

**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

***Bank of Nova Scotia Properties Inc.
(represented by Altus Group Ltd) COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before

***L. Yakimchuk, PRESIDING OFFICER
A. Blake, MEMBER
J. Pratt, 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 2011 Assessment Roll as follows:

ROLL NUMBER:	068080902
LOCATION ADDRESS:	218 8 Ave. SW
HEARING NUMBER:	64143
ASSESSMENT:	\$2,150,000

This complaint was heard on October 20, 2011 at the office of the Assessment Review Board located at Floor Number 4, 1212 - 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant:

- *S. Sweeney-Cooper, Altus, complainant*

Appeared on behalf of the Respondent:

- *E. Borisenko, City of Calgary Assessment Business Unit*

Jurisdictional and Procedural Matters:

The Complainant, Ms. Sweeney-Cooper, and the Respondent, Ms. E. Borisenko, asked that File 64143 and 64144 be heard together as they were being argued with identical disclosure. Upon examination of the materials, the Board concurred and both arguments were heard together.

Property Description:

220 – 8 Ave. SW is the McKay Dippie Building, a CS2100 Commercial Retail property on Stephen Avenue Mall. The site covers 3,342 square feet, with 7,893 square feet of rentable area. It is an A class building constructed in 1912 and has an assessed value of \$2,150,000.

Issues:

Does the assessment reflect an equitable rental rate for the property?

Complainant's Requested Value: \$1,670,000

Board's Reasons for Decisions in Respect of Each Matter or Issue:

Ms. Sweeney-Cooper, (Altus) on behalf of the Complainant, stated that the subject property should be assessed at a lower rental rate of \$10/sq. ft. for upper floor office space, \$33 for main floor retail space, and \$5 for storage space. Current assessment shows rents of \$20, \$33, and \$8 respectively for each of the areas.

To support her argument, Ms. Sweeney-Cooper provided comparables on the same street which were assessed at the lower rates (C-1, p.14-19).

Ms. Borisenko, on behalf of City of Calgary, provided "A" class comparable buildings on the mall which were assessed at the same rates as the subject building (R-1, p.21). She pointed out that three of the buildings on the Complainant's list of comparables did not have an office component. On questioning, she informed the Board that the subject building is an "A" class building, but the comparables provided by Ms. Sweeney-Cooper are "B" class.

The Board determined that equitable assessments must be made among similar buildings. Therefore, the rate for "A" class buildings would be applicable in this case.

Board's Decision:

Assessment is confirmed at \$2,150,000.

DATED AT THE CITY OF CALGARY THIS 9th DAY OF November 2011.



Lana Yakimchuk
Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
2. R1	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.*

This information is for MGB Records Only

File Number	Roll Number	Subject Type	Issue	Detail	Sub-Detail
2547	06808092	CARB	Rates	Downtown Office/Retail	Class