

**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-26.1, 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 Property assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER:	067024307
LOCATION ADDRESS:	505 4 Ave SW
HEARING NUMBER:	59902
ASSESSMENT:	\$56,510,000
Residential:	92.16%
Non-Residential:	7.84%

This complaint was heard on 23rd day of November, 2010 at the office of the Calgary Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant:

- *J. Weber* *Agent, Altus Group Ltd.*

Appeared on behalf of the Respondent:

- *J. Toogood* *Assessor, The City of Calgary*

Procedural or Jurisdictional Matters:

Both parties acknowledged that the issue and evidence regarding the Gross Income Multiplier (GIM) was identical to a prior hearing (59903) for a Beltline apartment building at 123 10th Avenue SW. The referenced hearing took place in front of the same CARB panel on November 12, 2010 and the Complainant's evidence was also presented by Mr. Weber, with Ms. Bazin present for the Respondent.

Accordingly, both parties were satisfied with providing their evidence on this issue as written submissions only, carrying forward their argument and comments from hearing 59903.

Property Description:

The subject is a 29 storey, 289 suite high-rise rental building, located in the central downtown district of SW Calgary, known as London House. Built in 1968, it contains a suite mix of 191 one bedroom, 96 two bedroom and 2 four bedroom units. These are assessed with rental rates of \$1,150, \$1,300 and \$3,500 per month respectively. A 5.00% vacancy allowance and 13.00 Gross Income Multiplier (GIM) was applied to arrive at the current assessment for the residential portion. Additionally, there is a commercial component consisting of 9,795 square feet of retail space on the main floor assessed at \$275 per square foot and 8,680 of office space at \$200 per square foot. This property is assessed as "Average Plus" quality. The residential assessment amounts to \$52,084,890 (92.16%) and the non-residential assessment amounts to \$4,429,625 (7.84%). The combined 2010 assessment is truncated to \$56,510,000.

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 are three remaining issues to be argued before the CARB :

1. The assessed rents are in excess of market value
2. The assessed GIM is in excess of market value
3. The subject is not assessed equitably with competing properties

Complainant's Requested Value:

\$47,530,000*

* revised at the hearing to correct an error (incorrect commercial value was used) and based on a reduction in the GIM applied to Beltline and Downtown properties from 13.0 to 12.19, along with an adjustment to the rent rates. The assessed typical vacancy and the assessment for the commercial portion were not contested.

Exhibits Presented

- C1 Complainant's evidence package
- R1 Respondent's evidence package

Board's Findings in Respect of Each Matter or Issue:**1. Rent rate**

The Complainant proposed a revision to the rent rates based on recent lease signings in the subject shortly before the valuation date. The Complainant provided a rent roll dated July 2, 2009 which gave ample and relevant evidence in support of the following rent rates: one bedroom units at \$1,000, two bedroom units at \$1,200 and four bedroom units at \$2,000 per month.

The Respondent defended the assessed rent rate based on equity only with one other "Average Plus" and two "Good" high-rise rental buildings. There was no rent roll for the subject, nor any evidence regarding the derivation of the "typical" rent rates. The Assessor acknowledged that the assessed rents appear to be on the aggressive side, based on a review of the subject rent roll.

The Board therefore accepted the Complainant's EGI request as the best evidence of market typical income for this property.

2. GIM

The GIM of 13.0 was shown to be assessed uniformly to all Beltline high-rise properties. It is therefore equitable for similar properties with a similar location. A distinction is made for high-rise rental buildings in suburban locations, where a GIM of 11.5 is used. The Complainant's equity evidence regarding the GIM was limited to a table of suburban high-rises. This evidence was unconvincing to suggest that Downtown / Beltline properties would have an equivalent value to Suburban properties, all things being equal other than location. There is simply an insufficient database of sales to draw such a correlation with reasonable certainty.

Notwithstanding equity, the Complainant focused on a market GIM analysis, with a resulting request for a revised GIM of 12.19. This was based on an analysis of three Beltline high-rise buildings ranging in size from 33 to 84 suites. The three buildings are: Centennial House (930 15 Ave SW), Premier Place (1122 15 Ave SW) and Aldrin House (915 13 Ave SW). All were built in the 1970s. These three properties were the only sales of large rental apartment buildings that occurred within the year prior to the valuation date, and that were considered by the Assessment department to be 'valid' market sales.

The Respondent did however introduce a 2009 downtown west end sale of a 121 suite high-rise, referred to as the Sundial Apartments, located at 835 6 Ave SW. This occurred very close to the valuation date on April 2, 2009 and indicated a GIM of 12.48 according to the City GIM study. The Respondent's contention was that this was however an inferior building, since it was purchased by the Calgary Drop-In & Rehab Centre Society with the intention of providing a mix of subsidized and market-priced units. The Board reviewed the Real Net sales report for this transaction, and could find no evidence to support the City's contention that the property could be considered in poor condition or in any way inferior. The evidence simply shows it to be a

arm's length market sale.

The CARB notes that the Complainant's *Altus Downtown/Beltline GIM Study* has flaws in that an incorrect assumption was used regarding time-adjustment on sales prices along with an incorrect sale price for the Premier Place property. Referring to the GIM study presented by the Respondent, the CARB found that the Emerald Place property was an outlier and should not be given consideration as the sale price had evidently been negotiated approximately one year prior to the closing date at the peak of the market in 2007. Similarly, the Varsity Square property was also considered inappropriate given its suburban location. The sale involving Hillsboro Tower shows a 16.23 GIM according to the City analysis, which clearly does not fit with the other evidence. The Board notes that Hillsboro Tower has a large commercial component, which could skew the GIM if the commercial portion was undervalued. Accordingly the CARB is of the view that four properties should legitimately be incorporated into the 2010 Downtown/Beltline GIM Analysis, those being: Sundial Apartments, Centennial House, Premier Place and Aldrin House. After a thorough analysis of these four sales, the CARB finds insufficient evidence to conclusively warrant any significant adjustment to the assessed GIM.

3. Equity

The equity argument related to the rent rate in terms of the building classification used by the City. A building at 924 7 Avenue SW was used as the sole equity comparable; however this property was considered to have a lesser quality rating by the Respondent. The Board considered this to be a weak argument. The issue of the rent rate was better dealt with in terms of the building's performance as evidenced by the rent roll.

4. Conclusion

The Complainant did not contest the commercial valuation of \$4,429,625. The CARB accepted the assessed GIM of 13.0. Applying this to the Complainant's requested EGI of \$3,536,280 results in a revised total of \$50,401,265 (truncated to \$50,400,000).

Board's Decision:

The Board **reduced** the assessment to **\$50,400,000**. This alters the residential / non-residential ratio slightly to 91.21% residential and 8.79% non-residential.

DATED AT THE CITY OF CALGARY THIS 17th DAY OF December 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.*