



Complaint ID 0255 1809
Roll No. 000 11296

LOCAL ASSESSMENT REVIEW BOARD DECISION
HEARING DATE: OCTOBER 19, 2023

PRESIDING OFFICER: A. GAMBLE
BOARD MEMBER: C. NEITZ
BOARD MEMBER: D. WIELINGA

BETWEEN:

VIC COTTON

Complainant

-and-

PONOKA COUNTY
As Represented By Wildrose Assessment Services

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 PONOKA COUNTY as follows:

ROLL NUMBER: 000 11296

MUNICIPAL ADDRESS: 12B 10042 TWP RD 422, Ponoka County, AB

ASSESSMENT AMOUNT: \$ 223,000

The complaint was heard by the Local Assessment Review Board on the 19 day of October, 2023, at Ponoka County in the Province of Alberta.

Appeared on behalf of the Complainant: Vic Cotton

Appeared on behalf of the Respondent: Kevin Bohlken, Wild Rose Assessment Services
Riley Kloss, Wild Rose Assessment Services

DECISION: The assessed value of the subject property is confirmed at \$223,000

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 located at 12B 10042 TWP RD 422 Ponoka County, AB. Owner Occupied Recreational Development. Designated Land Use is Recreational Vehicle Resort. 1,314 Square meters or 14,144 square feet. Improvement Description 2013 Infinity 5th Wheel Trailer, plus Bunkhouse and Deck.

PRELIMINARY MATTERS

- [3] On the Assessment Review Board complaint form, the Board noted the Complainant failed to check any of the boxes in Section 4 that describe the matters of the complaint. At the onset of the hearing, the Board brought the issue forward as a Preliminary Matter. During questioning the Complainant indicated this was an oversight and requested box 3 (“the assessment amount”) and box 7 (“the type of improvement”) be checked. The Board asked the Respondent if they objected to the Complainant filling in the boxes. They responded with no objection as long as no new information was brought forward. The Board acknowledged the Complainant’s inexperience with the Assessment Complaint process, after review of the information provided the Board allowed the amendment to the Complaint form and the hearing proceeded.
- [4] Neither party raised any objection to the panel hearing the complaint.
- [5] No additional preliminary or procedural matters were raised by any party. Both parties indicated that they were prepared to proceed with the complaint.

POSITION OF THE PARTIES**Position of the Complainant**

- [6] The Complainant explained that they have owned the property for over 8 years and has only left a travel trailer on it a couple of times and has no issue with the land assessment values. The travel trailer is not affixed to the land and is personal property with its own serial number.
- [7] The Complainant noted the “bunkhouse” is a 12 year old shed with no paint and no bed. The attached deck is older and rotted out. If a transfer of title property occurred, the land would be sold whereas the travel trailer is a separate title similar to the sale of any vehicle.
- [8] The Complainant suggested if they switched out trailers it would change the assessment due to the value assigned the unit. The trailer was winterized and water is shut off during the winter.
- [9] In support of his position the Complainant brought forward the following:

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- I. A letter from the manufacturer indicating the travel trailer is not meant for full time living in our climate, Exhibit C2.
 - II. Sales comparisons of property listings;
 - i. Raymond Shores #185A has a park model home and other structures, listed for \$199,900, Exhibit C3,
 - ii. Lakefront lot, Gull Lake is a bare lot with bunkhouse/storage bldg. with paved parking. The Complainant considers this a premium lot, listed for \$184,000, Exhibit C4.
 - III. Travel Trailer is not attached to the land, in support the Complainant provided a definition from the Property Assessment and Taxation: A Guide for Alberta's Municipal Leaders, Exhibit C5 pg. 6:

“What is property? The *Municipal Government Act* defines property as a parcel of land, an improvement, or a parcel of land and an improvement to the land. An improvement is a structure or items attached to a structure that would ordinarily be transferred by a sale of the structure. Examples of an improvement may include a house, building, driveway, landscaping, manufactured home, or machinery and equipment.”

- [10] During rebuttal the Complainant reiterated the travel trailer was never left on the lot for storage purposes except for the last year. Historically the travel trailer has been used for travel and should be able to be stored on the lot he owns without changing the assessed value as it is not affixed to the land.
- [11] Of the comparable sales provided by the Respondent the Complainant believes the comparables have no relevance as they do not indicate what other items may be included in the sale. This could include boat lifts, golf carts, and so on. The Complainant further indicate that if a travel trailer were to be included as part of the sale the purchaser would have to re-register the title and would not be included as part of the title transfer (similar to a vehicle sale). Items that are not fixed to the property would be up to the discretion of the seller further affecting the selling price.
- [12] Further the Complainant stated his trailer is completely mobile, fully winterized but maintains a power connection and heat tapes in place due to resort bylaws. Water is turned off at the site meaning no water / plumbing available.
- [13] Through questioning the Complainant further explained there is no dispute to the land value, the main concern is the value attributed to the travel trailer and the improvements. The Complainant questioned to values attributed to each of the “improvements” stating that Travel Trailers lose value once they leave the dealership, the shed/bunkhouse and deck should be valued much lower.
- [14] Further, the Complainant requested the value of the travel trailer and the improvements (deck and bunkhouse/shed) be removed as it is not affixed to the property and requested an assessed value of land only at \$144,000.

Position of the Respondent

- [15] The Respondent submitted the subject is located in a fully serviced year-round gated community resort named Raymond Shores. Each site is equipped with 100 AMP electrical pedestal as well as community waste system and water available with additional amenities also available. Raymond Shores has 367 lots with various improvement types and uses from the basic holiday trailer to larger modular park model homes. A breakdown of the property & improvements noted as of December 31, 2022 was provided in Exhibit R1 pg. 18.
- [16] The Respondent explained they try to do site visits close to the physical condition date of December 31st in order to ensure the information collected is as accurate as possible. In this instance the site visit occurred December 8, 2022, at which time the Respondent viewed the exterior of the subject property and improvements. It was noted that the property included a 2013 Travel Trailer, Large Deck and Bunkhouse, all listed as good overall condition although the age of the bunkhouse was not clear. Photos were also taken at time of the site visit and provided in support of the assessment.
- [17] The Respondent indicated that assessment values are established using Mass Appraisal, once applied and they make sure market value is achieved. The Municipality must achieve a Median of 95% - 105% as overall assessment. The Respondent noted the assessment of the subject property is within the range of similar property and is thereby fair and equitable.
- [18] The Respondent brought forward 4 comparables of neighbouring properties (Exhibit R1 pg. .28);
- I. Subject Lot 12b, Roll 11296 - Land 14,144ft², Land \$144,000, Improvement Infinity 5th wheel (387 ST²) Year 2013 \$67,000. Other improvement - bunkhouse (161ft²) \$12,000 total assessment \$223,000,
 - II. Comparable #1 - Lot 11B Roll 11295, Land 16,873ft², Land \$154,000, Improvement Jayflight bumper pull trailer (320ft²) Year 2010 \$33,000. Other improvements - Garage (393ft²) \$17,000 total assessment \$204,000,
 - III. Comparable #2 - Lot 13B Roll 11297, Land 12,907ft², Land \$139,000 Improvement Small Park Model (532ft²) Year 2016 \$129,000. Other improvements - Garage (385ft²) \$16,000 total Assessment \$284,000,
 - IV. Comparable #3 - Lot 14b Roll 11298, Land 12,708ft², Land \$139,000 Improvement Citation 5th wheel (357ft²). Other improvements - Garage (401ft²) \$19,000 total assessment \$207,000,
 - V. Comparable #4 - Lot 16b Roll 11300, Land 11,725ft², Land \$135,000, Improvement Modular Park Model (1001ft²) Year 2019 \$215,000. Total assessment \$350,000.
- [19] The Respondent also brought forward 14 sales comparables from July 1, 2019 to June 30, 2022 stating that they have a median ASR of 98%, Exhibit R1 pg. 32 -34. Statistically within the desired range. The Median assessment ratio is \$226,800 and a mean ratio of \$227,293. Both are slightly higher than the assessed parcel under appeal.
- [20] Section 289(2)(a) of the MGA states that

“(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] Respondent brought forward definitions of property as stated in the MGA section 284(1)(r) & section 284(1)(r) and section 284(1)(w.1):

“(r) “property” means

(i) a parcel of land,

(ii) an improvement, or

(iii) a parcel of land and the improvements to it.”

“(w.1) travel trailer” means a trailer intended to provide accommodation for vacation use and licensed and equipped to travel on a road...”

[22] The Respondent reference MGA section 298(1)(bb) stated the criteria for Non assessable property

“298(1) No assessment is to be prepared for the following property:

(bb) travel trailers that are

(i) not connected to any utility services provided by a public utility, and

(ii) not attached or connected to any structure;...”

[23] The Respondent continued stating the two criteria listed above must be met in order for the Travel Trailer to be exempt from assessment;

1. For the first criteria the entirety of Raymond Shores has full services provided year-round. Based on this criterion the Travel Trailer in question does not qualify for an exemption, and
2. For the second criteria it is acknowledged that the Trailer in question is not connected permanently to an adjoining structure.

As both criteria cannot be met this Travel Trailer must stay assessed on this property.

[24] The Respondent also referred to *Riverside RV v Town of Sundre (2006)*, MGB 109/07 (Exhibit R.2 pg. 23) second paragraph that indicated the Act does not recognize the concept of seasonality, unplugging from electricity does not result in termination of electricity, likening this to turning off a breaker at a home. In that instance the Board found all units were assessable as Travel Trailers

needed to be both NOT connected to a utility service provided by a public utility AND not attached to any structure.

- [25] Based on the above the Respondent requested the Board to confirm the assessment as both stipulations were not met. The Respondent acknowledges that the Travel Trailer was not connected to any structure however this is not sufficient to meet the criteria for non-assessable property since the property is located on in a fully serviced year-round gated community.

BOARD FINDINGS and DECISION

- [26] The Board notes the Complainant did not dispute the assessment value of the land at \$144,000. The Complainant indicated issues before the Board related to the assessment of the improvements being the Travel Trailer assessed at \$67,000 and bunkhouse at \$12,000.
- [27] The Complainant confirmed the Travel Trailer was onsite as of December 31st, 2022 and acknowledged the power connection for heat tapes on the pipes. The Travel Trailer was winterized with no water and sewer being used during the winter months.
- [28] The Complainant argued values attributed to marina and boat slips could affect assessment, but no evidence or information was brought forward. The Board placed no weight on those statements.
- [29] The Complainant asked for an adjustment on improvement values and provided listings to support his request. The Board gave no weight to the listings since the date of the material could not be validated.
- [30] The Board considered the four comparables provided by the Respondent, of these comparables two lots contained Travel Trailers and two contained Park Models ranging from \$204,000 through \$350,000. In its review the Board notes only two were similar to the subject with Travel Trailers onsite.
- [31] The Board notes the Complainant stated the bunkhouse is rundown and over assessed however there was no evidence provided for the Board to confirm the Complainants position. The Complainant provided a letter from a RV Dealer that stated that the value of a RV dropped substantially when taken off the sellers lot however the Complainant didn't provide evidence of values for RV's located on bare lots in Resorts like the subject property.
- [32] The Board notes the physical condition date that is set out in the *Municipal Government Act*:
- Section 289(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 ..."*
- [33] In making its decision the Board is cognizant of prior Board decisions however the Board notes it is not bound by prior decisions. The Board must make its decision based on the evidence before it at the complaint hearing.
- [34] The Board closely examined section 298(1)(bb) of the MGA to determine if the Travel Trailer met the criterial to be considered non-assessable. In it's review it the Board noted the Complainant

did not dispute the Travel Trailer was on-site and connection to electricity as of the physical condition date December 31, 2022. While the Board acknowledged the Travel Trailer was not connected to any structure the Board agreed with the Respondent this was not sufficient to meet the requirements (to permit the structure from being assessed).

- [35] Further, the Board finds there was not enough evidence to support a reduction of the assessed value attributed to improvements (Travel Trailer and Bunkhouse) as requested by the Complainant.

DECISION SUMMARY

- [36] The Board finds that the original assessed value is CONFIRMED at \$223,000.
- [37] Dated at the Central Alberta Regional Assessment Review Board, in the city of Red Deer, in the Province of Alberta this 14th day of November, 2023 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.



Al Gamble
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 – 6 pages provided by Clerk
2. C.1	Complainant Submission - 1 page
3. C.2	Complainant Submission - Dealership Letter - 1 page
4. C.3	Complainant Submission - Raymond Shores #185A - 4 pages
5. C.4	Complainant Submission – Lakefront Gull Lake Alberta - 2 pages
6. C.5	Complainant Submission Property Assessment and Taxation: A Guide for Alberta’s Municipal Leaders - 35 pages
7. C.6	Complainant Rebuttal – 3 pages
8. R.1	Respondent Submission – 42 pages
9. R.2	Respondent Submission Part 2 of 3 – 28 pages
10. R.3	Respondent Submission Part 3 of 3 – 40 pages