

**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:

McDonalds Restaurants of Canada Ltd, COMPLAINANT (as represented by Colliers International Realty Advisors)

and

The City Of Calgary, RESPONDENT

before:

***F.W. Wesseling, PRESIDING OFFICER
H. Ang, MEMBER
S. Rourke 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: 049016504

LOCATION ADDRESS: 2665 Sunridge Way NE

HEARING NUMBER: 64608

ASSESSMENT: \$1,560,000.00

This complaint was heard on 24 day of June, 2011 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- *M. Uhryn*

Appeared on behalf of the Respondent:

- *D. Grandbois*

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

The Respondent requested that the rebuttal not be considered by the Board as it had not met the requirements of MRAC 8(2)(c) in terms of the provision of a written summary of evidence. In addition, the Respondent claimed that new evidence was being introduced by the Complainant in the rebuttal package.

The Board upheld the request by the Respondent and ruled that the rebuttal be inadmissible as the requirements as outlined in MRAC 8(2)(c) were not met in terms of the provision of a written summary of evidence.

Property Description: Subject property is located in the Sunridge Business Park and is a high visibility site just off Barlow Trail. The site contains 26,803 square feet while the building (fast food restaurant) is 2242 square feet.

The site is classified "Commercial-Corridor 3" in the City of Calgary Land Use Bylaw.

Issues: The Complainant raised the following matter in Section 4 of the Assessment Complaint form: Assessment amount

Presentation of the Complainant and Respondent were limited to:

- Assessment overstated in relation to comparable properties.
- Income approach vs land value

Complainant's Requested Value: \$860,000.00

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

Complainant's position: The property is assessed as land only and this property should be assessed at the income approach. Equity data was reviewed which indicated that similar comparable properties in this part of Calgary as assessed based on the income approach. An income approach calculation was provided to show the requested value.

Respondent's Position: A general background on land value vs income approach was outlined. The City provided calculations based on both the land value and income approach on the comparable properties outlined by the Complainant and reported as to why the income

approach was more appropriate for the assessment for those properties.

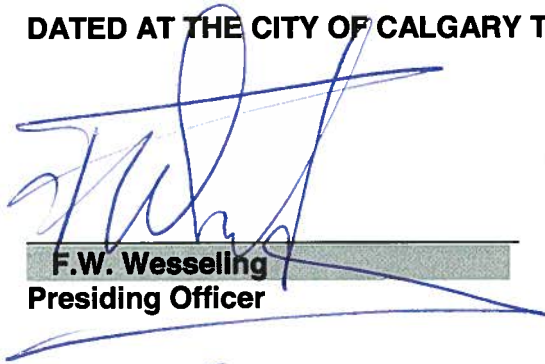
Both Complainant and Respondent requested that evidence provided in the hearing for CARB 0762/2011-P be carried forward and considered as part of this decision. The Board agreed.

Board's Decision: Upon reviewing the verbal and written evidence provided by the parties, the Board considered that the Complainant failed to demonstrate (given the underlying land value) that the assessment was overstated.

The Board confirms the assessment at \$1,560,000.00.

Reasons: The Board concluded that the comparable sale data provided by the Complainant failed to demonstrate comparability, validity and lack of equity. The data and general information provided by the respondent was compelling and indicated that this property was assessed on an equitable basis.

DATED AT THE CITY OF CALGARY THIS 19 DAY OF July 2011.



F.W. Wesselling
Presiding Officer

APPENDIX "A"

**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

Complainant: C1 Complainant's Brief

Respondent: R1 Assessment Brief prepared by City of Calgary Assessment

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.*