

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:

R. Burr and T. MacNeil - Complainant

- and -

The Town of Okotoks - Respondent

BEFORE:

R. Nix, Presiding Officer
L. Dunbar-Proctor, Member
R. 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:

Roll Number	Address	Assessment
0033090	313 Cimarron Bay	\$643,000

This complaint was heard on the 29th 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:

- n/a

Appearing on behalf of the Respondent:

- N. Hanberry, Assessor
- C. Staley, Assessor

Attending for the Assessment Review Board (ARB):

- P. Huber, Clerk

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Preliminary Matters

[1] No preliminary concerns were raised.

Property Description and Background

[2] The subject property is located at 313 Cimarron Bay in Okotoks, AB and is a residential 1-storey detached house with basement and attached garage. The size on record is 1438 square feet (sf) and it is assessed by the Town at \$643,000. The homeowner has filed an Assessment Complaint form requesting an assessment of \$573,000.

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 reduced to \$597,900.

Summary of Positions

Complainant:

[5] The Complainant was not in attendance at the hearing.

[6] The Complainant's disclosure included a realtor's opinion of value on the property in the range of \$589,000 to \$600,000 dated approximately back to the assessment date.

[7] Through their submitted rebuttal, the Complainant questioned why their property had increased 35% in assessment when nearby properties saw an increase of 7% to 18%.

Respondent:

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

[9] Five (5) sale comparables were provided with dates of sales ranging from March 2022 through to June 2023. The sale comparables provided a median assessment of \$393/sf and average of \$386/sf, and show the subject property assessed at \$447/sf. A median

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assessment to sales ratio was also included at 0.93.

- [10] The Respondent discussed that percentage increases will not be the same on all properties as the mass appraisal method will adjust some properties more than others and is not based on the previous years' assessments.

Findings and Reasons

- [11] The Board noted that the comparables provided by the Respondent indicated a significantly higher assessment applied to the subject in amounts of \$90,000 to \$120,000 and an increased assessment per sf of \$61/sf over the average. Due to the disparity, the Board looked for justification for the increased assessment over the comparables provided.
- [12] While the Board acknowledges that the increased lot size would contribute to a higher assessment, no evidence was provided to confirm the additional value resulting from the lot size and no comparables with similar lot sizes were provided. The Board did not find that it would be fair to reduce the assessment to the average or median values based on the increased lot size, but that the assessment may be higher than what was justified.
- [13] In the absence of comparable data, the Board placed weight on the opinion of the realtor, and confirmed the value by applying the median assessment-to-sales ratio (ASR) of 0.93 to the current assessment amount in an attempt to arrive at a fair and equitable assessment as defined under s. 293(1) of the *MGA*. As a result, the increase in assessment from 2023 to 2024 is reduced from 35% to 25%, which is more in line with the Town average increase. With the below three (3) indicators pointing to roughly the same assessment value, the Board reduces the assessment to \$597,900:
1. Realtor's opinion of value within \$589,000 to \$600,000;
 2. Median ASR of 0.93 x assessment of \$643,000 = \$597,900; and
 3. \$597,900 results in an increase of 25% over 2023, more in line with the average increase.

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Board's Decision

The assessment is reduced to \$597,900.

It is so ordered.

Dated at the Town of Okotoks in the Province of Alberta this 24th day of June 2024.

---Original Signed---

R. Nix
Presiding Officer

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

NO.	ITEM
C-1	Complaint Form (2 pages)
C-2	Complainant Disclosure email (1 page)
C-3	Complainant Disclosure email attachments (2 pages)
R-1	Respondent's Disclosure (10 pages)
C-4	Complainant Rebuttal email (1 page)
C-5	Complainant Rebuttal email attachments (2 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.*