

**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(4).

between:

Suncor Energy, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Robert, PRESIDING OFFICER

A. Blake, MEMBER

P. Charuk, MEMBER

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

ROLL NUMBER:	129077103
LOCATION ADDRESS:	10120 Elbow Drive S.W.
HEARING NUMBER:	57197
ASSESSMENT (2010):	\$1,570,000

This complaint was heard on 22nd day of July, 2010 at the office of the Assessment Review Board located at Floor Number Four, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- *D. Wegner*
- *B. Matthews*

Appeared on behalf of the Respondent:

- *E. D'Altorio* *City of Calgary*
- *W. Ehler*

Preliminary Matter:

The Complainant put forward that this issue of equity has been before previous Boards in the past, and that in each case the assessments have been reduced. The Complainant requested the Board to bring forward this issue to the Minister of Municipal Affairs under Section 476.1 of the Municipal Government Act.

Property Description and Background:

Issue: The issue submitted by the Complainant is one of equity. The subject property has been assessed differently than adjoining and adjacent properties, resulting in higher assessment values. The subject property has been valued on the Cost Approach to Value while other properties on Macleod Trail have been valued via the Income Approach, resulting in lower values than the subjects.

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

The subject property is not assessed equitably with similar properties in the same area.

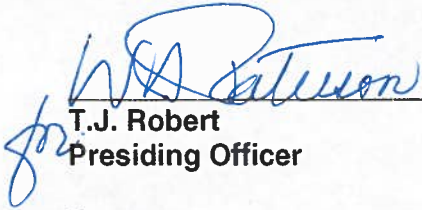
Reasons:

The subject is inequitable with similar properties in the immediate area which indicate values from the comparables presented on Macleod Trail, as well as Fairmount Drive, ranging from \$27 per square foot to \$60 per square foot for superior properties. This value, based on the income approach, is similar to the comparable when the income approach is applied to the subject based on lease rates of \$40 and capitalized at 7%. The indicated value via the income approach arrives at values in excess of the high end of the range at \$66.76.

Board Decision:

The assessment is reduced from \$1,570,000 to the requested amount of \$1,136,000.

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


T.J. Robert
Presiding Officer

TR/sd

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.*