

**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:

Altus Group Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***B. Horrocks, PRESIDING OFFICER
J. Massey, 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 2010 Assessment Roll as follows:

ROLL NUMBER:	143137107
LOCATION ADDRESS:	11808 24ST SW
HEARING NUMBER:	59004
ASSESSMENT:	\$2,720,000

This complaint was heard on the 6th day of October, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2

Appeared on behalf of the Complainant:

- Mr. A. Izard (Altus Group Ltd.)
- Mr. C. Fong (Altus Group Ltd.)

Appeared on behalf of the Respondent:

- Mr. E. Daltorio
- Mr. P. Sembrat

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

None. The merit hearing proceeded.

Property Description:

The subject property is a 1.07 acre parcel located in the Woodlands community in SW Calgary. The site contains a gas bar, carwash, convenience store and automotive service centre combined in one building. The building was constructed in 1990 and is considered to be of A+ quality.

Issues:

The Assessment Review Board Complaint form contained 18 Grounds for appeal, but at the outset of the hearing the complainant advised that a sale had occurred albeit "post facto" and he requested the Board consider the sale as the best indicator of market value.

Complainant's Requested Value: \$2,020,000

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

Issue: The assessment of the subject property is in excess of its market value for assessment purposes.

The complainant submitted an evidence package labelled C-1.

The complainant advised there had been a sale of the property to the Calgary Co-Op and provided, on page 470, a copy of an AFFIDAVIT RE VALUE OF LAND signed on September 17th, 2009 as part of the land transfer. The Affidavit identified the consideration and the current value of the land as \$2,025,000.

The respondent provided evidence package labelled R-1.

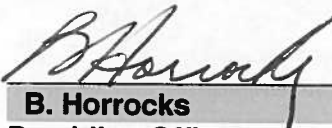
The respondent advised that the assessment had been prepared using the cost approach to value as indicated on page 7. In addition, he provided 3 purported comparables on page 10, which had also been assessed based on the cost approach. He also advised that he was aware of the sale and that the sale was valid.

The complainant submitted a rebuttal evidence package labelled C-2, and argued that it was his understanding that the cost approach was to be utilized for Special Purpose properties where there is limited or no market information. He suggested that the leasing examples he provided, on page 35 and following, was ample evidence that there is market information available for gas bar/convenience stores and that the subject should be assessed utilizing the income approach to value.. He concluded, however, by stating that the sale was the best indicator of market value.

Board's Decision:

The Board finds the sale to be the best indicator of market value. The 2010 assessment is reduced to \$2,020,000.

DATED AT THE CITY OF CALGARY THIS 14 DAY OF October 2010.



B. Horrocks
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.*