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SAINT JOHN SMILES



Photographs Courtesy of Heather McBriarty

Four Centuries of Confusion

On St. Jean Baptist's Day 1604, Samuel de Champlain discovered the mouth of a mighty river, named it after the prophet, and thus sowed centuries of confusion amongst travellers intent on arriving at Saint John, NB ... or St. John's, NL. The St. John River is born in Maine and raised in New Brunswick. Already a sturdy stripling when it crosses the border at Edmundston, it gains girth as it travels southwards through the province on its 673 kilometre search for the sea. Finally, its quest in sight, it tumbles down a gorge in the heart of the city that bears its name, into the welcoming embrace of the Bay of Fundy. Well, not that welcoming ... twice a day Fundy's tides rise 28 ft. and push the river back again, reversing its flow over rapids in the gorge, to create the City's famous Reversing Falls. The City of Saint John is an entrepôt centre; it owes its existence to the meeting of river with ocean. In the beginning its raison d'être was the fur trade. Charles de Saint-Étienne de la Tour, appointed by the French King as Governor of Acadia, established a fort and storehouses on the banks of Saint John harbour. Moose, beaver and otter skins were carried by fleets of canoes down the St. John river. Charles La Tour died in 1666 and his fort, then a British

possession, was renamed Fort Frederick in 1758. Twenty or so years later it was destroyed in the American Revolutionary War and a replacement, Fort Howe, was erected nearby to assuage the concerns of newly arriving Loyalist refugees. The two adjacent communities were amalgamated by royal charter in 1785 to become the City of Saint John, the first incorporated city in what would become Canada. In common with much of Atlantic Canada the city prospered during the 1800s: trade through the port, shipbuilding, brewing, and break bulk activities underpinned the economy. The Canadian Pacific Railway connected Saint John to Montreal and the rest of the continent in 1889. Even the great fire of 1877 which destroyed a large part of the central business district was but a temporary setback. Most of it was rebuilt in three years and today provides the city with a twenty (20) block treasure trove, the Trinity Royal heritage preservation area. The 1900s were a period of decline, stemmed in part by two world wars and the dynamic growth of the Irving empire which is still centred in the city. During the 1970s Saint John, adopting the religion of that era, embarked on an orgy of road construction and slum clearance, resulting in an unhappy melange of buildings isolated by vacant lots, and neighbourhoods divorced by highways. Much of the central business district however, retained its character and human scale, assisted in no small part by the designation of Trinity Royal as a heritage preservation area in 1982, and the opening of the \$100 million Market

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Square complex in 1983. The latter incorporates the facades of the three storey Victorian warehouses fronting Market Slip and is a multi-level shopping centre boasting an eclectic mix of stores, restaurants, pubs, the New Brunswick museum and the public library. It also anchors one end of the Inside Connection, the city's internal pedway system.

The population of Saint John has declined steadily over the past 35 years: the city has promised more than it can deliver. It is hard however not to be impressed with the city's spirit, vitality and optimism. There are signs that finally its time might have come. Despite the disappointment over the shelving this year of Irving Oil's second refinery, their Canaport LNG terminal project, jointly owned with Repsol, is now operational. Completed too is Emera's pipeline which carries natural gas from Canaport 145 km across the province to interconnect with the Maritime and Northeast Pipeline near St. Stephen on the Canada/U.S. border. In this article we review other signs of Saint John's revival: real estate developments on the western side of the central peninsula, the Uptown downtown.

Uptown Downtown



Saint John refers to its downtown as Uptown: an appropriate appellation from a city whose glass is always half full. In 2002, alarmed by the loss of its youth to greener pastures elsewhere Saint John took stock, identified the inner harbour and the Uptown waterfront as its key assets for creating employment and a unique urban environment, and commissioned a visionary land use plan. The Saint John Inner Harbour Land Use

Plan and Implementation Strategy identified sites that were ripe for redevelopment on the western side of the Central Peninsula including the Uptown downtown and its environs, and articulated a fifteen year vision for its resuscitation. Perhaps it was born out of desperation, a community that loses its youth has no future, but it was undeniably a brave decision. Six years have passed ... enough time to determine whether the Plan was really a vision, or simply a dream. Our aerial photograph shows the commercial area that was the principle focus of the Plan, together with the Trinity Royal heritage preservation area. Technically the latter fell outside the Plan boundary; however, recognising that it was a key component of any revival, the planner took the liberty of including it. In addition the Plan addressed the residential potential at the south end of Central Peninsula at Lower Cove and the former Lantic Sugar site. This area lies to the south of the aerial photograph.

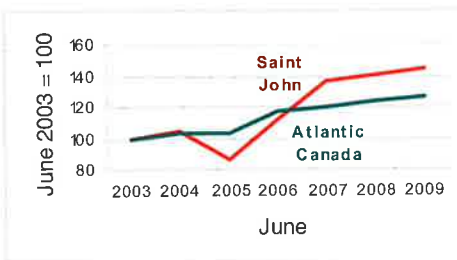
Strategy

The Plan's strategy was to anchor the city's heart to its historical roots, Fort LaTour and the Trinity Royal preservation area; and to its natural attributes such as the Reversing Falls; whilst capitalising on the benefits

(commerce, aesthetics, interest) of its working harbour. The waterfront was to be accessible to the public via a trail network called Harbour Passage, which threaded together a system of parks, heritage sites and recreational spaces. Key sites were to be redeveloped along the waterfront at Long Wharf, Smythe Street, Coast Guard, Cruise Ship Terminal (Pugsley Park and Pugsley Wharf), Lower Cove, Round Reef

Marine Park/Lantic Sugar Precinct and the South Peninsula Urban Village Precinct. Behind the waterfront, redevelopment opportunities were identified along Water Street and within the Trinity Royal heritage preservation area.

Economic Analysis



The Saint John Inner Harbour Land Use Plan and Implementation Strategy was published in November 2003. To some degree the local economy is buffeted by external factors over which it has little control and it is difficult to disentangle the two. However it is instructive to look at the economic performance of the area covered by the Plan after it was implemented. Our Economic Intelligence Unit gathers information on office demand and supply every six months in each of the six major urban centres in Atlantic Canada including Saint John. We can therefore assess Saint John's performance by benchmarking it against the entire region (excluding Saint John). Our survey is extensive; we collect information on every office building with a rentable area $\geq 10,000$ ft.², that is available for rent. In aggregate our survey covers 468 buildings with a total rentable area of 19 million ft.². In Saint John we survey 52 buildings with a total rentable area of 2 million ft.². Property managers are very co-operative, almost 100% of them complete our survey instrument. We have graphed office demand for Saint John against the remainder of Atlantic Canada (HRM, Charlottetown, Moncton, Fredericton, St. John's) using June 2003 as our baseline 100 index. (The indices prior to June 2006 are based on a similar, but smaller survey conducted by Cushman and Wakefield, LePage. We have attempted to correct for the discrepancy in the survey size by using an algorithm, but counsel caution when comparing post June 2005 figures with the earlier data). As is evident from the graph, Saint John office demand has moved strongly ahead of the rest of the Atlantic Region since June 2006.

Development Activity

One of the strongest suits in Saint John's favour is the Irving family. Their various branches still locate their respective head offices in the City, a benefit not only in terms of employment, but also because of their real estate activities. One of the Irving companies, Commercial Properties Limited, started to restore a city block of Victorian era buildings located in Trinity Royal in 2002, before the Plan was conceived. That development, named after its anchor tenant CenterBeam, an American IT company, was substantially completed in 2008. **CenterBeam Place** comprises 100,000 ft.² of office and retail space. The restoration is of exceptional quality and sensitivity. The property is fully leased. **Long Wharf** is also being developed by an Irving company, Fort Reliance, the parent of Irving Oil. It is to be the site of their \$30 million four storey head office which will house 1,000 employees. The Federal Government is leasing them the land for 99 years. The pre-construction phase, driving 300 piles into the bedrock below the site, is now underway. The Saint John Port Authority is retaining ownership of the water frontage for use as a secondary cruise ship terminal. The balance of the site will be developed for public use: it is on the Harbour Passage trail and adjoins Fort LaTour. Eventually the entire Long Wharf site will have a pedestrian bridge connecting it to the central business district.

The Red Rose Tea Building restoration was completed in 2001, well before the Plan. Restoration of this iconic building began two years earlier with the support of the City's Preservation Board. The five storey, 26,000 ft.² former factory was erected in 1903 and used for blending and packing tea. It has been beautifully restored for office use by its owners Red Rose Developments. It is fully leased.

Market Square's owners, The Hardman Group are currently building a three storey, 40,000 ft.² office addition to accommodate the expansion of Genesys Telecommunications Laboratories, an American software company who already lease space in the complex.

The Coast Guard site redevelopment proposal call was won by The Hardman Group though we understand that the sale has not yet been finalised. Their proposal envisages a \$75 million mixed use project incorporating an hotel, condominiums,

office and retail space.

The Marco Polo Cruise Terminal, built at a cost of \$12 million, was officially christened this year. The 16,000 ft.², two storey brick building also accommodates the Saint John Port Authority's executive offices. Its architecture blends in with the adjacent Victorian Trinity Royal heritage preservation area and has Palladian style windows. The 5,900 ft.² Great Hall and contiguous 4,300 ft.² Assembly Hall have 35 ft. and 20 ft. ceilings respectively and large windows overlooking the harbour, Water Street and Harbour Passage. They can be rented for receptions and trade shows.

The Water Street reconstruction commenced in 2005: Saint John Port Authority demolished the Pugsley Sheds (now the site of the Marco Polo terminal), and the City started their \$3.5 million revitalisation. The work was completed a year later and Water Street is now incorporated into the Trinity Royal heritage preservation area. The revitalisation is spurring new construction. This year the Ellerdale Group started construction on **Harbourfront Residences at Three Sisters**, a 139 unit condominium development on the periphery of Trinity Royal overlooking the Cruise Ship terminal. Phase 1 (78 units) will be completed in June 2011 and Phase 2 (61 units) in December 2011.

Peel Plaza - this project lies outside the Plan boundaries. It will cover six city blocks and accommodate a new police headquarters, a Department of Justice building and a 500 space car parking facility. A joint project of the City, the Provincial Department of Justice and the parking commission it is unique in that it retains the historic street grid and incorporates open spaces between buildings to invite the public into the complex and create a sense of ownership. This project is being approved in stages but construction has not yet started. Some City Councillors have recently voiced their opposition to the \$28 million police station suggesting that it be located elsewhere and the site be developed for residential use instead.

Harbour Passage was officially designated as part of the Trans-Canada Trail on 17th May 2008. It now runs northwards from Lower Cove along the western side of Central Peninsula, through the central business district to

Long Wharf, Fort LaTour and the Reversing Falls.

☎ *Our New Brunswick office, located in Saint John, will officially open on 1st January 2010. Please call André Pouliot (Property Tax), Rick Escott (Valuation), Mark Turner (Everything Else) at 1-800-567-3033 for assistance.*

PROPERTY TAX DIVISION

Nova Scotia



Clayton Park, Halifax, Nova Scotia
(\$38,247/annum in tax savings)

As summer fades into fall, Nova Scotia municipalities celebrate the season with a harvest of property tax bills. The annual ritual is particularly unpleasant this year because the economy is mired in recession, with the recovery still a hoped for two or more years away. Unless you appealed your assessment during the 21 day period which ended on February 16th there is nothing you can do about your 2009 tax bill. Time then to prepare for your 2010 property taxes *before* you have to pay them.

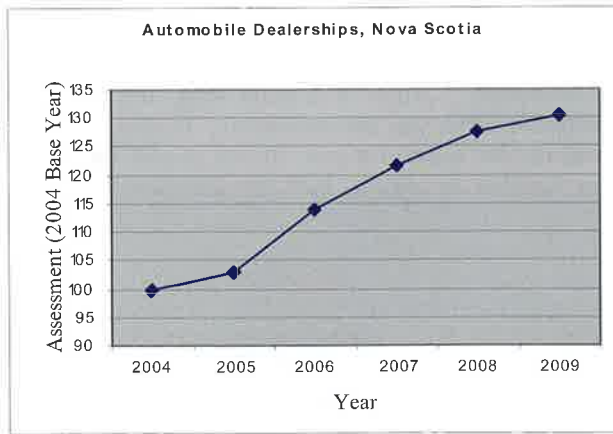
Ten years ago, in one of those Eureka moments that so rarely bless the body politic, the then (Liberal) Minister responsible for property assessment decided to publish the following year's assessment roll before the event. This "pre-roll" was made available to property owners and ourselves in June, so that problems with over-assessments could be corrected prior to publishing the official assessment roll on which municipalities base their budgets. This pre-roll offered a concomitant benefit to commercial taxpayers: they too could better budget their property tax burden. The Minister alas, did not survive (politically), but her policy prevailed for six years, a beacon of common-sense adrift in the barrens of bureaucracy. In 2007, provincial politicians doing what they do best, shifted responsibility for property assessment from the Province to the Property Valuation Services Corporation

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(PVSC) a “not for profit” corporation controlled instead by the municipalities. The PVSC promptly cancelled the assessment pre-roll on the grounds that they were “upgrading” their computer system. They have never officially reinstated it but, faced with a consequent increase in appeals, agreed last year to negotiate assessments on a property by property basis, as they completed their calculations. So it is again this year. Seize this opportunity: it is to your advantage to do so! By adopting a pre-emptive stance you avoid the time, risk and expense of a formal appeal next January: more importantly the negotiation should be less adversarial because the assessor is not in the position of “defending” the “official” assessment roll. If you own an apartment or multi-tenant office, industrial or retail property and omitted to complete PVSC’s Income and Expense Questionnaire in 2008, this will be your *only* opportunity to address your 2010 assessment because your right of appeal will be denied next January. If your property is enrolled in our PAMS™ Property Tax Manager program, we will commence negotiations with PVSC as they release their 2010 calculations. If your property is not yet PAMS™ protected hang your head in shame at this feckless disregard for fiscal responsibility ... or call our Nova Scotia Tax Team, Giselle Kakamousias or Mark Turner at 1-800-567-3033 toll free (429-1811 in HRM), unburden your conscience, and add weight to your wallet.

Auto Dealers



Oh what a year! Take heart though, if you have been adversely impacted by the turmoil in the automotive industry, we should be able to ameliorate your misery in 2010. Next year will be your first opportunity to utilise the recession, and its fallout, to reduce automobile dealership property assessments. We have had to wait until 2010 because the “base date” for assessment purposes is *two years prior to the assessment year* in Nova Scotia. This Machiavellian provision in the Assessment Act is unique in the Maritime Provinces and virtually ensures that assessments continue to rise for the first two years of any recession. Thus although the economics of most western countries slowed noticeably during the first part of 2008, in part because oil prices were peaking at \$150 USD per barrel, signalling the recession’s arrival, automotive dealership assessments in Nova Scotia continue to climb (see graph). Despite the financial crisis, and the devastation wrought on the North

American automotive makers, we anticipate that property assessments will again be higher in 2010 than the year earlier. Time then, to take action. If you wait until the 2009 financial crisis is fully reflected in the property assessments i.e. 2012, it will be too late. By then, the recovery should (we hope) have started, the events of 2009 will have receded from recent memory; it will be more difficult to convince the assessment department a.k.a. the Property Valuation Services Corporation (PVSC) and/or the Appeal Court that your assessment should be reduced.

Every year we save the province’s business community millions of dollars in property taxes. In HRM alone, the automobile dealership community has committed 77% of their total property holdings to our care. We audit their assessments, negotiate reductions, file appeals and appear in court on their behalf where necessary. In the Province as a whole, we provide the same service to 60% of all automobile dealership properties. It gives us a lot of negotiating power ... and knowledge. Our Assessment Database has information on \$110 million of automobile dealerships in Nova Scotia; and Compuval™, our leading edge technology platform, gives us instant access to assessment and transactional data, property photographs, mapping, satellite and aerial photographs, cost and financial data ... all designed to give us the edge in our negotiations with PVSC.

Since the base date for the 2010 assessments is 1st January 2008, we believe they should reflect the looming recession and, for the reason mentioned earlier, it will be advantageous tactically to start applying the impact of the recession on the assessments. Although PVSC are not going to publish an official 2010 “pre-roll”, they advise us that they will make the assessments available *as soon as they are prepared during the next two months*. If your property is enrolled in our PAMS™ Property Tax Manager program, no action is required by you ... we will open negotiations as soon as the calculations are available. If your property is not yet enrolled in our PAMS™ program please call Mark Turner toll free at 1-800-567-3033 (429-1811 in HRM) and he will advise you.

Newfoundland & Labrador

City of St. John’s



St. John’s, Newfoundland
(\$56,000 in tax savings)

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On September 1st, the City of St. John's mailed out its Year 2010 Assessment Notices. Since this is the beginning of the next three year assessment cycle, any tax savings achieved for 2010 will continue through for the following two years. The thirty day appeal period has now expired. If your property is enrolled in our PAMS™ Property Tax Manager program we have already filed an appeal if the opportunity exists to reduce your tax burden. If you have filed your own appeal and would like us to carry the ball, please call our Newfoundland Tax Team Rick Escott or André Pouliot at 1-800-567-3033.

The basis for your Year 2010 assessment is supposed to be the market value of your property on 1st January 2008 (the "base date"). This then is the first decision rule you should apply to test whether you are over-assessed. If the assessment is higher than the price you would get for your property on 1st January 2008, you are over-assessed. If you own a commercial property, hopefully you anted up \$200 and filed an appeal by October 1st. If you failed to do so, mark your calendar for next year. Your property may be assessed at less than its 1st January 2008 market value: "under-assessing" properties is a common ploy designed to discourage appeals and thus lighten the load of the civil servants who labour, underpaid and unappreciated in assessment departments countrywide. To avoid such a circumstance, and the inequities that would result from two similar properties which, although under-assessed, are burdened with different tax loads, the Assessment Act contains a "uniformity" provision. This provision mandates that your property has to be assessed in a uniform manner with other properties. So if, for example, the City of St. John's has under assessed properties by say 30% of their market value, your property will be over assessed if its assessment exceeds 70% of the property's market value on the base date. In order to apply this decision rule all you need do is compare your property's assessment with the assessments of similar properties: if it is higher, the Assessment Act mandates that you are overassessed and an appeal is warranted; indeed encouraged. Unfortunately during the previous re-assessment the City of St. John's Assessment Department refused to publish the assessment roll, disclosing the assessed value only to the owner of the property ... until after the Appeal Period had expired, effectively castrating this appeal section of the Assessment Act. This time too, they have employed the same subterfuge: apparently the assessment roll will not be available to the general public until January 2010. We doubt whether their strategy would stand up to a court challenge since it frustrates the intention of the Assessment Act to protect the taxpayer. However it does force property owners to appeal in order to safeguard their rights under the Act ... because they are unable to check if they are overassessed until after expiration of the appeal period. It also places them in the invidious position of having to pay \$200 for an appeal which may subsequently prove (in January 2010) to be unwarranted.

Newfoundland & Labrador (Excluding St. John's)

The Municipal Assessment Agency (MAA) is responsible for assessing properties throughout the province, outside the City of St. John's. It mailed out the Year 2010 Assessment Notices on October 2nd. You have thirty (30) days in which to appeal. If your property is enrolled in our PAMS™ Property Tax Manager program we will file an appeal if such is warranted. If your property is not yet PAMS™ protected, pay attention. If you successfully appeal your assessment, the tax savings will accrue for three years. Since this is the beginning of the next three year assessment cycle your Year 2010 assessment will probably have increased over last year's assessment. The basis for your Year 2010 assessment is supposed to be the property's market value on 1st January 2008 (the "base date") subject to the proviso that properties have to be assessed in a uniform manner. The assessment therefore has to satisfy the following two decision rules: it is over-assessed if the assessment is greater than either (1) the property's market value on 1st January 2008 or (2) the assessment of other similar properties. The MAA publish the Year 2010 assessments of other properties on their web site at www.maa.ca. If you harbour any concern that your property is over-assessed we recommend that you file an appeal. In order that you not restrict your grounds of appeal, we recommend that you use the following or similar wording "*The assessment is excessive, unfair, not uniform with other assessments, and any other grounds that may appear. Praise the Lord and pass the ammunition.*" There is a \$200 filing fee, which is refunded when you are successful. If you prefer we will file the appeal for you. If you would like advice on whether to appeal, call our Newfoundland Tax Team André Pouliot or Rick Escott toll free at 1-800-567-3033 and pick their brains.

Prince Edward Island



Tignish, Prince Edward Island
(\$10,200/annum in tax savings)

The 2009 assessment appeal period ended on 5th August 2009. We are now concluding negotiations on the appeals we filed. The Assessment Act requires that the assessment be based on the market value of the property on 1st January 2009. However, although in other respects professional, the Assessment Department abandoned any attempt to abide by the legislation in the 1990s and most commercial properties are under-assessed. This discourages appeals and would not

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matter if properties were under-assessed in a uniform manner. However such is not the case and the disparities increase each year, resulting in an inequitable distribution in the tax load. Although the Act contains no explicit "uniformity" provision, Section 28(2) which deals with appeals to the Commission requires that they "demonstrate uniformity of assessment in relation to other assessments". It is possible therefore to obtain a reduction in an assessment which is excessive compared to similar properties, even though the property itself may be assessed at less than its market value. If you have already filed an appeal for 2009 and would like our PEI Tax Team to take over, call Mark Turner or Rick Escott toll free at 1-800-567-3033.

New Brunswick



Somewhere in New Brunswick
(\$1,476,090 in tax savings)

Although the 2009 assessment appeal period closed at midnight on April 1st we continue to negotiate with Service New Brunswick, one of the country's more conscientious (and occasionally obdurate) assessment authorities. Many industries in the province have been badly hit by the recession in the United States, the collapse in its housing market, and the strong Canadian dollar. For some industries such as the sawmill sector, this has been the perfect storm. Sawmills in Eastern Canada (Ontario, Quebec, Atlantic Provinces) suffered three times the pain of their global counterparts with losses of \$37 USD per cubic metre in 2008 and even worse in 2009, according to the Halifax Herald, quoting a study by International Wood Markets Group. Nor is this merely a cyclical downturn. Canadian producers compete with lower cost mills in the Baltics, Central Europe, Chile and Brazil. This challenge is exacerbated by the rising Canadian dollar (from below 80 US cents in March to over 96 US cents on October 22nd). Between March and July lumber prices rose by 9% in Canadian dollar terms and 23% in U.S. dollars according to a September 2009 study by TD Economics. Some sawmills

have now closed permanently. Long term player J.D. Irving, Limited has closed their Weymouth, Nova Scotia mill and placed their entire 200,000 acre woodland on the market. According to published reports the purchasers are individuals and conservation groups interested in preserving the woodland for passive recreation rather than timber production. The TD Economics report noting that Canadian "production levels had fallen below the lows seen during the recession in the early '90s", pointed out that utilization rates were hovering "around 50%", and predicted "further capacity closures ... through 2010". The problem will be partially resolved when there is a long term housing recovery in the United States. Lumber production is fairly evenly split between the two countries with Canada being responsible for 45%, half of which is exported to the United States. In turn half of this is consumed by the housing market: but with housing starts at a 50 year low, and a high Canadian dollar, demand has evaporated.

André Pouliot, the Manager of our Property Tax Division is currently conducting property tax negotiations with Service New Brunswick for the owners of twelve (12) sawmills in the province. He has successfully negotiated reductions this year on three (3) mills in Nova Scotia and one (1) in Prince Edward Island. André can be reached at 1-800-567-3033 Ext. 321.

For further information on our Property Tax Division, and the services it provides to clients, visit our web site www.turnerdrake.com, crack open the popcorn and watch the video (Splash Page → Property Tax).

LASERCAD™ DIVISION

Sizing Up Saint John



We have expanded our Lasercad™ space certification and measurement service to Charlottetown, Moncton, Saint John, Fredericton, St. John's and all points in between. In the past we have conducted

some assignments in those centres, but our main focus has been HRM. However with seven staff trained in the use of our Lasercad™ system, and the relevant Standard Methods of Measurement, we are confident that we will be able to provide clients with our signature level of service.

We offer clients a different approach. Our Lasercad™ staff are university graduates progressing through our six year training program in Valuation, Property Tax, Counselling, Economic Intelligence and Lasercad™ space measurement. Before they embark on any Lasercad™ assignment they have to complete training modules on the industry accepted measurement standards (BOMA, SIOR, ULI, CREA), and on applied measurement, computer aided design and the ISO 9001:2008 quality standard. We sweat the details! Mark Turner, the Vice President of our Lasercad™ Division is one of the few Canadian members on the BOMA panel developing the new retail standard and we are the only space measurement company in the Atlantic Region certified to the ISO 9001:2008 quality standard. It makes a difference: many buildings today are mixed use (office, retail, residential or industrial). Knowledge of each standard is critical to accurate space certification ... as is familiarity with leases. We deploy laser measuring equipment: it has the virtue of speed, minimal intrusion and accuracy ... and we make sure we keep within the industry accepted 2% closing error by working to an accuracy of ≤ 0.5%. We have developed four distinct products: Space Certification Plans, Gross Up Calculations, As Built Plans, Utility Plans, so you know exactly what you will get, before you get it. And we transmit and store them for you on your own secure Client Area on our web site.

For more information on our Lasercad™ Space Measurement Division and the four products, visit our web site www.turnerdrake.com and watch the video (Splash Page → Lasercad) or call Ashley Urquhart or Dan Slipp toll free at 1-800-567-3033 (429-1811 in HRM).

Please notify us by snail mail, email, fax, telephone or foot if you would like to be removed from, or added to, our mailing list.