

**IN THE MATTER OF A COMPLAINT** filed with the Town of Okotoks Local Assessment Review Board (LARB) pursuant to the *Municipal Government Act*, Chapter M-26.1, Section 460.

**BETWEEN:**

██████████ - Complainant

- and -

The Town of Okotoks - Respondent

**BEFORE:**

William (Bill) Gray, Presiding Officer  
Suzette DeMott, Regional Member  
Anne Eastham, Member

These are complaints to the Town of Okotoks Local Assessment Review Board (LARB) in respect of property assessments prepared by the Assessor of the Town of Okotoks and entered in the 2019 Assessment Roll as follows:

<b>Roll Number</b>	<b>Address</b>	<b>Assessment</b>
<b>0026670</b>	<b>100 Crystalridge Drive</b>	<b>\$532,000</b>

- 1) This complaint was heard on the 15<sup>th</sup> day of May 2019 at the Town of Okotoks Council Chamber at 5 Elizabeth Street, Okotoks, Alberta.
- 2) Appearing on behalf of the Complainant:
  - ██████████
- 3) Appearing on behalf of the Respondent:
  - Nathan Hanberry, Assessor
  - Carmel Staley
- 4) Attending for the Assessment Review Board (ARB):
  - Patty Huber

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### **Preliminary Matters:**

- 5) There were no preliminary matters; the panel proceeded to hear the complainant..

### **Property Description and Background:**

- 6) The subject property, located at 100 Crystalridge Drive, is a 1,701square foot bungalow with a finished walkout basement. The property was built in 1992 and includes an attached double garage on a 7,840 square foot lot. This property backs onto a large green space.

### **Issues:**

- 7) The Complainant believes the assessment is too high. More specifically, the assessment amount should be \$460,000 not \$532,000.

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

- 8) The panel found the assessment is correct and will not be altered.

### **Summary of Positions:**

#### **Complainant:**

- 9) The Complainant provided historical listing information on the subject property as evidence that the assessed value was too high. The subject property had been listed in March of 2018 for an initial list price of \$524,900 which the Complainant noted price was below the assessed value estimated by the Respondent. Over the following six months the list price was reduced multiple times and when the list price was lowered to \$469,900 an offer to purchase was written. An Offer to Purchase was received on July 21, 2018 for \$450,000.
- 10) The Complainant indicated that he was not prepared to take less than \$460,000. The potential purchaser was not prepared to move the offer up to this price resulting in the offer to expire. The Complainant also indicated that feedback on the listing was that the asking price was too high and that the home was in need of renovation.
- 11) The Complainant presented a letter provided by the listing realtor which stated his opinion as to the value of the home. The realtor estimated the market value of the home at \$460,000. The realtor also provided statistical information based on buyer

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feedback that showed 75% of potential buyers (3 out of 4) thought the home was overpriced.

### **Respondent:**

- 12) The Respondent provided a ten-page document which included a summary of the subject property, photographs of the subject and the neighbourhood, mapping details, as well a chart of five sales comparables used in its determination of the assessed value. All properties illustrated are in the same neighbourhood. The sales dates range from 08/18/2016 to 02/02/2018. The Respondent, upon questioning, stated that it uses two years sales data to calculate assessed values in mass appraisal. The chart calculated:
  - a. The minimum assessment per square foot of \$231; a maximum assessment per square foot of \$328 and median assessment of \$254 per square foot. The subject has an assessment per square foot of \$313;
  - b. The time adjusted sales prices per square foot are: minimum \$228, maximum \$343 and median \$271.
- 13) The Respondent argued that it is mandated to use Assessment to Sales Ratio (ASR) to confirm that the sales used in the calculations fall within the 0.95% to 1.05% range. The sales chart confirms this showing all but one sale fall within this range. The chart has ASR between 0.94% and 0.97% with the median at 0.95%.
- 14) The Respondent argued that the sales data provided by the Complainant in C1 was a listing and not a sale. Only sold data can be used to determine assessed values.
- 15) In rebuttal, the Complainant argued that the sales used by the Respondent were dated with only one sale being in 2018. The Complainant also questioned how factors such as building condition and upgrades were factored into the process. The Respondent noted that they cannot get into every property to see its condition or upgrades and therefore assume that any home that has not been inspected is considered to be in average condition.
- 16) The Board questioned why there was only one bungalow sale in the comparables selected to establish the subjects assessed value as the subject is a bungalow property. The Board also asked if the Respondent could not find bungalow sales from other districts that were comparable. The Respondent indicated that he wanted to use only sales located in the same district as the subject because of the proximity to the large green space that surrounded the subject.
- 17) The Board questioned the inconsistency within the report with respect to whether

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there was basement development in the property. Page 3 of the Respondents report indicated that there was no basement development while the sales chart on page 9 stated the basement was developed. The Respondent indicated that an error occurred on page 3 and the property was developed on the lower level. The Complainant confirmed this position.

**Findings and Reasons:**

- 18) The Board finds that the Complainant has not provided any sells data in support of his position that the assessment should be reduced. The Board can only use sales data to determine the assessed value of properties.
- 19) The Board finds that the information provided by the realtor in support of an assessment reduction is not based on any sales information and as such cannot be given any consideration.
- 20) The Board finds that while the condition of the home was mentioned as a reason that potential buyers were discounting the price, no evidence was provided that would allow a change in assessment.
- 21) The Board finds that the sales provided by the Respondent are located in the same subdivision as the subject and have similar locations with respect to the green space. Sale 4 is a walkout bungalow property, is similar in size, occurred on Feb 5, 2018 which is within the assessment year and has an assessment to sales ratio within the prescribed range for legal assessments. Sale 4 does not have basement development which would make it inferior to the subject on this feature. Sale 4 has an assessment of \$547,000 compared to the subject's assessment of \$532,000. Sale 4 is considered the best indicator of the subject's assessed value.

**Board's Decision:**

The Board will not change the assessment of the subject property.

It is so ordered.

Dated at the Town of Okotoks in the Province of Alberta, this 25 day of May 2019.

  
William (Bill) Gray  
Presiding Officer

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

<b>NO.</b>	<b>ITEM</b>
C1.	Complainant's Submission
R1.	Respondent's Submission

*An application for Judicial Review may be made to the Court of Queen's Bench with respect to a decision of an assessment review board.*

*An application for Judicial Review must be filed with the Court of Queen's Bench and served not more than 60 days after the date of the decision, and notice of the application must be given to*

- (a) the assessment review board*
- (b) the Complainant, other than an applicant for the judicial review*
- (c) an assessed person who is directly affected by the decision, other than the Complainant,*
- (d) the municipality, and*
- (a) the Minister .*