

**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 Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

C. Griffin, PRESIDING OFFICER

D. Julien, MEMBER

J. Mathias, MEMBER

This is a complaint to the Composite Assessment Review Board (CARB) in respect of a Property assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER: 125115303

LOCATION ADDRESS: 2105 – 90 Avenue SW

HEARING NUMBER: 59227

ASSESSMENT: \$53,600,000.

This complaint was heard on 18th day of November, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- J. Weber

Appeared on behalf of the Respondent:

- J. Toogood

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

There were no matters pertaining either Procedure or Jurisdiction brought forward at this Hearing.

Property Description:

The property under complaint is a large, sub-urban located apartment complex which, according to the City of Calgary Multi-Residential Detail Report, contains a total of 326 suites. The complex is comprised of 12 individual buildings. Seven of the buildings are low rise in design and contain a total of 100 suites, 3 of the buildings are townhouse in design and contain a total of 64 suites and the remaining two buildings are hi-rise in design and they contain a total of 162 suites. The complex was originally constructed in 1968.

Issues:

While there are a number of inter-related grounds for complaint identified on the complaint form, at the Hearing the Complainant confirmed, as identified on page 3 of Exhibit C-1, that there is only one issue to be argued before the CARB and it is:

1. The assessed Gross Income Multiplier (GIM) is too high and is inequitable.

Complainant's Requested Value:

The Complainant's requested assessment is: \$51,260,000.

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

It is the contention of the Complainant that the Assessor has applied a GIM that is appropriate for hi-rise developments but is inappropriate for the subject property as it consists of a mixture of low-rise, townhouse and hi-rise buildings. The Complainant maintains that as the subject property is more than 50% low-rise and townhouse in design the more appropriate GIM would be the 11 applied to this category of property as opposed to the 11.5 applied to the sub-urban hi-rise inventory. In support of their argument, the Complainant introduced (Exhibit C-1 pg 13) thirteen (13) assessment comparables where a GIM of 11 has been used. These properties range in size from a low of 48 suites to a high of 330 suites.

The Respondent contends that a GIM of 11.5 is applied to all sub-urban hi-rise apartment properties and explained that this GIM has been applied to the subject property as the hi-rise component is the single largest component of the property. By way of equity comparisons the Respondent introduced (Exhibit R-1 pg 31) a 2010 Assessment Comparables Multi-Residential High Rises chart showing 4 sub-urban hi-rise properties all being assessed with a similar 11.5 GIM.

The CARB notes that the hi-rise component of the subject property constitutes 49.69% of the total while the low-rise component comprises 30.68% and the townhouse component comprises 19.63%. The CARB further notes that the subject property, while consisting of various components, is one entity with a single roll number. The property cannot be sold other than as a whole. While it may be more accurate, from a site specific appraisal point of view, to value the separate components and to combine these into one aggregate total value, in a mass appraisal, such as is required of the Assessor, it is equitable to apply the GIM appropriate to the single largest component of the property to the property as a whole. The CARB further notes that the requested value of the Complainant constitutes less than a 5% differential from the existing assessment and there is *jurisprudence constante* to support the position that being within 5% is considered to be representative of market value.

Board's Decision:

The assessment is **confirmed** at: \$53,600,000.

DATED AT THE CITY OF CALGARY THIS 26th DAY OF NOVEMBER 2010.



C. J. GRIFFIN
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.*