

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

BETWEEN:

Brian Tomas - Complainant

- and -

The Town of Okotoks - Respondent

BEFORE:

Dierdre Mullen, Presiding Officer

Jan Gosse, Member

Ryan Nix, Member

This is a complaint to the Town of Okotoks Local Assessment Review Board in respect of property assessments prepared by the Assessor of the Town of Okotoks and entered in the 2023 Assessment Roll as follows:

Roll Number	Address	Assessment
0042660	517 Cimarron Pt.	\$551,000

This complaint was heard on the 18th day of May 2023 at the Town of Okotoks Municipal Centre Council Chamber at 5 Elizabeth Street, Okotoks, Alberta.

Appearing on behalf of the Complainant:

- n/a

Appearing on behalf of the Respondent:

- Nathan Hanberry, Town of Okotoks Assessor
- Carmel Staley, Town of Okotoks Assessor

Attending for the Assessment Review Board (ARB):

- Patty Huber, Clerk

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Preliminary Matters:

1. The Respondent stated that he had not received the Complainant's submission and based his submission on the complaint form. The ARB confirmed with the Clerk when the Board received the Complainant's submission and if the Respondent was copied. It was confirmed that the submission was received on time by the Board and copied at the same time to the Respondent. The ARB accepts the Complainant's submission with no further objection from the Respondent.
2. The Complainant was not present for the hearing and the Board read in the submission of the Complainant.

Property Description and Background:

3. The subject property is a single storey residential home built in 1998. It is 1569 square feet (sf) and includes a lower level walk out basement with 916sf. The lot is 7,077 sf. The current assessment is \$551,000.00 or \$351.00sf.

Issues:

4. The assessment is too high. Should the property assessment be reduced to \$531,000.00 based on the assessments of neighbouring properties?

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

5. The Board changes the assessment to \$531,000.00.

Summary of Positions:

Complainant:

6. The Complainant stated that his property should be valued on a median of the two adjacent neighbours on the basis that all residences are of similar house design and year built with his residence being in a more median range in terms of Parcel area and Liveable area.
7. 515 Cimarron Pt. is assessed at \$559,000.00 and has a larger lot at 10,303sf and a total main floor area of 1,706sf. 519 Cimarron Pt. is assessed at \$512,000.00 and has a smaller lot of 6,082sf and a total main floor area of 1,391sf.
8. The Complainant provided calculations for the lot and liveable area (area) which resulted in a final calculation of \$531,300.00.
9. Included in the submission were Town of Okotoks website assessment detail

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reports for each comparable property. In the details of each report was information about the comparable properties including whether or not the basement was finished. Only 515 Cimarron Pt. had a finished basement. The subject and the 519 Cimarron Pt. did not have finished basements.

Respondent:

10. The Respondent stated that the difference between the assessment and the requested amount was only 3.6% and not significant. To support the assessment, five comparable properties were included in a chart: all were one (1) storey plus a finished basement; all sold between December 12, 2019 and June 12, 2022. The range in year of construction was 1996 to 2001; floor area ranged between 1,319sf to 1,828sf; and the lot sizes ranged between 5,393sf to 7,798sf.

11. The adjusted sale prices ranged between \$570,300 and \$748,700. The Respondent included the sale dated price per sf per comparable – ranging from \$357sf to \$406sf, with a median of \$377sf.

12. The Respondent included the Complainant's two equity comparable properties in a separate analysis and stated that the subject was the median of the three properties at \$351sf, while the 515 Cimarron Pt. was \$328sf and 519 Cimarron Pt. was \$368sf.

13. During questioning, the Respondent confirmed that the subject property was assessed based on an unfinished basement and confirmed that a finished basement adds 10% to 15% assessed value to a property.

Findings and Reasons:

14. The Board finds the subject to be over assessed. In its analysis of the evidence the Board finds the Respondent's comparables all have finished basements while the subject did not. Testimony provided by the Respondent stated that finished basements add 10-15% value and in the Board's calculations, resulted in the over assessment.

15. Using the median provided of \$377sf and deducting the finished basement portion of 10% and 15%, the Board calculated a reduction of \$37.70 per sf (10%) and \$56.55 per sf (15%), resulting in an assessment of \$339.30sf to \$320.45sf.

The Complainant is asking for an assessment of \$338.44 per sf (calculated as \$531,000/1,569sf) based on an analysis of his neighbour's properties assessments.

16. The Board finds the price per sf of \$338.44 is at the higher end of the finished basement deduction calculation (10% or \$339.30sf) and finds it fair and reasonable given that the basement is not finished. It also remains the median of the two equity comparison properties: 515 Cimarron Pt. was \$328sf and 519 Cimarron Pt. was \$368sf.

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17. The Board finds the Respondent's comparison chart lacking in information. Although the price per sf was included in the chart, the Board finds it was based on the sale price and not the adjusted sale price. No average or median calculations were completed for the Board of the price per sf of the adjusted sale prices. The Board used the existing price per sf calculation provided.

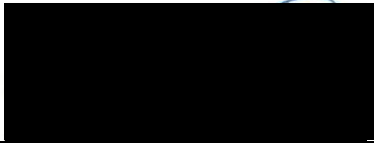
18. Based on the above, the Board finds \$531,000.00 fair and reasonable.

Board's Decision:

19. The Board changes the assessment to \$531,000.00.

It is so ordered.

Dated at the Town of Okotoks in the Province of Alberta this 24th day of May 2023.



On behalf of

Dierdre Mullen
Presiding Officer

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

NO.	ITEM
C-1	Complaint Form
C-2	Complainant's Disclosure
R-1	Respondent's Disclosure

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

An application for Judicial Review must be filed with the Court of King'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.*