

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

between:

***McDonalds Restaurants of Canada Limited, COMPLAINANT,
as represented by Colliers International Valuation & Advisory Services***

and

The City Of Calgary, RESPONDENT

before:

***Ted Helgeson, PRESIDING OFFICER
Don Steele, MEMBER
Ed Reuther, 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: 082241001

LOCATION ADDRESS: 3611 17th Avenue S.W.

HEARING NUMBER: 64617

ASSESSMENT: \$1,560,000

This complaint was heard on Thursday, the 4th of August, 2011 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- *M. Uhryn*

Appeared on behalf of the Respondent:

- *H. Yau*

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

No procedural or jurisdictional matters were raised.

Property Description:

The subject property is located at 3611 17th Avenue SW, and there is a McDonald's Restaurant situated on it. The area of the subject property is 26,911 sq. ft., and the assessment is based on land value only.

Issues:

Is the assessment of the subject property inequitably assessed when measured against sales of similar properties?

Complainant's Requested Value: \$1,210,000.

Summary of the Complainant's Submission

Recent sales of eight properties comparable to the subject property as shown on p. 12 of Exhibit C-1 show a median unadjusted sale price of \$35 per sq. ft., and an assessment per sq. ft. of \$28. The sales were not time-adjusted, and no properties in the southwest were included because there have been no sales of comparables in the southwest. These figures support a reduction in the value of the subject property, and \$45 per square foot, based on the median of the five best sales, would result in an assessment that is fair and equitable, i.e., \$1,210,000.

Summary of the Respondent's Submission

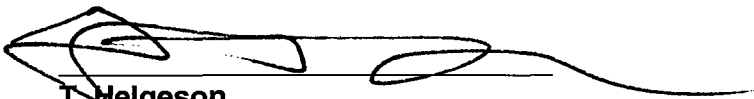
The subject property is a corner lot. As such it has been given a +5% influence adjustment. The subject property has a C-COR ("Commercial Corridor") land use designation. That land use designation signifies high traffic volumes. Land use designation is important, especially when dealing with vacant land. The Complainant failed to provide any sales of C-COR properties. The new LRT line does not in any way impede access to the subject property. Three recent C-COR sales show time-adjusted sale prices of \$70 per sq. ft. to \$112 per sq. ft.

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

The Board found the Complainant's evidence insufficient to support the requested value. "Zoning" or Land Use Designation, is a key factor in assessment of property. The Complainant's comparables were not shown to be comparable. The Complainant's evidence included only one C-COR property, and the assessment of that property had been reduced due to environmental contamination.

Board's Decision: The assessment is confirmed at \$1,560,000.

DATED AT THE CITY OF CALGARY THIS 12 DAY OF SEPTEMBER 2011.



T. Helgeson
Presiding Officer

Exhibits:

C-1, Complainant's Submission

R-1, Respondent's Submission

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.*