

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:

C. Bedier - Complainant

- and -

The Town of Okotoks - Respondent

BEFORE:

J. Gosse, Presiding Officer
L. Dunbar-Proctor, Member
R. Nix, Member

This is a complaint to the Okotoks Local Assessment Review Board 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
0061010	9 Crystal Shores Point	\$1,295,000

This complaint was heard on the 12th day of June 2024 at the Town of Okotoks Municipal Centre Council Chamber at 5 Elizabeth Street, Okotoks, Alberta.

Appearing on behalf of the Complainant:

- C. Bedier, Property Owner

Appearing on behalf of the Respondent:

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

Attending for the Assessment Review Board:

- P. Huber, Clerk

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Preliminary Matters

1. There were no preliminary matters.

Property Description and Background

2. Built in 2003, the subject property is a 2714 square foot two-storey home with walkout basement with lake frontage.

Issues

3. The assessed value is too high. The property assessment is currently \$1,295,000 and should it be \$1,050,000 based on the subject property's condition?

Board's Findings in Respect of Each Matter or Issue

4. The Board changes the assessment to \$1,050,000.

Summary of Positions

Complainant:

5. The Complainant provided five (5) sales comparables including the subject property's sale. The subject property sold on May 19, 2022 for \$1,020,000. The Complainant stated that the sale price was lower than the comparables within the same period due to the condition of the property. All homes were two-storey houses with lake frontage and in the same area. The Complainant provided both the assessed values and sale prices for these homes.
6. The Complainant provided the evidence and showed that they purchased the property for more than 30% less than the average of other similar homes due to the damage and condition of both the inside and outside of the property.
7. The Complainant provided 11 photos as evidence to the current condition of the home. The Complainant stated that the estimated cost to fix the damage and condition of the subject property would be at least a \$200,000. The Complainant stated they have been unable to do many of the required repairs to the property since its purchase because of their son's health issues.

Respondent:

8. The Respondent referenced section 293.1 of the *MGA* pertaining to a fair and equitable assessment.

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9. The Respondent included the following in their disclosure:

“Property assessments are prepared in accordance with the *Municipal Government Act*

And the standards listed under the Matters Relating to Assessment and Taxation Regulation, (Alberta Regulation 203/2017).

The purpose of property assessments is not to reflect one sale price, but to assess all similar property at a similar value so that taxation is fairly and uniformly distributed among all taxable property.

The assessed value of property represents:

- an estimate of the value of the fee simple estate in the property considering the characteristics of property as of December 31st in the year prior to taxation, and”

10. The Respondent provided four (4) sales comparables similar to the subject property that also sold in 2022 for \$1,250,000 to \$1,385,000.
11. The Respondent verified the subject property sold in 2022 for \$1,020,000, which was below that of similar properties.
12. Four (4) equitable comparables were provided by the Respondent with assessed values ranging from \$1,164,000 to \$1,195,000. There was no evidence presented on the condition of these properties.
13. During questioning, the Respondent stated mass appraisal was used for assessment and consideration was not given to the property’s current condition.
14. The Respondent noted that the subject property’s sale price was an outlier therefore the property could be an anomaly but he could not comment on its actual condition.
15. The Respondent provided a time adjusted sale price for the subject property of \$1,050,700 as evidence. The Board felt the Respondent did not provide a substantial explanation when asked why the time adjusted sale price was not considered.

Findings and Reasons

16. The Board finds the subject property to be over assessed. In its analysis of the evidence, the Board gave consideration to the sales comparables selling more than 30% above the subject property. They were similar comparables in the same area, lake frontage, two-storey homes with walkouts basements. However, the Board felt the sale price of the subject property was based on the property’s condition compared to similar properties sold within the same period.

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17. The Board weighted its decision on the photos and testimony of the Complainant regarding the property's current condition as of December 31, 2023.
18. The Respondent's sales comparables did provide evidence that two-storey homes similar in size and location to the subject property were in the range of \$1,250,000 to \$1,385,000. The Board found there was no evidence to show that these properties were in similar condition to the subject property.
19. The Respondent stated that the subject property could be an anomaly due to its condition.
20. The Board considered section 289 of the *MGA*, which states:

*"289(1) Assessments for all property in a municipality, other than designated industrial property, must be prepared by the municipal assessor.
(2) Each assessment must reflect:
(a) the characteristics and physical condition of the property on December 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the property, and"*
21. Based on the above, the Board finds the reduction in assessed value to \$1,050,000 fair and reasonable.

Board's Decision

22. The Board changes the assessment to \$1,050,000.

It is so ordered.

Dated at the Town of Okotoks in the Province of Alberta this 28th day of June 2024.

---Original Signed---

J. Gosse
Presiding Officer

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

NO.	ITEM
C-1	Complaint Form and Submissions (68 pages)
C-2	Complainant's Disclosure Documents (documents labelled 1 to 18; photo exhibits A 1 to 10, B 1 to 3; and C)
R-1	Respondent's Disclosure (12 pages)
C-3	Respondent's Rebuttal (documents labelled Rebuttal Overview, Email from Carmel Staley, and seven (7) photographs)

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.*