

IN THE MATTER OF A COMPLAINT filed with the Town of Okotoks Local Assessment Review Board (LARB) pursuant to the *Municipal Government Act (MGA)*, Revised Statutes of Alberta 2000, Chapter M-26, Section 460.

BETWEEN:

CCOA Red 2 GP Inc. - Complainant

- and -

Town of Okotoks - Respondent

BEFORE:

D. Keagan, Presiding Officer

R. Nix, Member

R. Kobetitch, Member

This is a complaint to the LARB in respect of a property assessment prepared by the Assessor of the Town of Okotoks and entered in the 2025 Assessment Roll as follows:

Roll Number	Address	Assessment
0048320	101 Northgate Blvd	\$3,575,000

This complaint was heard on the 24th day of June 2025 by videoconference.

Appearing on behalf of the Complainant:

- A. Izard, Northern Property Tax Advisors Inc.

Appearing on behalf of the Respondent:

- C. Van Staden, Town Representative
- D. Genereux, Town Assessor

Attending for the LARB:

- J. Agrios, Legal Counsel
- O. Kanevskyi, Clerk



Preliminary Matters

1. The Respondent requested an adjournment of the hearing pending the outcome of a Judicial Review Application in relation to the 2024 assessment. A single-member panel of the LARB heard the adjournment application in a preliminary hearing on June 13, 2025. The LARB did not grant the adjournment application and directed that the hearing proceed as scheduled.
2. The parties confirmed that they had no objection to the members of the LARB hearing the complaint.
3. The parties confirmed that they had no objection to the hearing process outlined by the Chair.

Property Description

4. The property is a 15.89-acre parcel located at 101 Northgate Boulevard (Property). The improvements are:
 - 1,917 square foot (SF) house;
 - 875 SF garage;
 - 750 SF shop.
5. The Property is unserviced.

Background

6. The following assessment details were provided:
 - Building age: 1969 (house and garage)
 - Zoning: Agricultural & Land Holding (ALH) District under the Town of Okotoks Land Use Bylaw
 - Sale date: November 23, 2015 (Land Titles registration shows January 2016)
 - Sale price: \$3,575,250
 - 2024 tax year assessment: \$569,000 pursuant to LARB decision, dated August 22, 2024
 - 2025 tax year assessment: \$3,575,000

Issues

7. The Complainant checked the following boxes on the Complaint Form: box 3 (assessment amount), box 4 (assessment class), and box 6 (type of property).
8. The Complainant is seeking to have the assessment reduced as follows:
 - 12.89 acres farm land @ \$350/acre = \$4,512;



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- 3 acres residential based on market value @ \$140,000/acre plus \$137,000 for the house or 3 acres @ \$188,000/acre = \$557,000 or \$564,000.

9. The following issues were before the LARB:

- Is beekeeping farming?
- How much of the Property is used for beekeeping?
- What is the market value of the Property/three acres residential?

Findings

10. The LARB decided as follows:

- 12.89-acres is farm land to be assessed at the regulated rate of \$350/acre, which reduces the assessment to \$4,512;
- 3 acres is assessed at market value of \$188,000/acre, which reduces the assessment to \$564,000;
- The total assessment is therefore reduced to \$568,500 (rounded).

Parties' Submissions

11. The LARB considered the written submissions, evidence, and arguments of the parties. In addition, during the hearing, both parties reviewed their written materials in detail. The submissions and evidence presented by the parties are summarized below.

Issue 1:

Is beekeeping farming?

Complainant's Position

12. Section 2(f)(i) of the *Matters Relating to Assessment and Taxation Regulation (MRAT)* provides:

f) "farming operations" means the raising, production and sale of agricultural products and includes

i) horticulture, aviculture, **apiculture** and aquaculture, ...

[emphasis added]

13. The Property was farmed as apiculture (beekeeping) during the 2024 assessment year.

14. The Complainant has a Beekeeper Access Agreement, dated May 2, 2023 with Honey Meadows Farm (Access Agreement). The Access Agreement renews annually. The

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Complainant's position is that the Access Agreement allows for access to all areas of the Property other than the area of the residence. The Access Agreement further provides:

From the date of this agreement Honey Meadows Farm and its agents and employees shall have access to the Site during normal business hours from time-to-time which access shall be at Honey Meadows Farm sole risk and expense, for the purpose of maintaining, repairing, monitoring and collecting honey from the hives.*

15. Honey Meadows Farm has been operating in the Okotoks area since mid-1980's and is the largest honey operation in Alberta, managing upwards of 1,000 beehives in various locations and selling products both locally in Co-op grocery stores and to major labels such as Bee Maid Honey. Jon Zwiers, the owner of Honey Meadows Farm, is a third-generation beekeeper.
16. Email correspondence between the Complainant and Jon Zwiers outlined specific details related to the requirements needed for the successful operation and management of bees and beehives.
17. The Complainant presented photographs of the Property, including the area where the beehives are located, from 2023, 2024, and 2025.
18. The Town of Okotoks identifies itself as a "Bee City". Additional information and multiple links were provided related to apiculture and the nature of beekeeping as a farming industry.
19. The base rate for the assessment of Dry Pasture farm land pursuant to the 2024 Alberta Farm Land Assessment Minister's Guidelines is \$350/acre.

Respondent's Position

20. The Respondent acknowledged that apiculture is farming and that Jon Zwiers is a farmer.

Issue 2:

How much of the Property is used for beekeeping?

Complainant's Position

21. The Complainant presented email correspondence from Jon Zwiers indicating that 30 beehives on 12.89-acres is the maximum capacity for honey production at the Property given the availability of food, water, and shelter. The Property cannot support additional beehives.
22. Farming is not only taking place in the 312 SF area where the beehives are located as the bees need space for collecting pollen similar to a cow or sheep needing land to graze.

Respondent's Position

23. Section 7(3)(a) of *MRAT* provides that a parcel of land less than one acre is to be assessed at market value. The physical location of the beehives occupies 312 SF. The only "farming operations" taking place on the Property are in the physical location of the beehives, which is less than one acre. Therefore, the Property must be assessed at market value.
24. The Respondent's position is that the Access Agreement provides access to the beehives only. The consideration is \$1.00 and 21 kg of honey per year, which is nominal.
25. Bees forage for nectar and pollen to produce honey. They may travel up to five kilometres from the beehives. Foraging is not the same as "production" of agricultural products. The "production" of honey occurs in the beehives, not during the foraging.
26. Farming and foraging are not the same. Farming involves cultivation of crops and raising of livestock in a controlled environment. Foraging involves gathering of plants, fruits, nuts, or similar food sources from their natural habitat.
27. The Respondent presented maps, aerial photos, and photos of the Property with the location of the beehives noted. A one-acre area was superimposed to illustrate the size differential of one acre of land compared with the physical location of the beehives.
28. The bees cannot be contained and travel to where the nectar and pollen are located. If all areas where the bees travel to were considered farm land, then all land in Alberta could be considered farm land.
29. Photographs of the Property show primarily grass and natural vegetation with no flowers visible. Additional photographs show fencing in disrepair.
30. The Respondent questioned whether the Property was sufficient to support 30 beehives based on the vegetation observed.
31. The Respondent presented information and photographs relating to other beekeeping operations. The Respondent also presented information from a variety of other sources regarding beekeeping and farming.
32. The Okotoks Bee City proclamation is support for native species of bees with a preference to restrict urban honey beekeeping.
33. In the absence of Jon Zwiers attending the hearing, the Respondent did not have the opportunity to question him and seek clarification of the information provided in his email responses.

Issue 3:

What is the market value of the Property/three acres residential?

Complainant's Position

34. Section 7 of MRAT provides, in part, as follows:

7(1) *The valuation standard for a parcel of land is*

(a) *Market value, or*

(b) *If the parcel is used for farming operations, agricultural use value. ...*

7(3) *Despite subsection (1)(b), the valuation standard for the following property is market value: ...*

(c) *An area of 3 acres located within a larger parcel of land where any part of the larger parcel is used but not necessarily occupied for residential purposes.*

35. The assessment for the market value of the Property does not reflect the condition of the property as of December 31, 2024 as required by Section 289(1)(b) of the MGA and its market value as of July 1, 2024 pursuant to Section 6 of MRAT.

36. The assessment of the market value of the Property was not prepared using mass appraisal in accordance with Section 5(a) of MRAT.

37. Instead, the market value of the Property was assessed at \$225,000/acre based on a 2022 CARB decision, which has been carried forward.

38. Applying an assessed value of \$225,000/acre does not represent typical market value for properties similar to the Property and does not reflect a valuation as of July 1, 2024.

39. The Complainant presented three comparable sales of ALH properties:

Roll Number	Civic Address	Zoning	Land Area	Sale Date	Sale Price	Sale Price per Acre
1704093	17014 338 Ave East	ALH	6.65	25-April-23	1,250,000	187,970
1704096	322186 17 St East	ALH	4.00	23-Mar-23	550,000	137,500
0066340	139 Northgate Drive	ALH	17.84	01-Feb-23	2,050,000	114,910



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40. In addition, the Complainant presented seven equity comparables of ALH properties. Using available assessment information, the Complainant prepared an analysis that supported an assessment of \$140,000/acre for three acres.
41. Based on the foregoing, the Complainant submitted that the three-acre residential area should be assessed as follows:
 - 3 acres @ \$188,000/acre = \$564,000; or
 - 3 acres residential @ \$140,000/acre plus \$137,000 for the house = \$557,000.

Respondent's Position:

42. The Respondent acknowledged the 2025 assessment is based on a 2022 CARB decision in which the CARB determined the value of the Property was its 2016 sale price of \$225,000/acre x 15.89 acres = \$3,575,000. The 2022 CARB decision has been brought forward in subsequent years.
43. The best indicator of value for the Property is based on the 2022 CARB decision as no other evidence of market value is available.
44. The market for property in the Town of Okotoks has increased between 10% to 15% from July 2023 to July 2024.
45. The Property is geographically within close proximity to large commercial developments at the north end of Okotoks. The Property will likely not be used for farming in the future and has a highest and best use as future commercial development.
46. The Property is within the North Gateway Phase 1 development of the Town of Okotoks Area Structure Plan (ASP).
47. The Property is within the ALH District. The primary intent of the ALH District is to "continue to support rural agricultural activities prior to transitioning to urban style development".
48. According to a 2023 transfer, three parcels of land, including the Property, were transferred from Calgary Co-operative Association Limited to the Complainant, which is a subsidiary. The Affidavit Re: Value of Land indicates the current value of the land to be \$15,669,010.62. According to the Respondent, this transfer supports a market value of \$3,575,250 for the Property.
49. The Property is not covered by the tax protection provisions of previous annexation orders, which require those properties to be assessed as though they were still in Foothills County. Sales for properties covered by the previous annexation orders are therefore not relevant and should not be used as comparables.



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50. The Respondent submitted that based on Section 467 of the *MGA*, only sales within the Town can be used as comparables.
51. Properties not designated for development under the ASP should not be used as comparables.
52. The LARB must not alter any assessment that is fair and equitable taking into consideration the assessments of similar property in the same municipality.
53. The Respondent submitted that the 2022 CARB decision with an assessment of \$3,575,250 based on the 2016 sale is the best indicator of market value for the Property.

Concluding Matters

54. The parties confirmed that they had a fair opportunity to present their submissions and that they had no concerns with the hearing process.

Reasons

55. Subject to the exception outlined below, the LARB reviewed all written submissions, evidence and arguments of the parties as well as the relevant legislation. The LARB further considered the oral submissions presented at the hearing.
56. The Respondent objected to the Complainant's rebuttal submissions. In reaching this decision, the LARB did not find it necessary to consider the rebuttal submissions.

Issue 1:

Is beekeeping farming?

57. The parties agreed that apiculture (beekeeping) is farming.
58. Section 2(f)(i) of the *MRAT* specifically provides that "farming operations" include apiculture.
59. Based on the foregoing, the LARB finds that beekeeping is farming.

Issue 2:

How much of the Property is used for beekeeping?

60. The Complainant took the position that the entire Property was used for beekeeping. In support, the Complainant provided the Access Agreement, photographs of the Property, and information from Jon Zwiers.

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61. The Respondent took the position that only the 312 SF area where the beehives are located is being used for farming and that as the area is less than one acre, pursuant to Section 7(3)(a) of *MRAT*, the Property should be assessed at market value.
62. Both parties presented extensive information about beekeeping in general. Both parties acknowledged that the bees do not remain in the location of the beehives but rather forage in other areas.
63. The parties presented limited evidence as to exact use of the Property in relation to the beekeeping operation:
 - It would have been of assistance to have Jon Zwiers appear in person so that he could clarify the written information provided. In his absence, the LARB is left with the written information as the best evidence available in relation to the nature of the beekeeping operation on the Property. The LARB is not bound by the rules of evidence and therefore, it is open to accept the written information from Jon Zwiers.
 - The Respondent did not present any evidence to contradict the written information from Jon Zwiers regarding the beekeeping operation on the Property. The evidence related to other beekeeping operations was not of assistance. The Respondent could have presented expert evidence from another beekeeper as to how much land is required for a beekeeping operation similar to the beekeeping operation on the Property. It did not do so.
 - As such, the LARB is left with the written evidence of Jon Zwiers as to the area requirements and availability of vegetation to support the production of honey. In the absence of any evidence to the contrary, the LARB accepts Mr. Zwiers' evidence that the beekeeping operation has access to the entire Property with the exception of the residence. Mr. Zwiers indicated that the bees forage throughout the Property and that the 30 beehives on the Property are the maximum number that can be supported in a manner that is healthy and productive for the bees. This evidence supports that the entire Property is being used for the beekeeping operation.
 - Based on the evidence, the LARB does not agree with the Respondent that the farming is confined to the 312 SF area where the beehives are located. Much as a cow is not confined to the barn, the bees are not confined to the beehives.
64. In summary, the LARB finds the weight of evidence presented supports that the entire Property is being used for farming and, subject to the three-acre area discussed below, should be assessed at the regulated rate for farm land of \$350/acre.



Issue 3:

What is the market value of the three acre area?

65. Section 7(3)(c) of *MRAT* provides that due to the residence on the Property, three acres is to be assessed at market value.
66. Section 289 of the *MGA* requires that the assessment reflect the condition of the Property as of December 31, 2024 and Section 6 of *MRAT* mandates a valuation date of July 1, 2024.
67. In support of its position regarding market value of the Property, the Respondent largely relied on the 2022 CARB decision, which was based on a 2015 sale (2016 transfer) of the Property. The LARB is not satisfied that the selling price of the Property 10 years ago is still a valid indicator of its market value. The Respondent made unsupported general statements about property values in the Town increasing but did not provide evidence to back up these statements.
68. The only other evidence of market value presented by the Respondent was the transfer of three properties, including the Property. However, it was not possible for the LARB to determine how much of the overall sale price was allocated to the Property.
69. The Respondent did not present any market value or equity comparables.
70. The Complainant provided three market value comparables and provided an analysis based on seven equity comparables. The Respondent raised various concerns that, as will be discussed below, are applicable to the equity comparables. The LARB did not rely on the Complainant's equity comparables in determining market value of the Property but rather focussed on the three market value comparables.
71. The Complainant argued that comparables within the annexation area subject to tax protection could not be used as comparables as they are assessed as though they remained in Foothills County. However, the Complainant was relying on these comparables as market value comparables so how they are assessed is not relevant. To the extent that these properties have a more favourable assessment treatment, that would serve to increase their market value.
72. Section 467 of the *MGA* does not assist the Respondent. It only applies to equity comparables, not to market value comparables. In any event, all of the Complainant's market value comparables are located within the Town.
73. The Complainant's market value comparables are all relatively recent sales of ALH property, located within the Town. The property at 17014 338 Ave East is in relatively close proximity to the Property. As is the case with the Property, it has exposure to Northgate Drive (338 Avenue East) and Highway 2A. It also has an older residence and garage. In the absence of any comparables from the Respondent, the LARB is of the view



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that this property, which sold in April 2023 for \$187,970/acre, is the closest comparable to the Property.

74. Based on the foregoing, the LARB finds that the market value assessment for the three-acre area is \$188,000/acre.

Decision

75. The total assessment is reduced to \$568,500 (rounded):

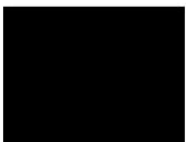
- 12.89 acres farm land at \$350/acre = \$4,512;
- 3 acres residential at market value of \$188,000/acre = \$564,000.

It is so ordered.

Dated at the Town of Okotoks in the Province of Alberta this 14th day of July 2025.



D. Keagan
Presiding Officer



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

NO.	ITEM
C-1	Complainant's Disclosure (448 pages)
C-2	Complainant's Rebuttal (261 pages)
R-1	Respondent's Disclosure (102 pages)
R-2	Respondent's Disclosure – Attachment 01 of 02 (12 pages)
R-3	Respondent's Disclosure – Attachment 02 of 02 (45 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*
- (e) the Minister.*