

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:

Adam Wanvig - Complainant

- and -

The Town of Okotoks - Respondent

BEFORE:

Anne Eastham, Presiding Officer

Jan Gosse, Member

Penny Mellor, Regional Member

This is a complaint 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 2022 Assessment Roll as follows:

<u>Roll Number</u>	<u>Address</u>	<u>Assessment</u>
0114340	31 Banded Peak View	\$846,000

This complaint was heard on the 11th day of May 2022 at the Town of Okotoks Municipal Centre Council Chamber at 5 Elizabeth Street, Okotoks, Alberta.

Appearing on behalf of the Complainant:

- Adam Wanvig

Appearing on behalf of the Respondent:

- Nathan Hanberry, Assessor
- Carmel Staley, Assessor

Attending for the Assessment Review Board (ARB):

- Patty Huber, Clerk

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Preliminary Matters:

1. There were no preliminary matters noted by either the Complainant or the Respondent.

Property Description and Background:

2. The subject property at 31 Banded Peak View is a 2,634 square foot (sf) residential two-story house and unfinished basement with an attached garage on a 6,757 sf lot. The house was built in 2021.

Issues:

3. The assessment is too high. Specifically, should the assessment be \$778,852.54 not \$846,000?

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

4. The assessment is changed to \$798,100 from \$846,000.

Summary of Positions:

Complainant:

5. The Complainant indicated that the home was purchased on November 25, 2021 for \$778,852.54 and is the best indicator of value for assessment purposes.
6. The Complainant presented MLS® sales documents for six (6) two-story properties built between 2013 and 2019 with finished basements in the Mountain View neighbourhood with sale prices ranging between \$735,000 and \$865,000. A statement of adjustments from Sterling Homes Ltd., builder of the subject property, was also referenced showing the full sale price at \$778,852.54.
7. In rebuttal to the Respondent, the Complainant noted that four (4) of the five (5) comparable properties offered by the Respondent are one-story homes with finished basements, some with walkout basements. The remaining property offered by the Respondent is a two-story built in 2007 (15 years old) which is not comparable to a home built in 2021. The Complainant noted this property is located in a completely different neighbourhood within the town. The Complainant argued that a two-story home with a finished basement is not the same as a one-story home with a finished basement.

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Respondent:

8. The Respondent presented a nine (9) page document which included a summary of salient facts, a photograph of the subject property, a map of the subject property lot along with three adjoining lots, and a chart showing five (5) properties used in the determination of the assessed value. Four (4) properties are in the subject neighbourhood.
9. The chart calculated assessment per sf with a minimum of \$310.40 and a maximum of \$586.65. The median assessment per sf is calculated to be \$486.55.
10. Sale dates on the chart ranged from February 12, 2020 to June 1, 2021.
11. The subject property is assessed at \$321.00 per sf.
12. The Respondent noted there was no physical inspection of the property conducted.

Findings and Reasons:

13. The Board finds that four (4) of the five (5) properties used for comparison by the Respondent do not offer fair comparisons to the subject property given the one-story structure type, the location differential, and the age disparity. These properties were not considered as factors in the decision. The Board agrees with the Complainant that a two-story home with an unfinished basement is not comparable to a one-story home with a finished basement.
14. The Board considered two (2) of the sales MLS® data presented by the Complainant as valid as well as the sale of the subject property for calculating assessment value. Although these sales were past July 1, 2021, they were captured within the assessment year. The Board also considered the inclusion of the two-story home from the Respondent's evidence based solely on the sale date of June 1, 2021, and the fact it was a two-story home. These sales were used to calculate assessment value.
15. The Board finds 45 Mount Rae Heights (sale date December 14, 2021) and 18 Mist Mountain Rise (sale date December 16, 2021) from the Complainant's evidence as sales that reflect a closer alignment to the subject property (sale date November 25, 2021) along with the Respondent's comparable property at 9 Drake Landing Ridge (sale date June 1, 2021). These properties were used to calculate the assessment value. Using the sales for these properties (\$735,000, \$800,000, \$778,852, and \$789,200 respectively) the Board calculates the median to be \$784,026.

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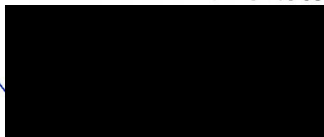
16. Respective assessments per sf are \$268.70, \$306.90, \$295.70, and \$310.40 with the median being \$303.00 offering an assessment for the subject property of \$798,102 rounded to \$798,100.

Board's Decision:

17. The assessment is changed to \$798,100.

It is so ordered.

Dated at the Town of Okotoks in the Province of Alberta this 1st day of June 2022.



for

Anne Eastham
Presiding Officer

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

NO.	ITEM
C-1	Complainant's Disclosure (34 page document)
R-1	Respondent's Disclosure (11 page document)

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 .*