



Complaint ID 0226 1695
Roll No. 130293004

LOCAL ASSESSMENT REVIEW BOARD DECISION
HEARING DATE: OCTOBER 24, 2022

PRESIDING OFFICER: SANDI ROBERTS
BOARD MEMBER: ALLAN TARNOCZI

BETWEEN:

GEERT TERPSTRA

Complainant

-and-

MOUNTAIN VIEW COUNTY ASSESSMENT

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 Mountain View County as follows:

ROLL NUMBER: 130293004

MUNICIPAL ADDRESS: 1432 Twp Rd 304, Mountain View County

ASSESSMENT AMOUNT: \$ 660,950

The complaint was heard by the Local Assessment Review Board on the 24th day of October 2022, via Video Conference.

Appeared on behalf of the Complainant: Geert Terpstra-Buwalda

Appeared on behalf of the Respondent: Mike Krieger, Assessor

DECISION: The assessed value of the subject property is confirmed at \$660,950.

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 single-family dwelling of 1,437 sq ft with an attached garage of 957 sq ft on two acres, located at 1432 TWP RD 304 in Mountain View County, zoned R-CR1 Country Residential.

PRELIMINARY MATTERS

- [3] This hearing was initially scheduled to be heard by a Composite Assessment Review Board (CARB).
- [4] At the outset of the appeal hearing, the Presiding Member raised a preliminary jurisdictional issue regarding the jurisdiction the CARB had to hear the complaint. After hearing from both the Complainant and Respondent regarding the classification of the subject property, the Board determined a local assessment review board (LARB) has the proper jurisdiction to hear the complaint in consideration of section 460.1(1) (a) (i) of the *Municipal Government Act* (MGA).
- [5] Accordingly, the provincial member was excused, and the hearing proceeded with a quorum of two members of the LARB as set out in section 458(1) of the MGA.
- [6] The Presiding Officer confirmed that no Board Member raised any conflicts of interest with regard to matters before them.
- [7] Neither party raised any objection to the panel hearing the complaint.
- [8] 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**

- [9] The Complainant’s position was that his property was not equitably assessed. He claimed that it was assessed higher and that he was paying more taxes than neighbouring properties.
- [10] The Complainant stated that a neighbouring house, 20-1431 TWP 304, was larger and had higher quality finishing than his home. Although the neighbouring home was assessed at \$788,110, the Complainant asserted that it would sell for over \$1,000,000. The Complainant noted that the substantial difference in value and the relatively small \$715 difference in tax highlighted the inequity of assessed value.
- [11] The Complainant stated that property 10-1431 TWP 304 had a greater value than his home and was paying less taxes (\$3,800) than he was for his home.

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- [12] The Complainant stated that property 10-1438 TWP 304 paid \$3,400 in taxes and had a value of \$800,000 based on a March 2022 sale.
- [13] The Complainant also argued that due to a competitive market he paid a premium for his house that is greater than its market value.
- [14] The Complainant provided a letter from an insurance company stating that the replacement cost of the subject property is \$405,000. The Complainant estimated that the land value was \$150,000 and combining the two figures results in a total value of \$550,000 for the subject property.
- [15] In summary, the Complainant requested the Board reduce the assessment to \$550,000

Position of the Respondent

- [16] The Respondent's presentation reviewed the comparable properties that the Complainant identified and included three properties that he asserted were comparable for the purpose of determining value. He also provided a market ratio report of selling price to assessed value for thirty properties sold between July 2018 and June 2021.
- [17] The Respondent stated that property 20-1431 TWP 304 is a bungalow that is 680 sq ft larger than the subject property and was assessed at \$788,110.
- [18] The Respondent stated that property 10-1431 TWP 304 is a two-storey home and that the cost of construction per sq ft is less than the subject bi-level and thus the assessed value per sq ft is less.
- [19] Property 10-1438 TWP 304 is larger than the subject property but is two storeys, so its construction cost per sq ft is less than the subject bi-level. This property is one of the three comparables used by the Respondent. It sold in 2018 for \$602,962 and is currently assessed at \$660,940.
- [20] The Respondent included the Land Title Certificate for the subject property showing that it sold for \$600,000 on September 29, 2021.
- [21] The Respondent included three sales comparisons arguing that the properties were comparable as to model, type and quality; and that they were similar in age and parcel size. The sale price range for this data set was \$602,962 - \$723,000.

BOARD FINDINGS and DECISION

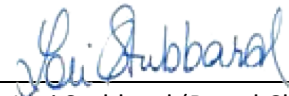
- [22] While the Complainant did indicate concerns regarding the amount of his tax bill, the Board determined that section 460(8) of the MGA applied, stating that "There is no right to make a complaint about any tax rate." As a result, the Board's findings focused solely on the assessed value of the property.
- [23] The Complainant's assertion that property 20-1431 TWP 304 should be valued at \$1,000,000 was not supported by any documentation and thus the Board assigned little weight to the assertion.
- [24] The Complainant's assertion that properties 10-1431 TWP 304 and 10-1438 TWP 304 are of greater value than the subject property was not supported by any documentation, thus the Board

assigned little weight to the assertion. The Board was persuaded by the Respondent's argument that these properties are two-storey construction and his assertion that this reduces the per sq ft value.

- [25] The Complainant's statement that property 10-1438 TWP 304 had a value of \$800,000 was based on a post facto sale and thus the Board assigned little weight to the valuation.
- [26] The Complainant's assertion that he paid greater than market value for the property was not supported by any documentation and thus the Board assigned little weight to the assertion.
- [27] The Complainant's calculation of market value of the subject property, based on the letter from the insurance company and the estimate of land value by the Complainant, was given little weight for two reasons. First the determination of land value was not supported by any documentation. Second, the Board determined that property sales was a better determination of value than replacement costs.
- [28] The Respondent's inclusion of Land Title Certificate for the subject property to support the valuation was given little weight, given that it was based on a post facto sale.
- [29] The Board acknowledges the sales comparisons introduced by the Respondent.
- [30] The Board determined that the Complainant failed to provide convincing evidence to establish that the Respondent's recommended assessed value is not reflective of the subject property's market value.

DECISION SUMMARY

- [31] Based on the reasons here in, the Board finds that the original assessed value is confirmed at \$660,950.
- [32] Dated at the Central Alberta Regional Assessment Review Board, in the city of Red Deer, in the Province of Alberta this 3rd day of November, 2022 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.



Lori Stubbard (Board Clerk)

for

Sandi Roberts, 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 – 4 pages provided by Clerk
2. C.1	Complainant Submission – 3 pages
3. C.2	Complainant Rebuttal – 3 pages
4. R.1	Respondent Submission – 28 pages