, Section 460(4).

between:

Assessment Advisory Group, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

S. Barry, PRESIDING OFFICER

R. Glenn, MEMBER

R. Roy, MEMBER

This is a complaint to the Calgary Composite Assessment Review Board (CARB) 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:	057001307
LOCATION ADDRESS:	612 4 AV, N.E., Calgary, Alberta
HEARING NUMBER:	58658
ASSESSMENT:	\$5,930,000

This complaint was heard on the 19th day of November, 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:

- *T. Howell, Assessment Advisory Group*

Appeared on behalf of the Respondent:

- *S. Poon, City of Calgary*

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

There were no Procedural or Jurisdictional matters raised before the Board.

Property Description:

The subject property is a 5.0 storey, high rise apartment building constructed in 1963 and containing 54 rental suites. It is located in the Bridgeland neighbourhood within Market Zone 3.

Issues:

The Complaint Form lists two major issues: that the assessment is incorrect and inequitable. Each issue outlines four sub-issues. At the time of the hearing the Complainant advised that the only issue was the vacancy rate.

Complainant's Requested Value:

The assessment requested on the Complaint Form was \$5,000,000. This was revised at the hearing to \$5,750,000.

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

The Complainant is requesting that a vacancy rate of eight per cent be applied to the Potential Gross Income (PGI) as opposed to the five per cent used by the City. The Complainant incorrectly relied on information for Market Zone 7 in Canada Mortgage and Housing Corporation (CMHC) reports. Correcting the error, the vacancy rate spread for Market Zone 3 is 1.6 per cent to 5.6 per cent for the period October 2008 to October 2009. The Complainant also references another CMHC table that lists vacancy rates for the same period for apartments constructed within the time frame of the subject property. The range of rates in the latter is 2.0 per cent to 5.4 per cent. The Complainant also references a CB Richard Ellis (CBRE) report from the fourth quarter of 2009 that shows a vacancy rate of 5.6 per cent for Market Zone 3. The CBRE report cites CMHC as the source of this information. The Complainant did not have historical vacancy records from the subject property and did not conduct his own vacancy rate study.

The Respondent pointed out that while the CMHC reports are a valuable tool for some applications, the data is not specific to low rise apartments and includes both high and low rise buildings. The City, through its Assessment Request for Information (ARFI) process, canvasses a significant number of rental properties and stratifies them as to type, market zone, year of construction,

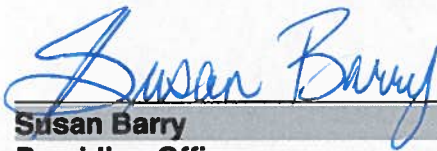
vacancy, rental rates and other factors. The City typically achieves a 70 per cent response rate but did not received a completed ARFI for the subject property.

It is the time range in the CMHC charts and the lack of stratification information evidenced in the report before the Board that raises concerns. There is no evidence presented by the Complainant to show the vacancy rates relative to the valuation date of July 1, 2009. The Board agrees with the Respondent that the CMHC reports cannot be relied on, alone, for assessment purposes having regard to the legislated requirements of the *Municipal Government Act*, RSA 2000 (MGA) and, specifically, ss.2 and 3 of *Matters Related to Assessment and Taxation Regulation* AR 220/2004 (M.R.A.T). These stipulate the requirement for a mass appraisal approach estimating property value on July 1 of the assessment year. The Board finds that the Complainant has not met the burden of proof required to substantiate a change in the vacancy rate.

Board's Decision:

The 2010 Assessment is confirmed at \$5,930,000

DATED AT THE CITY OF CALGARY THIS 29 DAY OF November 2010.


Susan Barry
Presiding Officer

APPENDIX "A"

DOCUMENTS RECEIVED AND CONSIDERED BY THE CARB:

NO.	ITEM
1.	Complaint Form for Roll #: 057001307
2.	Complainant's Assessment Brief
3.	Respondent's Assessment Brief

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.*