

**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:**

Luigi Zaffino - Complainant

- and -

The Town of Okotoks - Respondent

**BEFORE:**

Laura Dunbar-Proctor, Presiding Officer

Richard Kobetitch, 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 2024 Assessment Roll as follows:

<b><u>Roll Number</u></b>	<b><u>Address</u></b>	<b><u>Assessment</u></b>
<b>0056250</b>	<b>387 Banister Drive</b>	<b>\$908,000</b>

This complaint was heard on the 29<sup>th</sup> day of May 2025 at the Town of Okotoks Municipal Centre Council Chamber at 5 Elizabeth Street, Okotoks, Alberta.

Appearing on behalf of the Complainant:

- Luigi Zaffino

Appearing on behalf of the Respondent:

- Nathan Hanberry, Assessor
- Carmel Staley, Assessor

Attending for the Assessment Review Board (ARB):

- Olga Kanevskyi, Clerk

## **OKOTOKS LOCAL ASSESSMENT REVIEW BOARD ORDER #0238/13/2025-L**

### **Preliminary Matters**

[1] No preliminary matters were raised by either party.

### **Property Description and Background**

[2] The subject property is located at 387 Banister Drive in Okotoks, AB and is a residential two-storey home with a developed basement and an attached garage. The improved area on record is 2,375 SF and 1,000 SF developed basement area. The land area is 10,275 SF. The year of construction is 2003. It is currently assessed by The Town of Okotoks at \$908,000. The requested value on the assessment complaint form is \$760,000.

### **Issues**

[3] Is the assessment value of the subject property too high compared with similar neighbouring homes?

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

[4] The assessment is confirmed at \$908,000.

### **Summary of Positions**

#### **Complainant:**

[5] The Complainant provided 13 equity comparables of properties in the immediate vicinity of the subject property, including the address and 2025 assessed value. Two of the comparables were also indicated to have sold: 101 Crystal Shores Drive for \$574,000 in 2023 and 105 Crystal Shores Drive for \$795,000 in 2024. All comparables were noted to be similar or superior to the subject property and yet the assessed values were lower, ranging from \$693,000 to \$899,000. The Complainant argued that it was unfair that their property was the highest assessed since these comparables have the same lot size, were larger homes, and some were more updated than theirs.

[6] The Complainant argued that while the subject property has a large lot, it should not be assessed in its entirety as they do not have full unrestricted use of the lot due to the 3.5-metre utility right-of-way on the side and front of the parcel as well as the 2-metre drainage swale

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running along the back of the parcel. Additionally, while they originally purchased the property for the large lot and the RV parking in the back, they are unable to widen the gate access to the RV pad due to the placement of a Canada Post community mailbox alongside.

[7] The Complainant was also concerned about the 34% increase of their assessed value in the last two years. They provided the assessment notices from 2024 and 2025 showing an increase from \$781,000 in 2024 to \$908,000 in 2025.

### **Respondent:**

[8] The Respondent provided a property summary and included photos and map of the subject property. The Respondent reviewed the approaches to value and mass appraisal method for preparing property assessments as required by the *Municipal Government Act*.

[9] Five sales comparables were provided of nearby two-storey properties that sold between October 2021 to November 2023. The sales comparables were shown to share similar characteristics to the subject property in terms of size and age. All had attached garages and all but one had developed basements. Lot sizes ranged from 5,808 SF to 6,399 SF as compared with the subject property's 10,275 SF lot. The time adjusted sale prices ranged from \$793,000 to \$880,900. The Respondent noted that the assessed value for the subject property was being driven higher than that range in large part due to the subject's parcel size and the 895 SF attached garage. The Respondent noted that the sale of 131 Crystal Shores Drive was the best comparable with the subject, as it was the most similar in living area, developed basement area, and had the largest lot of 6,399 SF.

[10] The Respondent spoke to the equity comparables brought forward by the Complainant. The Respondent attested that the lot sizes were much smaller, in the range of 6,000-7,000 SF, and so the assessed values were lower than the subject. They also noted that the year over year assessment increases for these comparables were also in the 14-18% range, while the subject property increased by 16%, suggesting that equity was being maintained.

### **Findings and Reasons**

[11] The Board finds that there was insufficient evidence produced to alter the assessment. The Complainant's original issue was that the subject property was assessed higher than similar homes in the neighbourhood, but the summary of equity comparables that they provided do not show enough detail for the Board to determine whether they were truly comparable. The

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wide range in the assessed values suggests that there is wide variation in property characteristics, which makes it unclear how to compare them to the subject property. Providing specific details such as living area, structure type, lot size, basement development area, as well as the assessed value would have assisted the Board to identify any equity issues. The Board does not have the authority to do this research or investigate beyond the evidence immediately before it. The Respondent's testimony that these properties were assessed lower due to their substantially smaller lot sizes was accepted by the Board after review of the aerial photos and maps, and in the absence of evidence to the contrary.

[12] The Board was not persuaded by the Complainant's argument about the use of the lot being restricted. Almost all residential properties are affected by utility right-of-way restrictions. An adjustment may be warranted if the lot was an irregular shape or affected by poor topography, which would affect potential use and could be expensive if not impossible to remediate. However, the photos of the subject property suggest that the full use and enjoyment of the lot is possible, that it has even ground, landscaping, a concrete patio, and an access gate for the RV pad. There is nothing to suggest that only a part of this parcel should be assessed and the rest of the land area is unusable.

[13] The Board could put very little weight on the two sales provided by the Complainant, because no property characteristics were provided and no indication of how these might be time adjusted to the valuation date of July 1, 2024. More weight was given to the sales comparables submitted by the Respondent, which showed that similar homes in the Crystal Shores area had time adjusted sale prices well above the Complainant's requested value of \$760,000. These sales were inferior to the subject property in the two key areas of land area and garage size, yet they establish a market value range of \$793,000 to \$880,900. It is reasonable that the subject property would be assessed higher than this range given its superiority in size.

[14] While an atypical year over year increase in assessed value may indicate an issue, it may also simply reflect a different dataset of new sales from the year before. In this case, 16% is not far off from the average 14% increase, and appears reasonable given the large lot size.

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**Board's Decision**

The assessment is confirmed at \$908,000.

It is so ordered.

Dated at the Town of Okotoks in the Province of Alberta this 5<sup>th</sup> day of June 2025.



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Laura Dunbar-Proctor  
Presiding Officer

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

<b>NO.</b>	<b>ITEM</b>
C-1	Complaint Form (2 pages)
C-2	Complainant's Disclosure (5 pages)
R-1	Respondent's Disclosure (16 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.*