

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

**BETWEEN:**

Warren Moore and Carrie Duncan-Moore - Complainant

- and -

The Town of Okotoks - Respondent

**BEFORE:**

Ryan Nix, Presiding Officer

Jan Gosse, Member

Rene Pohl, Member

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

<b>Roll Number</b>	<b>Address</b>	<b>Assessment</b>
<b>0007560</b>	<b>66 Lock Crescent</b>	<b>\$495,000</b>

This complaint was heard on the 28<sup>th</sup> day of May 2024 at the Town of Okotoks Municipal Centre Council Chamber at 5 Elizabeth Street, Okotoks, Alberta.

Appearing on behalf of the Complainant:

- Warren Moore and Carrie Duncan-Moore, Property Owners

Appearing on behalf of the Respondent:

- Nathan Hanberry, Assessor
- Carmel Staley, Assessor

Attending for the Assessment Review Board (ARB):

- Patty Huber, Clerk

# OKOTOKS LOCAL ASSESSMENT REVIEW BOARD ORDER #0238/01/2024-L

## **Preliminary Matters**

[1] No preliminary concerns were raised.

## **Property Description and Background**

[2] The subject property is located at 66 Lock Crescent in Okotoks, AB and is a residential 1-storey detached house with developed basement and detached garage. The size on record is 1337 square feet (sf) and it is assessed by the Town at \$495,000. The homeowners have filed an assessment complaint form and are requesting an assessment of \$435,000.

## **Issues**

[3] Is the assessment too high? If so, is there evidence to reduce the assessment as requested by the Complainant?

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

[4] The assessment is confirmed at \$495,000.

## **Summary of Positions**

### **Complainant:**

[5] The Complainant referred to s. 299 and 300 of the *MGA* regarding not receiving timely information from the Respondent. The Complainant indicated that information regarding how their assessment was prepared was requested on February 14, 2024 however no information was received. The problem was compounded by the Complainant's lack of access to a computer and internet connection, as they do not possess that equipment.

[6] The Complainant raised the issue of the conditions in the alley behind the house. Drainage issues contribute to ice buildup over winter reducing access to the garage and back of the property, also presenting safety concerns. Pictures were provided showing ice conditions during winter.

[7] The Complainant raised the issue of damage to the front lawn/landscaping caused by excavation by the Town when fixing local utilities and that the landscaping had not been returned to its original state.

[8] The Complainant raised the issue of neighbouring homes with a dog daycare business on one side and duplex on the other side contributing to noise and congestion, as well as increased traffic and noise from Milligan Drive being in proximity to the rear of the property.

## OKOTOKS LOCAL ASSESSMENT REVIEW BOARD ORDER #0238/01/2024-L

[9] The Complainant compared their property to two (2) others on the same street with the same floorplan, and questioned why their assessment would be similar due to the aforementioned blights to the property.

[10] A realtor's opinion was provided regarding the affect on value due to the disclosure of a "material latent defect" in the property,

[11] A general contractor quote was provided to raise the height of the garage and adjust the grading of the property.

### **Respondent:**

[12] The Respondent provided a property summary and included photographs and maps of the subject property. Related legislation was quoted regarding the approached to value and mass appraisal method as regulated by the *MGA*.

[13] Five (5) sales comparables were provided with dates of sales ranging from November 2021 through to May 30, 2023. Five (5) equity comparables were also provided, all with similar construction of 1-storey bungalows with basements.

### **Findings and Reasons**

[14] Insufficient evidence was provided to show specific damage caused to the property by the flooding in the back alley that would have an effect on the assessment. While a quote to raise the garage and adjust the grading was provided, it is not clear that significant damage had already occurred at the property that would affect property value. The Board does acknowledge the inconvenience and concern caused by the drainage issues.

[15] The opinion letter from the realtor was not given weight as it did not include a value assessment on the subject property and the realtor admitted to not being an expert on property remediation. The letter appeared to address a hypothetical situation of a disclosed defect on a property rather than the specific issues at the subject property.

[16] The most comparable properties as provided by the Complainant at 46 Lock Crescent and 57 Lock Crescent do not indicate a significant error in assessment:

- 46 Lock Crescent has less property area and no fireplace, indicating a lesser value than the subject property;
- 57 Lock Crescent does not have a developed basement, indicating a lesser value than the subject property;
- Photographs provided were not clear enough to indicate other differences in condition that may affect value.

## OKOTOKS LOCAL ASSESSMENT REVIEW BOARD ORDER #0238/01/2024-L

### **Board's Decision**

The Board confirms the assessment at \$495,000.

It is so ordered.

Dated at the Town of Okotoks in the Province of Alberta this 17<sup>th</sup> day of June 2024.

---Original Signed---

---

Ryan Nix  
Presiding Officer

**OKOTOKS LOCAL ASSESSMENT REVIEW BOARD ORDER #0238/01/2024-L**

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

<b>NO.</b>	<b>ITEM</b>
C-1	Complaint Form (4 pages)
C-2	Complainant's Disclosure (27 pages)
R-1	Respondent's Disclosure (14 pages)
C-3	Complainant's Rebuttal (4 pages)

*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.*