

**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, Revised Statutes of Alberta 2000 (the Act).

between:

Deer Valley Village Shopping Centre Ltd. (as represented by Linnel Taylor Assessment Strategies), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***T. Hudson, PRESIDING OFFICER
J. O' Hearn, MEMBER
J. Joseph, 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 2011 Assessment Roll as follows:

ROLL NUMBER: 149149809

LOCATION ADDRESS: 1176 137 AV SE

HEARING NUMBER: 63505

ASSESSMENT: \$5,970,000

This complaint was heard on 16th day of August 2011, at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant:

- *J. Mayer*

Appeared on behalf of the Respondent:

- *R. Farkas*

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

There were no procedural or jurisdictional matters raised by the parties.

Property Description:

The subject property is a retail strip shopping centre located on a 2.96 acre parcel, and including 26,406 square feet of improvements. The improvements include commercial retail unit (CRU) space, a pad site, a recreational area, and a combination gas bar, convenience store, car wash facility. The property is assessed on the capitalized income approach to value to a total of \$5,970,000 (rounded).

Issues:

The Complainant identified that the assessment amount exceeds market value and is not equitable when compared with the assessments of similar properties. The specific issue in dispute is the income attributed to the gas bar, convenience store, car wash portion of the improvements. The assessment is based on typical income of \$105,000. The Complainant requests a reduction to \$66,000, which reflects the actual income from a land lease signed in 2010. The Complainant views the subject location as inferior in comparison to competing properties.

Complainant's Requested Value: \$5,499, 282.

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

The Board finds the assessment reflects market value, and is equitable when compared to similar properties.

The Respondent pointed out that the typical assessed income for the gas bar must include value for both the land and the improvements. The land lease accounts for only the land value. The Complainant has not included any value for the improvements in their calculation of the assessment reduction request for the subject property.

The Complainant presented four land leases of similar competing properties. In all cases income from the land was higher than that of the subject. The Complainant suggested that the difference was the superior location of the comparables.

The Board finds the evidence insufficient to justify a reduction in the current assessment.

Board's Decision: The assessment is confirmed at \$5,970,000 (rounded).

DATED AT THE CITY OF CALGARY THIS 16 DAY OF SEPTEMBER 2011.



T. B. Hudson
Presiding Officer

APPENDIX "A"**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

NO.	ITEM
1. C1	Complainant Disclosure
2. C2	Complainant Disclosure Pt 2
3. C3	Complainant Rebuttal
4. R1	Respondent Disclosure

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.*

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<i>Decision No.1755</i>		<i>Roll No.149149809</i>		
<u>Subject</u>	<u>Type</u>	<u>Sub-type</u>	<u>Issue</u>	<u>Sub-issue</u>
CARB	Retail	Strip plaza	Income approach	Gas Bar income