



Complaint ID 0316 1815
Roll No. 00035500

COMPOSITE ASSESSMENT REVIEW BOARD DECISION
HEARING DATE: NOVEMBER 27 AND 28, 2023

PRESIDING OFFICER: J. DAWSON
BOARD MEMBER: J. GRAU
BOARD MEMBER: A. TARNOCZI

BETWEEN:

PRAIRIE BIBLE INSTITUTE

Complainant

-and-

TOWN OF THREE HILLS

Respondent

This decision pertains to a complaint submitted to the Central Alberta Regional Assessment Review Board in respect of a property assessment prepared by an Assessor of the Town of Three Hills as follows:

ROLL NUMBER: 00035500
MUNICIPAL ADDRESS: 320 3 Avenue NE
ASSESSMENT AMOUNT: \$94,000

The complaint was heard by the Composite Assessment Review Board on the 27th and 28th day of November 2023, via Virtual Conference.

Appeared on behalf of the Complainant: I. Chauhan, Associate with Snyder & Associates LLP, and E. Maxwell, Managing Director of Finance of Prairie Bible Institute.

Appeared on behalf of the Respondent: K. Waters, AACI with Wild Rose Assessment Services, and D. Clark, AMAA with Wild Rose Assessment Services.

DECISION:

The assessed value of the subject property is confirmed, and the assessment value is unchanged at \$94,000 with the exemption portion changed to 100%.

0316 1815 – 1829 Multiple Rolls

Complaint ID & Roll No.	Property Address	Property Type	Current Assessment / Exceptions
0316 1815 Roll 00035500	320 3 Avenue NE	Vacant lot – north 2/3 parking	100% Taxable, 0% Exempt \$94,000
0316 1816 Roll 00028500	422 2 Street NE	Vacant R2 lot	100% Taxable \$78,000
0316 1817 Roll 00006000	616 2 Street NE	Vacant lot	100% Taxable \$49,000
0316 1818 Roll 00007000	610 2 Street NE	Vacant lot	100% Taxable \$49,000
0316 1819 Roll 00008000	606 2 Street NE	Vacant lot	100% Taxable \$47,000
0316 1820 Roll 00009000	602 2 Street N	Vacant lot	100% Taxable \$52,000
0316 1821 Roll 03139000	468 4 Avenue NE	Leased bay within on-campus warehouse	15% taxable, 85% exempt \$150,000
0316 1822 Roll 03142000	448 4 Avenue NE	Leased bay within on-campus warehouse	100% Taxable \$68,000
0316 1823 Roll 03146500	330 6 Avenue NE	Maxwell Centre as primary campus admin building	10% Taxable, 90% exempt: \$3,411,000
0316 1824 Roll 03100000	Part SE 1-32-24-W4 (Prairie Campus)	Main campus site. Assessed as vacant lot	40% Taxable, 60% Exempt \$2,218,000
0316 1825 Roll 03131000	343 4 Avenue NE	Owner occupied thrift store	85% Taxable, 15% Exempt: \$109,000
0316 1826 Roll 03130000	331 3 Avenue NE	Dormitory-style college housing	\$3,736,000 (100%) taxable + \$0 (0%) exempt = \$3,736,000 total
0316 1827 Roll 03320000	308 7 Avenue NE	Apartment-style college housing	100% taxable \$1,456,000
0316 1828 Roll 03121000	332 2 Avenue NE	Detached single-family dwelling (south)	100% Taxable, 100% taxable \$45,000
0316 1829 Roll 03122000	336 2 Avenue NE	Detached single-family dwelling (north)	100% Taxable, 100% taxable \$37,000

JURISDICTION

- [1] The Central Alberta Regional Assessment Review Board [“the Board”] has been established in accordance with section 455 of the *Municipal Government Act*, RSA 2000, c M-26 [“MGA”].

PROPERTY DESCRIPTION AND BACKGROUND

- [2] The subject property is a land parcel consisting of 21,000 square feet located in the Town of Three Hills with a College District (COL) Land Use Designation (LUD). There are no identified influences or market adjustments. The assessed values are determined by application of the sales comparison approach.
- [3] The entire property calculates at 0% exempt leaving a taxable portion of 100%.

PRELIMINARY MATTERS

- [4] These preliminary matters pertain to fifteen hearings and specific preliminary matter(s) may not pertain to this specific hearing.
- [5] This hearing along with fourteen others were opened simultaneously as they all pertained to property owned by the Complainant. The panel, representation for the Complainant and representation for the Respondent were unchanged during the entire hearing.
- [6] The Respondent requested that the hearing be heard consecutively as per the preliminary decision dated November 10, 2023. The panel explained that the consecutively is different that sequentially and followed a format where each party can speak on the overarching matters regarding all complaints and that individual rolls heard consecutively - one after another without interruption in an unbroken or logical sequence with all rolls opened simultaneously.
- [7] The Presiding Officer confirmed that no Board Member raised any conflicts of interest regarding matters before them.
- [8] Neither party raised any objection to the panel hearing the complaint.
- [9] The Complainant indicated that it wished to withdraw three complaints (0316 1822, 0316 1828, and 0316 1829) leaving twelve complaints for the panel to decide on.
- [10] A further three complaints (0316 1820, 0316 1823, and 0316 1825), both parties agreed on the assessed value and level of exemption but disagreed on which exemption applied.
- [11] The Respondent requested that the act to Incorporate the Prairie Bible Institute (1946 Chapter 78) be excluded from evidence because it is “beyond the mandate of Assessment Review Board hearing...”. The Board agreed to hear all evidence properly disclosed and make the decision based on the jurisdiction provided to the Board.
- [12] The Board finds that all evidence properly disclosed remains without redaction.

[13] No additional preliminary or procedural matters were raised by any party. Both parties indicated that they were prepared to proceed with the complaints.

POSITION OF THE PARTIES

Position of the Complainant

[14] The Complainant introduced the Prairie Bible Institute as a 'Bible School' and as a religious post-secondary institution with a focus on providing students with a Christian-focused education. Claiming that the Bible School is only authorized to issue degrees in divinity.

[15] The Bible School is in the Town of Three Hills and has been operating in the municipality since 1922, as an association under the Religious Societies Lands' Act. In 1946, the Bible School was incorporated under a Private Act of legislature. For over 100 years, the Bible School has operated in the same use and fashion since its inception.

[16] The Complainant explained that the Bible School consists of over 30 assessment roll numbers, 15 of which are under complaint. The Bible School is situated upon multiple parcels of land with separate legal descriptions, most of which contiguous.

[17] The Complainant indicated that the property assessments have been prepared based on land assessments on their own rolls, with the building assessments on separate rolls.

[18] The Complainant presented that the assessment amount complaints are abandoned on all files with the only issue being the extent to which the Bible School are exempt from taxation.

[19] Additionally, the Complainant's complaints being exempt by way of a Private Act passed in 1946 is abandoned, focusing its attention on exemption from taxation, based on use, pursuant to Sections 362(1)(d) and/or Section 362(1)(k) of the MGA.

[20] The Complainant argued that its constitution and incorporating act indicate that core values which assert the Bible School's commitment to providing a Christ-centered education for the purpose of spreading the message of Christ across the globe.

[21] The Complainant explained that in 2017, the Respondent passed Bylaw 1411-17 to make student dormitories subject to taxation.

[22] The Complainant asserted that there are three issues for consideration by this Board:

- A. is the "religious use" tax exemption, pursuant to Section 362(1)(k) of the MGA, correctly applied by the Respondent?
- B. is the "educational use" tax exemption, pursuant to Section 362(1)(d) of the MGA, correctly applied by the Respondent?
- C. is the assessment fair and equitable?

[23] The Complainant argued that statutory provisions must be contextually interpreted in consideration of the act to ensure the entire statute is cogent and intelligible. This is consistent

with the "modern method" of statutory interpretation endorsed by the Supreme Court of Canada in *Re Rizzo & Rizzo Shoes Ltd.*:

The words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament. **Rizzo & Rizzo Shoes, [1998] 1 SCR 27 at paras 20-21 [Rizzo]**

[24] The Complainant presented that the Supreme Court of Canada has confirmed that administrative tribunals must interpret statutes following the "modern principle" of statutory interpretation.

A court interpreting a statutory provision does so by applying the "modern principle" of statutory interpretation, that is, that the words of a statute must be read "in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament": Rizzo & Rizzo Shoes Ltd. (Re), 1998 CanLII 837 (SCC), [1998] 1 S.C.R. 27, at para. 21, and Bell ExpressVu Limited Partnership v. Rex, 2002 sec 42, [2002] 2 S. C.R. 559, at para. 26, both quoting E. Driedger, Construction of Statutes (2nd ed. 1983), at p. 87. Parliament and the provincial legislatures have also provided guidance by way of statutory rules that explicitly govern the interpretation of statutes and regulations: see, e.g., Interpretation Act, R.S.C. 1985, C. /-21.

*This Court has adopted the "modern principle" as the proper approach to statutory interpretation, because legislative intent can be understood only by reading the language chosen by the legislature in light of the purpose of the provision and the entire relevant context: Sullivan, at pp. 7-8. Those who draft and enact statutes expect that questions about their meaning will be resolved by an analysis that has regard to the text, context and purpose, regardless of whether the entity tasked with interpreting the law is a court or an administrative decision maker. An approach to reasonableness review that respects legislative intent must therefore assume that those who interpret the law - whether courts or administrative decision makers - will do so in a manner consistent with this principle of interpretation. **Vavilov v. Canada (Minister of Citizenship and Immigration), 2019 SCC 65 at paras 117-118 [Vavilov]***

[25] The Complainant emphasized that it is important for courts and tribunals to conduct a purposive analysis of the statutory text premised on the following three propositions:

- 1. All legislation is presumed to have a purpose. It is possible for courts to discover or adequately reconstruct this purpose through interpretation.*
- 2. Legislative purpose must be taken into account in every case and at every stage of interpretation, including initial determination of a text's meaning.*
- 3. In so far as the language of the text permits, interpretations that are consistent with or promote legislative purpose should be adopted, while interpretations that defeat or undermine legislative purpose should be avoided.*

Ruth Sullivan, Sullivan on the Construction of Statutes, 7th ed at Section 9.01(1) [Sullivan]

[26] The Complainant argued that another important interpretive maxim that is particularly relevant to this case is what is known as the "presumption against tautology" - this refers to the presumption that the Legislature avoids using meaningless words, and so legislative provisions need to be interpreted in a fashion that gives meaning and effect to every word in the provision. Further, if a

statute uses different terminology in one section as compared to another section in the same statute, it is presumed that the difference is meaningful.

- [27] The Complainant explained that in applying the "modern method" of statutory interpretation to the MGA, it is important to note that Section 362(1)(d) utilizes different measures of use than Section 362(1)(k). Whereas Section 362(1)(k) utilizes a used chiefly standard, Section 362(1)(d) utilizes a more lax standard: "used in connection with". Applying the principles of statutory interpretation, this means that the legislature utilized different terms for a reason, and this Board must consider that Section 362(1)(d) provides a broad exemption.
- [28] The Complainant presented, similarly, where Section 362(1)(k) utilizes the words "divine service", "public worship", and "religious education", it should be interpreted these three uses have a different meaning.
- [29] The Complainant reviewed relevant sections of the MGA and several decisions in support of its position (to be thoroughly considered within analysis), including:
- A. Edmonton (City) v. North Pointe Community Church, 2008 ABQB 110 ("North Pointe"),
 - B. Carmelite Nuns of Western Canada v. Alberta (Assessment Appeal Board), [1994] A.J. No. 595 ("Carmelite"),
 - C. Placid Foundation v. St. Albert (City), [2005] A.M.G.B.O. No. 52 ("Placid"),
 - D. Prabhat Chaturvedi, Shri Sadguru Sai Baba Mandir of Edmonton v. The City of Edmonton, 2021 ABECARB 2434 ("Prabhat"), and
 - E. Alberta Beach Pentecostal Camp (*now operating as Sunset Point Christian Camp*) v. Summer Village Sunset Point, CARB 0308-01-2023 ("Sunset Point")
- [30] The Complainant stated Section 362(1)(k) of the MGA sets out that property that is held by a religious body and used chiefly for the divine service, public worship, or religious education, as well as space used for parking in relation to these uses is exempt from taxation.
- [31] Adding that the primary purpose of the Bible School is to provide a Christian centered education to enable their students to spread the message of Christ.
- [32] The Complainant continued; The Bible School Land and the Homes are only used to serve the Bible School's overall purpose. Whenever the Land or Homes are used, they are used only within the context of the exempted activity in Section 362(1)(k).
- [33] The Complainant argued, were it not for the Bible Schools pursuit of the furtherance of their mission, the Bible School Land and the Homes would not be used by the Complainant at all. Stating that the Bible School Land and the Homes are used solely for the purposes of divine service, public worship, and religious education and are not used for any secular or commercial purpose.
- [34] The Complainant explained that the Bible School Land and Homes may have ancillary purposes, but as clearly determined ancillary purposes do not result in the exemption section 362(1)(k)

being lost. Accordingly, the Complainant submits that the Bible School Lands and the Homes should be exempted pursuant to Section 362(1)(k).

- [35] The Complainant also argued the Bible School Land and Homes are exempted given the educational use of the property. Section 362(1)(d) of the MGA sets out that property used in connection with educational purposes, other than a student dormitory, that is held by the board of governors of a university, polytechnic institution, comprehensive community college or the governing body of an educational institution affiliated university is exempt from taxation.
- [36] The Complainant presented that the educational use exemption is a broad exemption that provides that any property that is used in connection with educational purposes is exempt. The language of the section varies from that of other sections, such as Section 362(1)(k) which utilized the language "chiefly" used and is done so intentionally.
- [37] The Complainant indicated that applying the principles of statutory interpretation provides that distinction is intentional. In connection with is meant to be understood as a much broader exemption. Accordingly, the Complainant submits the entirety of the Bible School Land and Homes are exempted from taxation pursuant to Section 362(1)(d) of the MGA. The subject of this hearing is the Bible School Land and the Homes, which are used in connection with the educational purpose of the Bible School.
- [38] The Complainant also asserted that the Bible School Lands has not been assessed in a fair and equitable manner as required by Section 293 of the MGA. To consider what is fair and equitable, the Board should consider exemptions provided to similar properties to the Bible School Lands. To do so, the Board can consider other assessments prepared by the Respondent, including Roll 00005000, the Comparable Roll is adjacent to rolls 00006000, 00007000, 00008000, and 00009000, however the Comparable Roll is exempt whereas the rest are not.
- [39] The Complainant explained that for the Comparable Roll, the Respondent has properly applied the exemptions under Sections 351, 362(1)(d) and 362(1)(k) as the Comparable Roll is entirely exempt. Accordingly, the Complaint submits that the Respondent has erred by under applying the exemptions provided under Sections 351, 362(1)(d), and 362(1)(k), and in doing so have prepared an inequitable assessment. As such, the entirety of the Bible School Lands should be exempted as required by the MGA to be fair and equitable and in compliance with Section 293.
- [40] In conclusion the Complainant argued that the Bible School is a religious post-secondary institution. As such, the Bible School Land and the Homes are required to be exempted from taxation. Explaining that the Bible School Land and the Homes are used solely for the purposes of divine service, public worship, and religious education, or to facilitate those purposes, and are not used for any secular or commercial purpose.
- [41] The Complainant emphasized that the wording of section 362(1)(k) is deliberate and intentional. The choice to include "religious education" in the section was done so purposely. It must mean something different than "divine service" or "public worship" and the only way to give effect to the words of section 362(1)(k) is to exempt the entirety of Bible School as it fulfils the purpose of religious education.

- [42] The Complainant argued that a property may be exempted under more than one definition, and the Bible School is also a post-secondary institution, therefore the Bible School land and the buildings are exempt pursuant to the educational use exemption.
- [43] The Complainant presented that the Bible School land and the buildings are used in connection with educational purposes. Accordingly, the Complainant submits the entirety of the Bible School land, and the buildings are exempt from taxation pursuant to Section 362(1)(d).
- [44] The Complainant interviewed witness E. Maxwell, where some evidence was provided, including this summary:
- A. The Bible School is a religious post-secondary institution that is primarily used to provide a Christian-focused education to the students who attend. In fact, the Bible School is only authorized to provide degrees in Divinity. Every student must take Bible classes – three courses (9 credits) in the first year up to seven courses (21 credits) by the end of 4 years. Other elective Bible courses are available as well.
- i. Associate of Arts in Mission Aviation
 - Diploma (2 years)
 - ii. Bible and Theology
 - Program (1 year)
 - Diploma (2 years)
 - Degree (4 years)
 - iii. Business Administration
 - Degree (4 years)
 - iv. Christian Formation & Counselling
 - Undergraduate (2 years)
 - v. Church Ministry
 - Degree (4 years)
 - vi. Digital Media
 - Diploma (2 years)
 - vii. Humanities
 - viii. Intercultural Studies
 - Degree (4 years)
 - ix. Musicianship
 - Program (1 year)
 - x. Outdoor Leadership
 - Degree (4 years)
 - xi. Practical Nursing

- Dual Diploma (2 years)
- xii. Primary Care Paramedics
 - Program (1 year)
 - xiii. Songwriting and Recording
 - Program (2 years)
 - xiv. Sports Management and Leadership
 - Business Program (2 years)
 - xv. Master of Global Christian Educational Leadership
 - On-line Program (1 year)
- B. The purpose of the Bible School is to help establish God's kingdom by equipping and mentoring individuals through biblically integrated education for the life and careers that will meet the greatest needs of the world for the glory of God.
- C. The Bible School's core values are being Christ-centered, Discipleship-directed, Bible-based, and Mission mandated.
- D. The Bible School empowers Christians through Christian-focused education to lead a life of divine service. The programs offered at the Bible School are offered to fulfil this purpose.
- E. All students who attend the Bible School must be of the Christian faith. The Bible School imposes a Christian life and testimony requirement on all applications of prospective students. Prospective students are required to provide a statement of their Christian faith as well as why they have applied for a specific program.
- F. Further, students applying to attend the Bible School are required to provide a spiritual reference who can confirm their Christian faith and beliefs.
- G. The Christian life and testimony statements are then reviewed in contemplation of the Christian Life and Testimony Requirement.
- H. While the Bible School is an educational institution, its primary purpose is to provide a Christian-focused education to students. Were it not for the Bible Schools desire to provide a religious education, the Bible School would not use the land or the buildings at all.
- I. Davidson apartment and the dormitories are required to facilitate the primary religious educational purpose of the Bible School.
- J. Further, Davidson apartment is not solely used by students. Of the 27 total rooms in Davidson Housing, only 17 are used by students.
- K. The primary use of the entire property, including both buildings and land, is divine service and religious education.

- L. For the 2022-2023 school year, the Bible School had 480 students enrolled. About 150 of those students were taking classes taking classes remotely (synchronously or asynchronously) at various locations including from home and penitentiaries. As well, approximately 30 were high school students enrolled in dual credit courses. There were 323 students attending classes in person. Of those students attending in person 21 students resided in the town of Three Hills. The remaining students, approximately 302, were housed in the dormitories. 100% of these students are Christians.
- M. The reason that the dormitories were built was because there were not enough places for the students to stay in Three Hills.
- [45] In rebuttal, the Complainant rebutted two decisions provided by the Respondent (to be thoroughly considered within analysis):
- A. *Alberta Health Services v. MacKenzie County*, and
 - B. *Ranchland's Congregation of Jehovah's Witnesses v. The City of Calgary*.
- [46] The Complainant argued that the caselaw the Complainant provided in its original disclosure is more relevant and provides a better analysis of Section 362(1)(k).
- [47] The Complainant argued that the Bible School and all its improvements were intended to be exempt from taxation by the *Private Act* as the legislature acknowledged the religious educational use of the Bible School.
- [48] As the use has not changed, the Complainant maintained the exemption should still be recognized, albeit through the operation of Section 362(1)(d) and (k). Applying the principles of statutory interpretation, the Bible School should be exempt from taxation.
- [49] The Complainant insisted that, if the Board does not find the subject property exempt based on being used in connection with education purposes, the Board should find the subject property exempt pursuant to Section 362(1)(k) as the chief use of religious education must include the Bible School to give effect to the wording of the *MGA*. Alternatively, if the Board finds the subject property has a taxable portion attributable, the Complainant submits the taxable portions of the subject property is overstated in the Respondent's disclosure and the Board should accept the Complainant's alternative arguments contained herein.
- [50] The Complainant argued that the subject property is exempt based on equity. Green space is a requirement for a post secondary institution and the green space on this property is no different than the green space elsewhere on campus.

Position of the Respondent

- [51] The Respondent provided a flow chart based on sections of the *MGA*. The first question asked is if the property is a dormitory under the definition in section 326(1). If so, does section 351(1) apply – private act, then the property is exempt unless there is a bylaw under section 351(2) to remove the exempt. The second question is whether the property is used for educational purposes as per section 362(1)(d). If yes then the property is exempt, if not then taxable. The final question is

whether Used Chiefly for Religious Use 362(1)(k). If yes then the property is exempt, if not then taxable.

- [52] The Respondent reviewed relevant sections of the MGA in support of its argument (to be thoroughly considered during analysis).
- [53] The Respondent explained that the Complainant applies all arguments in one document, without referencing its application to any of the fifteen rolls before the Board. The points are generally made through reference to exemption legislation.
- [54] The Respondent argued that nowhere in MGA does 'Religious Use' broadly exempt a college campus, and especially not their dormitories. The MGA does not contemplate 'religious education' as qualifying for broad tax exemptions, incorporating both education and religious into the broadest of exemptions.
- [55] The Respondent noted that the MGA refers to 'religious education' once, only within 362(1)(k). Extending this brief reference as providing all encompassing religious-education exemption for faith-based post-secondary campuses is unjustified.
- [56] The Respondent argued that all property is taxable by default. Exemption is achieved through legislation.
- [57] The Respondent explained that college operates as 'Prairie College', not Prairie Bible College, Prairie Bible Institute, or Bible School. Prairie College is approved for Post-Secondary Education, and it offers a degree, in Divinity, and other diplomas, certificates and license programs, such as:
- I. Diploma in Sports Management
 - II. PCP (Primary Care Paramedic) and ACP (Advanced Care Paramedic) accreditation courses
 - III. Practical Nurse Diploma
 - IV. Certificate in Outdoor Leadership
 - V. Diploma in Outdoor Leadership
 - VI. Bachelor of Arts in Intercultural Studies (BAIS)
 - VII. Licensed Commercial Pilot in Aviation program.
- [58] The Respondent indicated that the Complainant asserts the religious component of the college. While the Respondent asserts the religious element of the college is not relevant, in terms of tax exemption.
- [59] The Respondent argued that the campus infrastructure is primarily purpose built for educational use, similar in layout to most postsecondary campuses. As a faith-based campus, and there are several in the province, education includes religious components.

- [60] The Respondent explained that prior to the original Bylaw 1043-91, there was an agreement in place for Complainant to indemnify the Respondent of costs. It seems the agreement was cumbersome to administer, so it was agreed that property tax would be a suitable way to move forward – continuing for 31 years so far.
- [61] The Respondent explained that section 362(1)(k) states that religious exemptions from taxation are property:
- I. ...used chiefly for divine service, public service, or religious education.
 - II. ...and any parcel of land that is held by the religious body and used only as a parking area in connection with those purposes.
- [62] The Respondent asserted that most of the Prairie College campus, as a faith-based post-secondary institution, has already been exempted via educational exemptions within section 362(1)(d).
- [63] The Respondent explained the only area of the campus that meets exemption per section 362(1)(k) is the chapel, which is already been exempted under section 362(1)(d).
- [64] The Respondent argued that there are many faith-based post-secondary educational institutions, each offering a blend of traditional education plus faith. They are not churches, nor primarily used for divine worship. Whether faith-based or secular; every semester, every student willingly chooses an institution, then pays ongoing tuition fees in exchange for education.
- [65] The Respondent explained that subject property is unique to the town. There are no other college campuses within the community to compare for the application of a fair and equitable assessment. Direct interpretation and consistent application of the MGA throughout the municipality creates a fair and equitable assessment.
- [66] The Respondent presented that the MGA does not contemplate 'religious education' as qualifying for broad tax exemptions, incorporating both education and religious into the broadest of exemptions.
- [67] The Respondent explained that the effect of legislation and tax exemption if Prairie College in its entirety were exempted by Section 362(1)(k). The subject property is significantly affected.
- The south portion of the site is not used in connection with educational uses or chiefly for divinity. There is an approximately thirty-five percent of the 21,000 square feet of excess land by applying GIS measurements.
- [68] The Respondent presented that the Complainant may wish to abandon the claim around valuation; however, valuation is key in determining the assessment of each property. An exemption cannot be applied to a portion of a property using a sliding scale of valuation. There is the law of diminishing returns: as units increase, the value per unit decreases. An exemption should be applied based on each component and the specific assessment.
- [69] The Respondent argued that the Complainant's case law references give clear direction as to the application of 362(1)(k), affirming that the subject property, as a faith-based post-secondary institute, is not governed by this MGA section.

- [70] The Respondent indicated that total assessed value is recommended to be \$94,000 with 35% Taxable and 65% Exempt.

ANALYSIS, BOARD FINDINGS and DECISION

- [71] The Board accepts the assessment value presented by the Respondent because the Complainant offered no alternative value. The Assessment value is unchanged at \$94,000.
- [72] The Board finds, based on equity, that the subject property is 100% exempt from taxation. The Board finds no difference in the green space on the subject property than the green space on the main campus, which the Respondent deemed exempt.

DECISION SUMMARY

- [73] The Board finds that the assessment value is unchanged at \$94,000 with a 100% exemption through section 362(1)(d) with any portion deemed to be outside of 362(1)(d) or taxable under section 363(3) is exempt under section 362(1)(k).
- [74] The Board finds that a fair and equitable assessment of the subject property is achieved by following the direction of the legislature and the guidance of previous decisions.
- [75] Dated at the Central Alberta Regional Assessment Review Board, in the city of Red Deer, in the Province of Alberta this 27th day of February, 2024 and signed by the Presiding Officer on behalf of all the panel members who agree that the content of this document adequately reflects the hearing, deliberations and decision of the Board.



L. Stubbard, Board Clerk
On behalf of
J. Dawson
Presiding Officer

If you wish to appeal this decision you must follow the procedure found in section 470 of the MGA which requires an application for judicial review to be filed and served not more than 60 days after the date of the decision. Additional information may also be found at www.albertacourts.ab.ca.

APPENDIX

Documents presented at the Hearing and considered by the Board.

<u>NO.</u>		<u>ITEM</u>
1.	A.1	Hearing Materials - 103 pages
2.	C.1	Complainant LARB Disclosure – Letter to Board - 1 page
3.	C.2	Complainant LARB Disclosure - Legal Argument - 48 pages
4.	C.3	Complainant LARB Disclosure - Volume of Authorities - 148 pages
5.	C.4	Complainant Rebuttal Disclosure – Letter - 1 page
6.	C.5	Complainant Rebuttal Disclosure – Legal Argument - 16 pages
7.	C.6	Complainant Rebuttal Disclosure - Volume of Authorities - 22 pages
8.	R.1	Respondent Disclosure - 34 pages
9.	R.2	Respondent Disclosure - Review of Comp Disclosure - 38 pages
10.	R.3	Respondent Disclosure – Referenced Source Materials - 19 pages