

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:

Harold and Marion Dueck - Complainant

- and -

The Town of Okotoks - Respondent

BEFORE:

Laura Dunbar-Proctor, Presiding Officer
Ryan Nix, Member
Andre Ulloa, 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:

Roll Number	Address	Assessment
0112020	87 Cimarron Estates Drive	\$1,107,000

This complaint was heard on the 14th 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:
Harold Dueck, Property Owner

Appearing on behalf of the Respondent:

- Nathan Hanberry, Assessor
- Carmel Staley, Assessor

Attending for the Assessment Review Board (ARB):

- Olga Kanevskyi, Clerk

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Preliminary Matters

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

Property Description and Background

[2] The subject property is located at 87 Cimarron Estates Drive in Okotoks, AB and is a residential bungalow home with developed basement and attached garage. The improved area on record is 1,703 SF and 1,326 SF developed basement area. The year of construction is 2023. It is currently assessed by The Town of Okotoks at \$1,107,000. The requested value on the assessment complaint form is \$996,000.

Issues

[3] Is the assessment value too high? The Complainant custom built the property themselves and knows the costs of construction.

Board's Findings in Respect of Each Matter or Issue

[4] The assessment is confirmed at \$1,107,000.

Summary of Positions

Complainant:

[5] The Complainant noted that the assessment amount was too high as the basis of their complaint and presented a thorough accounting of their actual construction expenses. The Cost Book that was submitted showed a detailed breakdown of expenses and included line items for a builder's fee and GST. The grand total of these costs was \$740,916. The Complainant also confirmed that they purchased their parcel in May 2023 for \$260,000, which brought their property value calculation to \$1,000,916.

[6] The Complainant argued that resale value for new build homes, in the first year of ownership, rarely exceeds the cost of construction unless significant changes have occurred in the market or additional improvements have been made. They estimated that resale of the subject property was probably close to \$1,000,000 due to the landscaping that has been added to the property since construction was completed in April 2024.

[7] In their rebuttal, the Complainant added the total cost of the subject property as a proxy sale price to the Respondent's table of sales. They calculated their own time adjusted value of \$1,019,800 to reflect the valuation date of July 1, 2024, by using the same multiplier that the

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Respondent used to time adjust the sale price for 17 Cimarron Estates Gardens, which occurred in March 2024. The Complainant's final requested value was \$1,040,196. This revised number was based on the time adjusted cost value of the subject property multiplied by 1.02, which was the highest ASR in the Respondent's sales comparables table.

Respondent:

[8] The Respondent provided a property summary and included an exterior photo and maps 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 bungalow properties that sold between November 2022 to March 2024. The sales comparables were shown to share similar characteristics to the subject property in terms of size, age, and lot size. All had attached garages and all but one had developed basements. The time adjusted sale prices range from \$1,014,600 to \$1,261,500, and the Respondent noted that the subject property assessment fell within that range.

Findings and Reasons

[10] The Board finds that there was insufficient market evidence produced to alter the assessment. While the Board accepts the cost evidence provided and the Complainant's years of experience in the custom home building industry, more weight was given to the market sales evidence provided by the Respondent. As the Complainant stated, they built the subject property themselves specifically to save on costs, so it is difficult for the Board to determine how closely these costs relate to market value, i.e. what price the subject might have transferred for under more typical sale conditions. There is also no way to verify whether the land value used in the cost calculation reflects market value since no other comparable land transactions were presented in evidence before the Board.

[11] While a cost approach may be used to assess residential properties, the sales comparison approach is the most common method used to prepare assessments where there is a large enough sample of sales, and that is the approach taken by the Town of Okotoks to assess single residential properties. The Board finds that the subject property assessment falls within the range of market value established by the Respondent's sales. In the absence of additional sales or further details regarding the sales provided, such as garage size, developed basement size, or site influences, the Board is unable to make any further distinctions whether the subject property should be assessed higher or lower than the comparables provided.

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Board's Decision

The assessment is confirmed at \$1,107,000.

It is so ordered.

Dated at the Town of Okotoks in the Province of Alberta this 12th day of June 2025.



Laura Dunbar-Proctor
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's Disclosure (14 pages)
R-1	Respondent's Disclosure (12 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*
- (e) the Minister.*