

**CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaint against the Property/Business assessment as provided by the *Municipal Government Act*, Chapter M-26, Section 460(4).

between:

Suncor Energy, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***Board Chair, T Golden
Board Member R Deschaine
Board Member R Glenn***

This is a complaint to the Calgary Assessment Review Board in respect of Property/Business assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER:	055066708
LOCATION ADDRESS:	839 19 St NE.
HEARING NUMBER:	57199
ASSESSMENT:	\$1,240,000.00

This complaint was heard on 19 day of July, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 12.

Appeared on behalf of the Complainant:

- *D Wegner*

Appeared on behalf of the Respondent:

- *M Berzns*

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

There were no preliminary matters

Property Description:

The subject is a free standing full service gas station including repair facilities. There is a land area of 12,020 sq ft located on the site of a neighbourhood shopping mall. This Petro Can station is assessed by the City as all service stations, that is, using the cost approach. The value of the building was not an issue.

Issues:

- 1) Is the land rate used to assess the subject property equitable?

Complainant's Requested Value:

\$516,149.00

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

- 1) Equity of land rate

The Board agrees with the City that subject property is equitably assessed.

The complainant argued that the method of assessment of the equity comparables being the income approach caused an inequitable assessment. Eight comparables were presented all of the same land use classification and all located in the NE. An assessment per sq ft ranged from \$31.00 to \$50.00. In the complainant's opinion the closest comparison is 1913 8 Av. NE as it is adjacent to the subject and of a similar size with an assessment per sq ft of \$45.00 as opposed to the subjects rate of \$104.00. It was contended many of the comparables had superior locations on 16 Av. pointing to a greater inequity.

The City stated that property in the C COR land use district are assessed at a rate of \$107.00 sq ft and supported the value with 3 equity comparable properties 1 of which are located in the NE. A second table of 3 Comparables also supported the assessment. When questioned about 1913 8 Av. NE the point was made that there is little similarity between a convenience store and a service

station.

Evidence presented to the Board was questionable from both parties and the use of two methods to produce assessments on adjacent properties can give rise to an inequity. The Board is not willing to determine the method the City uses to create assessments. However in this case the Board is of the opinion that the complainant's best comparable property at 1913 8 Av. NE being used to establish a land rate is insufficient to move the assessment to a lower level. The concern is that the evidence does not adequately prove that the same value attributed to the convenience store should be automatically applied to the subject.

Board's Decision:

The assessment is confirmed at \$1,240,000.

DATED AT THE CITY OF CALGARY THIS 4th DAY OF August 2010.



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.*