



Complaint ID 0263 2024  
Roll No. 536313005

LOCAL ASSESSMENT REVIEW BOARD DECISION  
HEARING DATE: SEPTEMBER 25, 2024

PRESIDING OFFICER: D. DEY  
BOARD MEMBER: J. GRAU  
BOARD MEMBER: T. HANDLEY

BETWEEN:

CM RUSSELL WOLF and  
ANITA WOLF

Complainants

-and-

ASSESSMENT SERVICES  
For the COUNTY OF RED DEER

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 County of Red Deer as follows:

ROLL NUMBER: 536313005  
MUNICIPAL ADDRESS: SE 31-36-3-W5M, Red Deer County, Province of Alberta  
ASSESSMENT AMOUNT: \$133,030

The complaint was heard by the Local Assessment Review Board on the 25<sup>th</sup> day of September 2024 via video conferencing.

Appeared on behalf of the Complainant: Anita Wolf, Landowner

Appeared on behalf of the Respondent: Cole Castellan, AMMA, BBA ,Assessor  
Michael Arnold, AMAA, Assistant Assessment Services  
Manager

**DECISION:** The assessed value of the subject property requires no change at \$133,030.

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## **JURISDICTION**

- [1] The Central Alberta Regional Assessment Review Board [“the Board”] derives its authority and has been established in accordance with section 455 of the *Municipal Government Act*, RSA 2000, c M-26 [“MGA”] and related legislation as set out in Appendix ‘B’.

## **PROPERTY DESCRIPTION AND BACKGROUND**

- [2] The subject property consists of 160 acres located at SE 31 -36-3-W5M southwest of the City of Red Deer. For the 2023 assessment year the property has been assessed with 157 acres valued as farmland and 3 acres valued as residential market value. The 3-acre area has two fenced areas, one with an RV trailer the other with a spot for an RV trailer.

## **PRELIMINARY MATTERS**

- [3] The Presiding Officer confirmed that no Board Member raised any conflicts of interest with regard to matters before them. Neither party raised any objection to the panel hearing the complainant.
- [4] The Respondent raised a preliminary issue with regard to not receiving disclosure from the Complainant by the Complainant’s disclosure deadline of September 3, 2024.
- [5] The Complainant indicated they were ready to present information that would support their complaint. The Board made inquiries to determine that the Complainant had received the Notice of Hearing issued May 23, 2023. The Complainant was unable to confirm whether they were aware of the instructions on how and when to submit evidence, that were included in the Notice of Hearing.
- [6] The Board reviewed Section 460(9) of the Municipal Government Act (MGA) to determine whether the information provided in the complaint form was sufficient to indicate that the estimated market value of \$133,030 for the subject property on July 1, 2023 is incorrect.
- [7] The Board reviewed Section 4 and Section 5 of the complaint form to determine whether the statements provided sufficient information to meet the requirements for a complaint to proceed to merit a hearing. Section 4 checked the matters that apply to the complaint as:
1. The description of the property,
  3. An assessment amount and
  4. An assessment class.
- [8] Section 5 of the Complaint form provided the statements the property is not residential, there are no fixed buildings on this property and no people live there, as reasons for the complaint. As well, the requested assessment value was stated as less than \$7,400.00.
- [9] The Board finds that the statements included on the complaint form are sufficient to indicate the assessed value of \$133,030 for the subject property was incorrect. The statements are accepted as supporting information that meet the requirements of Section 460(9) and the preconditions to move the complaint forward to a merit hearing.

- [10] The Board provided an oral decision on the preliminary matter which was to proceed with the merit portion of the hearing. As well the Board advised the Complainant that the Board must follow the rules of disclosure and is not able to hear any information that was not disclosed or included in the Complaint form.
- [11] 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**

- [12] The Complainant recognized that due to not providing disclosure of evidence, that their oral submission would be limited to the information provided on the Complaint form.
- [13] The Complainant restated the issues that the property is not residential, there are no fixed buildings on the property and that no people live there. The Complainant believes that due to there being no buildings on the property and no one living on the property, should indicate that there is no portion of the property that is residential in nature. Accordingly, the assessment should treat the whole property as farmland. As well, they confirmed the requested assessment of \$7,400.00.

#### **Position of the Respondent**

- [14] The Respondent provided background information that prior to the 2022 assessment the property was assessed using the agriculture use value only. Arial photos taken in 2022 revealed the presence of two RV trailers and fenced off areas. A residential market value was applied to a 3-acre site for the 2022 assessment and no appeal was filed for the 2022 assessment. Arial photos taken in 2023 show the site as before with one RV removed but the site still present. As a result, the 2023 assessment still had the 3-acre portion assess at market value.
- [15] The Respondent addressed the Complainants issues with the assessment referring to Section 297(1) of the MGA that states the four main assessment classes of property. With respect to farmland, section 297(4) states that farmland means land used for farming operations. Section 2(1)(f) of *Matters Relating to Assessment and Taxation Regulation, 2018 AR 203/2017 (MRAT)* defines farming operations as the raising, production and sale of agricultural products.
- [16] Further, hunting/camping/recreational use is not listed as a farming operation, nor is it non-residential or machinery and equipment. Therefore, under the act, any land not used for these purposes, is to be considered under the residential assessment class.
- [17] The Respondent addressed each of the Complainant's statements in the Complaint form. The description of the property on the assessment notice is correct as the subject is located at SE-31-36-3-W5M. Regarding the requested assessment amount of \$7,400.00, the Respondent submitted that the complainant provided no market evidence to support the requested amount.
- [18] Regarding the Complainant's statement that the property is not residential, the Respondent submitted that the presence of the RV and fenced sites on the Property on December 31, 2023, indicate that this area is no longer used for agricultural purposes. Because the arial photos demonstrated that a portion of the property is used for a purpose other than farming, this requires

that the 3-acre portion be valued using the residential market value standard in the assessment, as per legislation.

- [19] The Respondent noted that they only responded to the information provided on the complaint form as they did not receive disclosure by the September 3, 2024 date.
- [20] In conclusion the Respondent stated that the assessment of the 3 acres at residential market value was based on the December 31, 2023, condition. This assessment class for the 2023 assessment meets the requirements set forth in the Provincial legislation governing assessments in Alberta. As well, the assessment is both fair and equitable with how similar residential uses have been assessed on other properties within Red Deer County.

### **BOARD FINDINGS and DECISION**

- [21] The Board acknowledges that not providing disclosure severely limited any evidence and argument that Complainant might have presented in the hearing.
- [22] In this case the Complainant has not met the burden of proof to shift the onus to the Respondent. The Complainant did not provide any relevant evidence to support their position that the 3-acre portion of the property was incorrectly classed as residential and given an incorrect assessment amount. Further the Complainant did not provide any market evidence to support a change in the assessed value.
- [23] The Board is persuaded the Respondent's photographic evidence showing the RV and the fenced sites, indicates that a portion of the subject property is no longer used for agricultural purposes. As well, the Board agrees with the Respondent's interpretation of section 297(4) of the MGA and Section 2(1)(f) as well as Section 7(3)(c) of MRAT in determining that since this area is no longer used for agricultural production, legislation requires that the 3-acre portion be valued using the residential market value standard in the assessment.

### **DECISION SUMMARY**

- [24] The Board finds that the original assessed value of \$133,030 requires no change.
- [25] Dated at the Central Alberta Regional Assessment Review Board, in the County of Red Deer, in the Province of Alberta this 25th day of October 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.



D. Dey  
Presiding Officer

*This decision may be judicially reviewed by the Court of King's Bench pursuant to section 470(1) of the Municipal Government Act, RSA 2000, c M-26.*

**APPENDIX "A"**

DOCUMENTS PRESENTED AT THE HEARING  
AND CONSIDERED BY THE BOARD:

<u>EXHIBIT NO.</u>	<u>ITEM</u>	<u>PAGES</u>
A.1	Hearing Materials	5
R.1	Respondent Submissions	25

**APPENDIX "B"**

## LEGISLATIVE AUTHORITIES CONSIDERED BY THE BOARD:

**Municipal Government Act, R.S.A. 2000, Chapter M-26 (the MGA)****Interpretation****1(1)** In this Act,

- (n) "market value" means the amount that a property, as defined in section 284(1)(r), might be expected to realize if it is sold on the open market by a willing seller to a willing buyer;

**Assessments of property other than designated industrial property****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
- (b) the valuation and other standards set out in the regulations for that property.

**Assigning assessment classes to property****297(1)** When preparing an assessment of property, the assessor must assign one or more of the following assessment classes to the property:

- (a) class 1 - residential;
- (b) class 2 - non-residential;
- (c) class 3 - farm land;
- (d) class 4 - machinery and equipment.

**297(4)** In this section,

- (a) "farm land" means land used for farming operations as defined in the regulations;
- (a.1) "machinery and equipment" does not include
- (i) any thing that falls within the definition of linear property as set out in section 284(1)(k), or
- (ii) any component of a manufacturing or processing facility that is used for the cogeneration of power;
- (b) "non-residential", in respect of property, means linear property, components of manufacturing or processing facilities that are used for the cogeneration of power or other property on which industry, commerce or another use takes place or is permitted to take place under a land use bylaw passed by a council, but does not include farm land or land that is used or intended to be used for permanent living accommodation;

- (c) “residential”, in respect of property, means property that is not classed by the assessor as farm land, machinery and equipment or non-residential.

**Complaints**

**460(1)** A person wishing to make a complaint about any assessment or tax must do so in accordance with this section.

**(9)** A complaint under subsection (5) must

- (a) indicate what information shown on an assessment notice or tax notice is incorrect,
- (b) explain in what respect that information is incorrect,
- (c) indicate what the correct information is, and
- (d) identify the requested assessed value, if the complaint relates to an assessment.

**Decisions of assessment review board**

**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.

**(1.1)** For greater certainty, the power to make a change under subsection (1) includes the power to increase or decrease an assessed value shown on an assessment roll or tax roll.

**(2)** An assessment review board must dismiss a complaint that was not made within the proper time or that does not comply with section 460(9).

**(3)** An assessment review board must not alter any assessment that is fair and equitable, taking into consideration

- (a) the valuation and other standards set out in the regulations,
- (b) the procedures set out in the regulations, and
- (c) the assessments of similar property or businesses in the same municipality.

***Matters Relating to Assessment Complaints Regulation, 2018, Alta Reg 201/2017*****Disclosure of evidence.**

**5(1)** In this section, “complainant” includes an assessed person or taxpayer who is affected by a complaint who wishes to be heard at the hearing.

**(2)** If a complaint is to be heard by a local assessment review board panel, the following rules apply with respect to the disclosure of evidence:

- (a) the complainant must, at least 21 days before the hearing date,
  - (i) disclose to the respondent and the local assessment review board the documentary evidence, a summary of the testimonial evidence, including

any signed witness reports, and any written argument that the complainant intends to present at the hearing in sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing, and

- (ii) provide to the respondent and the local assessment review board an estimate of the amount of time necessary to present the complainant's evidence;
- (b) the respondent must, at least 7 days before the hearing date,
- (i) disclose to the complainant and the local assessment review board the documentary evidence, a summary of the testimonial evidence, including any signed witness reports, and any written argument that the respondent intends to present at the hearing in sufficient detail to allow the complainant to respond to or rebut the evidence at the hearing, and
  - (ii) provide to the complainant and the local assessment review board an estimate of the amount of time necessary to present the respondent's evidence;
- (c) the complainant must, at least 3 days before the hearing date, disclose to the respondent and the local assessment review board the documentary evidence, a summary of the testimonial evidence, including any signed witness reports, and any written argument that the complainant intends to present at the hearing in rebuttal to the disclosure made under clause (b) in sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing.

#### **Issues and evidence before panel**

**6** A local assessment review board panel must not hear

- (a) any matter in support of an issue that is not identified on the complaint form, or
- (b) any evidence that has not been disclosed in accordance with section 5.

#### ***Matters Relating to Assessment and Taxation Regulation, 2018 A.R. 203/2017 (MRAT)***

#### **Interpretation provisions for Parts 9 to 12 of the Act**

**2(1)** For the purposes of Parts 9 to 12 of the Act and this Regulation,

- (f) "farming operations" means the raising, production and sale of agricultural products and includes
- (i) horticulture, aviculture, apiculture and aquaculture,
  - (ii) the raising, production and sale of
    - (A) horses, cattle, bison, sheep, swine, goats or other livestock,
    - (B) fur-bearing animals raised in captivity,



(C) domestic cervids within the meaning of the Domestic Cervid Industry Regulation (AR 188/2014), or

(D) domestic camelids,

### **Mass Appraisal**

**5** An assessment of property based on market value

- (a) must be prepared using mass appraisal,
- (b) must be an estimate of the value of the fee simple estate in the property, and
- (c) must reflect typical market conditions for properties similar to that property. Valuation date

### **Valuation date**

**6** Any assessment prepared in accordance with the Act must be an estimate of the value of a property on July 1 of the assessment year. Valuation standard for a parcel of land

### **Valuation standard for a parcel of land**

**7(1)** The valuation standard for a parcel of land is

- (a) market value, or
  - (b) if the parcel is used for farming operations, agricultural use value
- (3) Despite subsection (1)(b), the valuation standard for the following property is market value:
- (a) a parcel of land containing less than one acre;
  - (b) a parcel of land containing at least one acre but not more than 3 acres that is used but not necessarily occupied for residential purposes or can be serviced by using water and sewer distribution lines located in land that is adjacent to the parcel;
  - (c) an area of 3 acres located within a larger parcel of land where any part of the larger parcel is used but not necessarily occupied for residential purposes;
  - (d) an area of 3 acres that
    - (i) is located within a parcel of land, and
    - (ii) can be serviced by using water and sewer distribution lines located in land that is adjacent to the parcel;
  - (e) any area that
    - (i) is located within a parcel of land
    - (ii) is used for commercial or industrial purposes, and
    - (iii) ), cannot be serviced by using water and sewer distribution lines located in land that is adjacent to the parcel
  - (f) an area of 3 acres or more that
    - (i) is located within a parcel of land

- (ii) is used for commercial or industrial purposes and
- (iii) can be serviced by using water and sewer distribution lines located in land that is adjacent to the parcel.