

**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, Section 460, Revised Statutes of Alberta 2000 (the Act).

between:

V. Rempel, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

Mr. J. Noonan, PRESIDING OFFICER

Ms. Y. Nesry, MEMBER

Mr. I. Fraser, MEMBER

This is a complaint to the Calgary Assessment Review Board in respect of a property assessment prepared by the Assessor of The City of Calgary and entered in the 2012 Assessment Roll as follows:

ROLL NUMBER:	037135605
LOCATION ADDRESS:	2724 Brentwood Bv. NW
FILE NUMBER:	65121
ASSESSMENT:	\$1,140,000.

This complaint was heard on the 31st day of July, 2012 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- *No appearance*

Appeared on behalf of the Respondent:

- *Mr. S. Cook* *Assessor, City of Calgary*

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

[1] The Composite Assessment Review Board (Board) is governed by the *Municipal Government Act (MGA)* and the regulation *Matters Relating to Assessment Complaints (MRAC)* 310/2009. Both the Act and regulation anticipate a complainant not appearing at a hearing. Apropos this file, the Board notes *MRAC* s 16(1):

Parties to a hearing before an assessment review board may attend the hearing in person or may, instead of attending in person, file a written presentation with the clerk of the assessment review board.

[2] The hearing was scheduled to commence at 9:00 AM. After dealing with other matters the hearing commenced at 9:29 AM without the Complainant.

Property Description:

[3] The subject is an eight suite low-rise apartment building constructed in 1962.

Issues:

[4] Is the subject assessment equitable in comparison to assessments of similar neighbouring properties? In particular, is it equitable in comparison to the assessment of 2728 Brentwood Blvd?

Complainant's Requested Value: \$900,000.

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

[5] The Board reviewed an email sent to the Assessment Review Board June 6, 2012 by the property owner and accepted it as the Complainant's evidence. The email noted the neighbouring property at 2728 Brentwood Blvd was exactly the same type and size as the subject, an eight suite apartment building, and built at the same time. The neighbour carried an assessment of \$850,000 and the subject, an assessed value of \$1,140,000. While the subject had been better maintained than the neighbouring property and should be valued higher, the Complainant felt the 25% difference was extreme. Attached to the complaint form were the basic assessment details of the subject property and three other low-rise apartment buildings in close proximity to the subject.

[6] The Respondent presented copies of the Assessment Request for Information (ARFI) returns from the subject property and the neighbouring 2728 Brentwood Blvd. The returns showed the subject was achieving monthly rents in the range of \$750-\$800 and the neighbour

\$630. The subject had been assessed at a typical rent level of \$775 as an average quality apartment; the neighbour was considered to be in fair condition, and the typical rent for that category was only \$575. Vacancy and Gross Income Multipliers (GIM) were the same for these buildings; the assessed values differed because the typical rents attributed reflected the different condition ratings. Four assessment comparables were also presented, showing typical rents for different condition buildings and different suite mixes. All had been accorded the same vacancy allowance and GIM, with the exception of one larger twelve-suite building where a different GIM was applied. The Respondent argued that the comparables demonstrated the subject had been treated equitably, and urged the Board to confirm the assessment.

[7] The Board noted that the subject is achieving the rents expected as typical for the average quality low-rise apartments in the market area. The Respondent's evidence regarding the property at 2728 Brentwood showed it to be inferior to the subject in generating income. The Board is satisfied the subject is being treated equitably. Attached to the complaint form were details of the assessments of some neighbourhood apartments, including the immediate neighbour at 2728 Brentwood. Another building at 2720 Brentwood had been noted by the Complainant as being completely upgraded and charging higher rental rates. This property was one of the four comparables submitted by the Respondent, and it was shown that its seven suites were attributed higher rents than the levels applied to average quality buildings.

[8] Close inspection of the subject's ARFI return found a discrepancy between the City's record of the subject as having eight one-bedroom apartments, and the owner's description of four one-bedroom and four bachelor units. The one-bedrooms are described as measuring 600 sq.ft. and the bachelors as 530 sq.ft. The Complainant might be well served in future by contacting the Assessment Department and clarifying the suite mix, as attributed rents might change.

Board Decision:

[9] The Board confirms the assessment at \$1,140,000.

DATED AT THE CITY OF CALGARY THIS 14th DAY OF September 2012.


J. Noonan
Presiding Officer

APPENDIX "A"**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

NO.	ITEM
1. C1	Complainant Disclosure
2. R2	Respondent Disclosure

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.*