

# **OKOTOKS COMPOSITE ASSESSMENT REVIEW BOARD ORDER #238/05/2013**

**IN THE MATTER OF A COMPLAINT** filed with the Town of Okotoks Composite Assessment Review Board (CARB) pursuant to the Municipal Government Act, Chapter M-26 Section 460, Revised Statutes of Alberta (2000).

## **BETWEEN:**

Greater United Development Inc. (CIBC), Complainant

- and -

The Town of Okotoks, Respondent

## **BEFORE:**

Rob Irwin, Presiding Officer  
Ron May, Member  
Jamie Tiessen, Member

This is a complaint to the Town of Okotoks Composite Assessment Review Board in respect of a property assessment prepared by the Assessor of the Town of Okotoks and entered into the 2012 Property Assessment Roll as follows:

<b>Roll Number</b>	<b>Address</b>	<b>Assessment</b>
0032760	300 Village Lane	\$2,682,100

Requested Assessment \$2,167,900

This complainant was heard on the 1st day of October, 2013 in the Town of Okotoks Council Chambers located at 5 Elizabeth Street, Okotoks, Alberta.

Appeared on behalf of the Complainant:

- David Morrison, Greater United Development Inc.

Appeared on behalf of the Respondent:

- Paul Huskinson, Assessor, Town of Okotoks

Attending for the ARB:

- Dianne Scott, ARB Clerk Assistant

## **OKOTOKS COMPOSITE ASSESSMENT REVIEW BOARD ORDER #238/05/2013**

### **Preliminary Matters:**

The parties had no objection to the composition of the tribunal. No preliminary issues were raised by either party.

### **Property Description and Background:**

The Assessment Review Board complaint form indicated "the assessment amount" as the reason for the appeal.

The property under appeal is a 6,090 square foot stand alone retail/bank located at 300 Village Lane in Okotoks. It was constructed in 1994 with the CIBC as the only occupant.

### **Summary of Positions:**

#### **Complainant's Position:**

The Complainant argued that the market value calculations created and utilized were in error. The subject lease and comparables were presented to persuade the Board that the current assessed value does not truly reflect the market conditions. It was emphasized that the subject was much older than the town's comparables and built during a different age of construction quality and had not been upgraded. Comparable property information was reviewed and the Complainant requested that the Board consider a \$33.00 per square foot rate be applied to the assessment of the subject property.

#### **Respondent's Position:**

The Assessor presented details of the assessment preparation and displayed charts depicting fairness in the procedures for the Town of Okotoks. It was explained that the standards were complied with or exceeded. Retail comparables were reviewed and it was highlighted for the CARB that there were few other complaints.

The Town concluded that the evidence presented supported the assessment of the subject property utilizing a \$35.00 per square foot value in the calculations and asked the Board to confirm the assessment.

### **Findings and Reasons:**

The Board finds that the Assessor did not consider the age and quality of the property improvements when calculating the market value of the properties. The CARB agreed that a correction should be applied in consideration of the age of the improvements and that a \$33.00 per square foot be applied to the calculations which would result in a fair and equitable assessment of the subject property.

**OKOTOKS COMPOSITE ASSESSMENT REVIEW BOARD ORDER #238/05/2013**

**Board Decision:**


The assessment is set at \$2,527,739.76.

It is so ordered.

**Legislation:**

467(1) An assessment review board may, with respect to any matter referred to in section 460(5), make a change to an assessment roll or tax roll or decide that no change is required.

Dated at The Town of Okotoks, in the Province of Alberta, this 23 day of October, 2013.



Rob Irwin  
Presiding Officer

## **OKOTOKS COMPOSITE ASSESSMENT REVIEW BOARD ORDER #238/05/2013**

**An appeal may be made to the Court of Queen's Bench in accordance with the Municipal Government Act as follows:**

*470(1) An appeal may be made to the Court of Queen's Bench on a question of law or jurisdiction with respect to a decision of an assessment review board.*

*470(2) Any of the following may appeal the decision of an assessment review board:*

- (a) the complainant;*
- (b) an assessed person, other than the complainant, who is affected by the decision;*
- (c) the municipality, if the decision being appealed relates to property that is within the boundaries of that municipality;*
- (d) the assessor for a municipality referred to in clause (c).*

*470(3) An application for leave to appeal must be filed with the Court of Queen's Bench within 30 days after the persons notified of the hearing receive the decision, and notice of the application for leave to appeal must be given to*

- (a) the assessment review board, and*
- (b) any other persons as the judge directs.*