

BOYAK & ASSOCIATES LIMITED

QUALIFICATIONS OF MARK B. BOYAK

July 2010

EDUCATION:

Graduate of McMaster University, Hamilton, Business B.A. (1973)

PROFESSIONAL QUALIFICATIONS:

- FRI** • Fellow, Real Estate Institute of Canada, October, 1979
- AACI** • Designated Appraiser of the Appraisal Institute of Canada, Certificate #2126, September 1981, Recertified to September 2012
- SR/WA** • Senior Member of the International Right-of-Way Association Registered #3048, March 1982 Re-certified to June 2010

CERTIFIED ARBITRATOR • Arbitration & Mediation Institute of Ontario Inc., as of March 1996

BOARD OF NEGOTIATION • Part-time Member from March 2005 until April 2010

REAL ESTATE BROKERAGE • Broker of Record. Recertified to October 2010.

ENVIRONMENT CANADA – ECOLOGICAL GIFTS SEMINAR • Completed appraisal workshops 2001, 2206, 2007.

AREAS OF EXPERTISE:

Formed own Appraisal and Brokerage Company as of November 1991, incorporated October 1997 as Boyak & Associates Ltd., specializing in ICI, litigation and expropriation, property assessment, counselling and negotiation, right-of-ways, market surveys, mediation and arbitration.

From 1979 to October 1991 local brokerage firm; active in appraising and selling commercial, industrial and residential property, also active in Assessment Review and Court appearance. Partner in firm as of January 1988.

Formerly employed by the City of Hamilton as Senior Property Officer Appraiser, November 1975 to January 1979.

EXPERT WITNESS ACCEPTED AT:

Supreme Court
Assessment Review Board

Unified Family Court
Board of Negotiation under the Expropriation Act

Arbitration Hearings
Ontario Municipal Board

PROFESSIONAL MEMBERSHIPS:

- Member • Appraisal Institute of Canada (AIC)
- Director • Ontario Association of AIC, 1984 - 1990
- Member • Realtors Association of Hamilton-Burlington (RAHB)(Formerly (HBDREB)
- Charter Member • Commercial Council, (RAHB) (formerly HBDREB)
- Member • International Right-of-Way Association
- Member • Arbitration and Mediation Institute of Ontario Inc., Real Estate Division
- Member • SOARS – Society of Ontario Adjudicators & Regulators; Adjudicator Training Course (ATC) February 2006

COMMUNITY ACTIVITIES:

- Region of Hamilton-Wentworth Task Force on Sustainable Development, 1990 to 1993
- Central Area Plan Implementation Committee, City of Hamilton, 1986 - 1990
- Hamilton Mountain Sunrise Rotary Club, 1988 to 1999 (Charter Member & Past President)
- Hamilton & District Extend-A-Family, 1989 (Past President)
- High Density Residential Study Advisory Committee for the City of Hamilton, 1988
- Hamilton Chamber of Commerce, 1995 to Present
- City of Hamilton Downtown Renewal Committee

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**SPECIALIZING IN ICI, LITIGATION & EXPROPRIATION, PROPERTY ASSESSMENT, COUNSELLING & ARBITRATION,
RIGHT OF WAY & MARKET SURVEYS – MARK B. BOYAK, REAL ESTATE BROKERAGE, BROKER OF RECORD**

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SUMMARY OF RECENT ASSIGNMENTS

July 2010

- Highway #407 @ Highway #401 area; Hwy #6 Hamilton and QEW/Victoria Avenue, Lincoln expropriation appraisals for various Expropriation Authorities/property owners.
- Apartment buildings in the Hamilton area for Power of Sale and financing purposes.
- Halton School Board, City of Burlington, Hamilton Board of Education, City of Hamilton - valuation of excess lands and improved based on Highest and Best Use studies.
- Valued government buildings in Southern Ontario on behalf of the Province, i.e. Court House in Brantford.
- Industrial Assessments, Niagara Falls, twelve properties reduced by 40% each.
- Stoney Creek plaza assessment appeal, **tax savings of \$38,000.**
- Stoney Creek industrial building, 66,000 square feet on 9.58 acres; assessment reduced by 25%; **tax savings equate to \$40,000.**
- Provided a commercial rent survey to assist banking institution or landlord in settling lease dispute.
- Valuation of gas stations and commercial sites in Southern Ontario for various petroleum companies, i.e. Esso, Shell, Sunoco, Petro Canada, Pioneer, Rainbow.
- 1997, 2000, 2006 appraised 180,000 square foot industrial building in Burlington to assist in financing.
- Valuation of 100,000 square foot shopping plaza in Southern Ontario for financing purposes, as well as 110,000 square foot Big box Outlet and 10,000 to 20,000 square foot plazas.
- December 2007 appraisal of a 100,000 square foot office building in Burlington.
- Valuation for fire insurance claim for major Commercial in downtown Hamilton.
- Valuation of Hamilton International Airport lands for lease purposes, ongoing 1997 to present.
- Pipelines/Easements/Waterlots for various agencies and owners, i.e. Hamilton & Port Credit Harbour.
- CPR valuation of Hamilton railway yard; Port McNicoll 800 acre excess lands, waterlots, including serviced land and port facilities.
- OMB; Expert Witness on behalf of MTO re QEW at Lincoln; Decision #0132, File #L990626, January 2004, accepted Boyak's valuation analysis.
- Valuation of hospital facilities in Hamilton for Ontario Realty Corporation (ORC).
- Supreme Court of Ontario, Development land analysis 1986 and 2003, 2005 Decision favourable.
- OMB – Expert Witness on behalf of the City of Hamilton based on Subdivision Approach; OMB File #M040006; Accepted my Valuation Analysis.

2010/11 Work in Progress

- Public school valuation based on conversion to other commercial uses for private sector and/or redevelopment.
- Valuation of residential development land in Burlington, Hamilton and Stoney Creek for acquisition and sale purposes.
- Real Estate Advisor for Chedoke Health Corp (excess land / hospital facilities) 1991-Present.
- Real Estate Advisor for Hamilton Health Sciences, 2003 – Present.
- Real Estate Advisor for Hamilton International Airport, 1997 - Present.
- Real Estate Consulting: regarding real estate assessment; Revenue Canada Capital Gains issues; local municipality parkland dedication; commercial rent review for arbitration purposes.
- Arbitration/Mediation issues regarding real estate i.e., lease renewal disputes, partnership disputes.
- **Note:** From March 2005 to April 2010 I was a part-time Member of the Board of Negotiation, Province of Ontario.

If it's an unusual real estate challenge or potential court issue, I beam at the opportunity.

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