

Central Alberta

Regional Assessment Review Board

LARB 0377-781/2016

Complaint ID 781

Roll No. 3404194001

LOCAL ASSESSMENT REVIEW BOARD DECISION

HEARING DATE: NOVEMBER 1, 2016

PRESIDING OFFICER: A. GAMBLE

BOARD MEMBER: V. KEELER

BOARD MEMBER: A. KNIGHT

BETWEEN:

735622 ALBERTA LTD.

Chris Huhn

Complainant

-and-

CLEARWATER COUNTY

Assessment & Revenue Department

Respondent

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

ROLL NUMBER: 3404194001

MUNICIPAL ADDRESS: 343041 Range Road 5-0

ASSESSMENT AMOUNT: \$300,520

The complaint was heard by the Local Assessment Review Board on the 1st day of November, 2016, in the Council Chambers of Clearwater County, in the province of Alberta.

Appeared on behalf of the Complainant:

- No person

Appeared on behalf of the Respondent:

- Denniece Crout—Manager, Assessment & Revenue
- Rodney Boyko—Director, Corporate Services

DECISION: The assessed value of the subject property is confirmed.

JURISDICTION

- [1] The Central Alberta Regional Assessment Review Board [“the Board”] has been established in accordance with section 456 of the *Municipal Government Act*, RSA 2000, c M-26 [“MGA”], and Clearwater County Bylaw No. 919/10, *Regional Assessment Review Board*.

PROPERTY DESCRIPTION AND BACKGROUND

- [2] The subject property consists of 160 acres assessed as residential and farmland, and is located at 343041 Range Road 5-0 in Clearwater County, within the province of Alberta. Of these 160 acres, 157 acres have been assessed as Agriculture and three acres have been assessed as Residential. The improvement of a summer cabin, built in 1999, is included in the assessment of this three acre area.
- [3] A property assessment complaint was submitted by property owner Chris Huhn (735622 Alberta Ltd.) on July 14, 2016.
- [4] Confirmation of receipt of complaint and Notice of Hearing was sent to the Parties on August 12, 2016
- [5] A letter advising of non-attendance of the Complainant was sent to the Clerk of the Board, via fax, on October 28, 2016.

PRELIMINARY MATTERS

- [6] Although the Complainant was not represented at the hearing, the Board decided that because the complaint had not been withdrawn, it was required to hear the complaint with the written evidence submitted.
- [7] The Chair confirmed that the issues before the Board are the assessment amount and the description of the property as identified on the complaint form. The complaint form also indicated that the Complainant is requesting a decrease in the total assessment from \$300,520 to \$200,000.
- [8] The Board Chair confirmed that no Board member raised any conflicts of interest with regard to matters before them.
- [9] The Respondent did not raise any objection to the panel hearing the complaint.
- [10] No additional preliminary or procedural matters were raised.
- [11] The Board confirmed the submissions of the Parties and entered the following Exhibits into the record:
- A.1 Clerk’s Hearing Materials including agenda, complaint form, property assessment summary report, and Notice of Hearing (*agenda cover plus 4 pages*)
 - C.1 Complainant disclosure submission (*1 page*)
 - C.2 Complainant submission (*6 pages*)
 - R.1 Respondent disclosure submission (*cover plus 24 pages*)

ISSUES

[12] The Board considered the Parties' positions and determined the following questions are to be addressed within this decision:

- a) Is the subject property described correctly on the assessment notice?
- b) Has the subject property been assessed correctly?

POSITION OF THE PARTIES

Position of the Complainant

[13] The Board referred to the Complainant's complaint form and made note of the submissions within.

[14] The Complainant noted that the assessed value of the subject property is too high and that "the assessment relating to other properties is too high". The Complainant submitted that the assessment should be decreased to \$200,000.

[15] Further, the Complainant noted that the description of the property is incorrect, stating that the deck has no railing and has holes in it from rotting boards. As such, it is unsafe and shouldn't be included in assessment.

[16] The Complainant submitted that he did not receive the information from Clearwater County that he requested in his letter dated October 10, 2016 (Exhibit C.1). The Complainant provided an excerpt from a Municipal Affairs informational document that states "a municipality must provide this information to you within 15 days from the date you requested the information." (Exhibit C.2) The Complainant wrote that he did not receive the requested information within this 15 day time frame, as required by *MGA* Sections 299 and 300.

[17] The Complainant provided a 2013 summary report of a property, consisting of a quarter section with a summer cottage, for comparison. The Complainant argued that since this summary report was disclosed in a prior hearing, this comparable should be allowed as evidence in this hearing. He further explained that this property was built in 2008 and is similar in land area.

[18] In summary, the Complainant requested that the Board reduce the assessed value of the property to \$200,000.

Position of the Respondent

[19] The Respondent explained to the Board that the last site inspection of the subject property was done on November 7, 2013.

[20] A letter dated October 20, 2016, written by the Respondent to the Complainant, was read to the Board. This letter provided a detailed response to the information requested by the Complainant in his letter of October 10, 2016.

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- [21] The Respondent referred to various legislated valuation parameters and the corresponding legislation used in the calculation of the assessed value of the subject property, as follows:
- Mass Appraisal
 - Market Value
 - Sales Data
- [22] The Respondent provided an analysis of 3 comparable sales to demonstrate that the subject property is assessed fairly. All comparable sales were dated between September 2012 and January 2013, and were time adjusted.
- [23] The Respondent submitted that the comparable properties show the mean and median of both the assessment and sale price per square foot are in excess of that of the subject property. The Respondent further stated that the assessed value of the property is fair and equitable, and is reflective of market value.
- [24] In conclusion, the Respondent requested that the Board confirm the current assessment of \$300,520.

BOARD FINDINGS and DECISION

Issue One - Is the subject property described correctly on the assessment notice?

- [25] The Board interprets the description of the subject property to be adequately defined as: civic and legal address, roll number, property area, zoning, and year built.
- [26] The Board finds no evidence has been submitted that would suggest the subject property has been incorrectly described on the assessment notice.

Issue Two – Has the subject property been assessed correctly?

- [27] The Board accepts that the letter of October 20, 2016 from the Respondent, which provided previously requested information, was sent to the Complainant within the 15 day timeline, as required by *MGA* s.299 and s.300.
- [28] The Board finds that the comparable submitted by the Complainant only identified a summer cottage on a quarter section of agricultural land with a regulated farmland assessment, and does not identify a three acre parcel for the residence, as required in *MRAT* s.4.
- [29] The Board recognizes that since a residential building was constructed on the subject property, three acres with improvements have been assessed at market value, as required in *MRAT* 220/2004 s.4.
- [30] The Board further notes that the comparable submitted by the Complainant is dated 2013 with no adjustments or details of the property improvements that would provide current information for consideration.
- [31] As such, the Board finds that little weight can be given to the Complainant's comparable due to lack of detailed information submitted by the Complainant.

- [32] The Board finds that the evidence provided by the Complainant regarding the deck and railing deficiencies was insufficient to justify any reduction of the assessed value of the subject property. Further, no information was provided detailing the costs of the deck and railing, or the affect this would have on market value.
- [33] The Board accepts that although the three comparables provided by the Respondent are all outside of the legislated valuation timelines, all pertinent adjustments were made to the subject property to bring it into the legislated parameters.
- [34] The Board agrees that the assessed value of \$257,000 is under the mean assessment and mean sale price as detailed by the Respondent.
- [35] The Board finds that the assessment has been prepared using the sales comparison approach pursuant to all legislated requirements using mass appraisal and market value techniques.
- [36] The Board finds that no convincing evidence has been presented to suggest the assessment does not comply with legislation, and is not supportable, fair, and equitable.
- [37] In summary, the Board finds the assessed value for the subject property is confirmed.

DECISION SUMMARY

- [38] The Board confirms the assessed value of the subject property at \$300,520.
- [39] Dated at the Central Alberta Regional Assessment Review Board, in the City of Red Deer, in the Province of Alberta this 22nd day of November, 2016 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.



A. Gamble

Presiding Officer

This decision can be appealed to the Court of Queen's Bench on a question of law or jurisdiction. If you wish to appeal this decision you must follow the procedure found in section 470 of the MGA which requires an application for leave to appeal to be filed and served within 30 days of being notified 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

NO.

ITEM

1. A.1 Clerk's Hearing Materials including agenda, complaint form, assessment summary report, and notice of hearing (*agenda cover plus 4 pages*)
2. C.1 Complainant disclosure submission (*1 page*)
3. C.2 Complainant submission (*6 pages*)
4. R.1 Respondent disclosure submission (*cover plus 24 pages*)