



CENTRAL ALBERTA REGIONAL
**Assessment
Review Board**

Complaint ID 0263 2096
Roll No. 657635000

LOCAL ASSESSMENT REVIEW BOARD DECISION
HEARING DATE: July 23, 2025

PRESIDING OFFICER: R. IRWIN
BOARD MEMBER: T. HANDLEY
BOARD MEMBER: D. WIELINGA

BETWEEN:

Marvin Ivor & Sheila Trimble

Complainant

-and-

Red Deer County

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 Red Deer County as follows:

ROLL NUMBER: 657635000
MUNICIPAL ADDRESS: 31 – 28319 TWP RD 384, RED DEER COUNTY
ASSESSMENT AMOUNT: \$637,320

The complaint was heard by the Local Assessment Review Board on the 23rd day of June 2025, via video conferencing.

The Board derives its authority from the Municipal Government Act, R.S.A 2000, Chapter M-26 (the MGA) and related legislation as set out in Appendix "B".

Appeared on behalf of the Complainant: M. Trimble, Property Owner

Appeared on behalf of the Respondent: M. Arnold, Assessment Services Manager
H. Giroux, Property Assessor

DECISION: The assessed value of the subject property is confirmed at \$637,320.

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 Lot #31 in Westridge Estates in Red Deer County, a 1.99-acre parcel purchased by the Complainant in 2000 for \$301,000 and originally built in 1996. The home features an 1,810 sq. ft. main floor and an equally sized basement, with 1,432 sq. ft. of the basement finished to include a bedroom, living room and bathroom. Additional features include a 240 sq. ft. patio off the main floor, a walk-out basement leading to a 720 sq. ft. concrete pad and a 2.75 car garage.

PRELIMINARY MATTERS

- [3] The Presiding Officer confirmed that no Board Member raised any conflicts of interest with regard to matters before them.
- [4] Neither party raised any objection to the panel hearing the complaint.
- [5] Subsequent to the Board making its decision, Presiding Officer R. Irwin had a personal matter develop and was unable to participate in the decision writing process. In accordance with section 458(1) of the MGA the remaining panel, as quorum, is issuing the decision and agree that it represents the decision of the entire Board.
- [6] The Respondent raised a preliminary issue regarding the Exhibit Listing in the Hearing Materials Exhibit A.1 pg. 2. Specifically, the Respondent noted that Exhibit C.4 was incorrectly listed as 68 pages when it is actually only 6 pages. Additionally, the Respondent pointed out that the Respondent Submission was incorrectly dated as received on July 17, 2025, when it should have been recorded as received on July 15, 2025. Upon confirmation from the Clerk, the Board accepted the requested changes to the Hearing Materials Exhibit A.1 as outlined above.

POSITION OF THE PARTIES

Position of the Complainant

- [7] The Complainant started off by acknowledging that he included a lot of historical information in his disclosure document.
- [8] The Complainant requested that the assessed value of the subject property be reduced by 30%.
- [9] The Complainant stated that the subject property has had many problems with flooding, which renders the property unusable.

- [10] In 2001, the patio collapsed due to saline deposits washed out during a flood in 1999. This caused the southeast section on the subject property's foundation to drop 8 inches and crack in 2 places. During repairs of the patio and foundation, mold was discovered in the basement walls, indicating previous flooding (C.1, page 2).
- [11] It was further revealed that the septic system was not built to code and was located too close to the water well. The Complainant had to drill a new water well and construct a new septic system. It was also revealed that 100+ truckloads of fill were used to elevate the yard for the walkout basement design of the home (C.1, page 2).
- [12] The Complainant explained that by October 2001, repair costs on the subject property totalled over \$288,000. Over the next 12 years, legal fees and associated costs continued to grow.
- [13] The Complainant stated that flooding events in 2005 and 2007 caused more problems at the subject property.
- [14] In 2010, the Complainant's insurance company mandated a Storm Drainage Study due to the ongoing concerns and problems on the subject property. The study confirmed that the existing drainage system on the subject property did not meet the 1-in-100-year storm standard.
- [15] The Complainant stated that the report was shared with Red Deer County's Assessment Department in a Property Tax Appeal in 2011, which led Red Deer County to apply a 30% reduction to the assessment due to the lower property value (C.1, page 4).
- [16] The Complainant identified the subject property experienced additional minor floods in 2013, 2018 and 2022.
- [17] The Complainant shared that he had a verbal agreement with his neighbour to pump flood water onto a section of the neighbour's land. That property was sold to new owners who did not consent to this arrangement. The Complainant explained that without this agreement in place; he is now unable to divert water from his property to prevent additional flooding.
- [18] The Complainant stated that he was told by a realtor that they would not put any value on the subject property (C.1, page 6). When asked what he thinks the property value is, the Complainant argued that he believes the value to be under \$100,000.
- [19] The Complainant stated that adjacent properties have better drainage or elevation and do not suffer from similar flooding.
- [20] In his rebuttal, the Complainant noted that the Respondent omitted the oblique aerial view of the subject property looking south, which would have shown the size of the stormwater retention pit that had to be built to prevent flooding of the basement in a 1:5-year rainstorm (C.8, page 1).
- [21] The Complainant further noted that there are 12 properties that sold in the past 3 years in Westridge Estates, 8 of which had their land identified as having potential flood issues and had Negative Influence of Land applied, yet the Respondent only included one of these properties in their comparables, Lot #98 (C.8, page 3). The Complainant argued that Lot #98 has never had an overland flood issue and the elevation of the house is more than 6' above the 100-year flood plain.

- [22] The Complainant felt that the Respondent tried to dismiss the Stormwater Study as a historical report, but the Alberta Stormwater Management Guidelines have not changed since 1999, and stormwater studies done in 2025 are still done by the same standard as they were in 2011 and 2001.
- [23] The Complainant argued that the Respondent shouldn't have included comparable properties in Poplar Ridge or Mountainview Estates because some are 53 ft. higher in elevation than the subject property. He further argued that the 12 properties that sold in Westridge Estates in the last 3 years would have been more accurate comparables.
- [24] In closing, The Complainant explained that he does not think the current assessment includes the 30% reduction based on the higher degree of flooding and requested that the current assessment amount be reduced by 30% (A.1, page 3).

Position of the Respondent

- [25] The Respondent noted that assessments in Red Deer County are completed using mass appraisal methods in accordance with the MGA, provincial regulations, and ministerial guidelines.
- [26] The Respondent explained that the current assessment is based on the valuation date (July 1, 2024) and the condition date (December 31, 2024).
- [27] The Respondent confirmed that the subject property's assessment was revised in 2011 to include a reduction for flooding issues. Further, the Respondent noted that since the 2011 revision, the reduction has remained and been applied to the subject property's assessment.
- [28] The Respondent explained that the Complainant is currently receiving a 30% reduction, or negative influence factor, for flooding to the land value, which amounts to a 13% reduction overall on the subject property's current assessed value. This reduced the subject property's current assessment as a whole by \$83,199 (R.1, page 5).
- [29] The Respondent asserted that the Complainant's arguments and evidence is comprised of historical reports, costs and statements with little market evidence to support a larger reduction in their assessment.
- [30] In response to the Complainant's claim that three properties sold significantly below their assessed values; records from the Respondent show that Lot #165 sold above its assessed value, while Lots #105 and #75 sold only slightly below by approximately \$19,000 and \$20,000, respectively (R.1, page 7).
- [31] Also, in response to the Complainant's suggestion that the flooding makes the subject property unmarketable or that the subject property should be valued as a whole at 30% lower. The Respondent provided sales data indicating that several flood-affected properties have sold, with some selling above the assessed value.
- [32] The Respondent noted that the subject property already has a 30% negative influence adjustment on the land, which is higher than the 10–15% that has been applied to similar properties also affected by flooding.

- [33] The Respondent presented a chart of comparable property sales from October 2021 to October 2024 showing that the subject property is superior in lot size and house age, yet it is assessed at \$344 per square foot, as compared to the other properties which have average and median sale prices of \$420 and \$401 per square foot, respectively (R.1, page 9).
- [34] The Respondent stated that a larger sample of 32 properties from the subject property's subdivision and surrounding area shows assessed values ranging from \$609,130 to \$892,940, with an average of \$761,860 and a median of \$712,430. Assessed values per square foot range from \$306 to \$480, with an average of \$393 and a median of \$397. The subject property is assessed below both the average and median values, supporting its equitable valuation (R.1, page 13).
- [35] The Respondent stated that the subject property was reviewed during the 2023 re-inspection cycle and no new evidence justified further reduction.
- [36] The Respondent stated that based on the evidence they provided, the subject property is marketable and a further adjustment for flooding is not warranted.
- [37] The Respondent requests that the Board confirm the subject property's assessment of \$637,320 for the 2024 assessment year.

BOARD FINDINGS and DECISION

- [38] The Complainant indicated the subject property is prone to flooding, in consideration of this issue the Respondent acknowledges a 30% negative influence factor has been applied since 2011 and is ongoing.
- [39] The Respondent explained to the Board that the 30% negative influence was applied to the land value, resulting in a 13% reduction to the overall assessment of the subject property. While the Complainant accepts the 30% was agreed to as a reduction, the Complainant disagrees the reduction should only be applied to the land value.
- [40] In support of his argument the Complainant provided information to outline the costs associated with the flooding issues, repair cost, case studies, however the Board noted the Complainant did not provide new or compelling evidence indicating that the flooding had worsened.
- [41] The Board does acknowledge a recent change this year that has prevented the Complainant from pumping water from the subject property across the neighbouring property. The Board acknowledges that this was an informal arrangement with the previous neighbour, and a change in that arrangement does not impact the negative influence already applied.
- [42] The Board accepted that the 30% adjustment is to land value only, as the flooding issue affects the land specifically.
- [43] The Complainant verbally stated 12 properties were sold in Westridge Estates over the past three years, 8 of which had portions identified as potential flood areas and were assessed with a Negative Influence on Land. Additionally, the Complainant noted, the Respondent included only one of those properties, Lot #98 in their analysis. However, due to lack of supporting evidence for

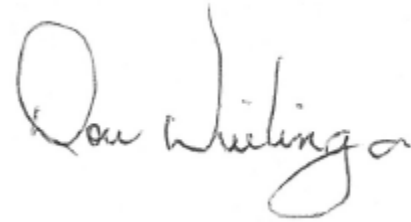
the Complainants argument, the Board was unable to verify the information for the majority of comparables.

- [44] In consideration of the Complainant's argument regarding land usability issues for the subject property, the Board noted the Complainant failed to present sales of similarly burdened properties that would support a proposed lower value.
- [45] The Board accepted the Respondent's explanation that not all sales in Westridge Estates were used because some properties were missed during the process of compiling comparables. The Respondent stated they focused on selecting comparable properties with similar house style, lot size, age, size and location.
- [46] The Board acknowledged that the Respondent used sales data from October 2021 to 2024 (R.1, page 11) and accepted that comparable properties were drawn from nearby subdivisions, including Poplar Ridge and Mountainview Estates, due to their similarities to the subject property.
- [47] The Respondent provided assessed value comparables (R.1, page 13) and demonstrated that properties in Westridge Estates continue to retain value despite the application of a Negative Influence on Land of 10-15%, with a median ASR of 0.99 (R.1, page 10).
- [48] The Board accepted the Respondent's recognition of the flooding issue and noted that appropriate adjustments were reflected in both comparable sales and assessed values (R.1, pages 15 and 17).
- [49] The Board finds the Respondent's comparables to be generally reasonable, with ASR's within the accepted mass appraisal practices. While the Complainant generally disagreed with the comparables provided by the Respondent, no evidence was provided to the Board to dispute the validity of those comparables.
- [50] Further, the Board finds that the Complainant failed to provide evidence that other properties with similar flooding concerns received larger reductions or more favourable treatment.
- [51] While the Board accepts that the subject property has to contend with flooding issues, the Board was not swayed that the reduction applied to the current assessment is not sufficient for the current circumstances.
- [52] Due to lack of supporting evidence provided by the Complainant, the Board is not convinced that the assessment is incorrect.
- [53] The Board finds the assessment of the subject property requires no change.

DECISION SUMMARY

- [54] The Board finds that no change is necessary to the current assessment. The assessment remains at \$637,320.

[55] Dated at the Central Alberta Regional Assessment Review Board, in the city of Red Deer, in the Province of Alberta this 12th day of August 2025 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.



Don Wielinga
RARB Panel Member

on behalf of

Robert Irwin
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.

MGA 470(1) *Where a decision of an assessment review board is the subject of an application for judicial review, the application must be filed with the Court of King's Bench and served not more than 60 days after the date of the decision.*

(2) *Notice of an application for judicial review must be given to*

- (a) the assessment review board that made the decision,*
- (b) the complainant, other than an applicant for the judicial review,*
- (c) an assessed person who is directly affected by the decision, other than the complainant,*
- (d) a municipality, if the decision that is the subject of the judicial review relates to property that is within the boundaries of that municipality, and*
- (e) the Minister.*

Additional information may also be found at www.albertacourts.ab.ca.

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 pages |
| C.1 | Complainant Submission Part 1 of 7 | 10 pages |
| C.2 | Complainant Submission Part 2 of 7 | 22 pages |
| C.3 | Complainant Submission Part 3 of 7 | 3 pages |
| C.4 | Complainant Submission Part 4 of 7 | 6 pages |
| C.5 | Complainant Submission Part 5 of 7 | 5 pages |
| C.6 | Complainant Submission Part 6 of 7 | 2 pages |
| C.7 | Complainant Submission Part 2 of 7 | 18 pages |
| C.8 | Complainant Rebuttal Part 1 of 4 | 4 pages |
| C.9 | Complainant Rebuttal Part 2 of 4 | 21 pages |
| C.10 | Complainant Rebuttal Part 3 of 4 | 132 pages |
| C.11 | Complainant Rebuttal Part 4 of 4 | 196 pages |
| R.1 | Respondent Submissions | 33 pages |

APPENDIX "B"

LEGISLATIVE AUTHORITIES CONSIDERED BY THE BOARD:

Municipal Government Act, R.S.A. 2000, Chapter M-26 (the MGA)

Interpretation

s 1(1)(n) 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 for property other than designated industrial property

s 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.

Joint establishment of assessment review boards

s.455(1) Two or more councils may agree to jointly establish the local assessment review board or the composite assessment review board, or both, to have jurisdiction in their municipalities.

Quorum

s.458(1) Where a panel of a local assessment review board consists of 3 members, a quorum is 2 members.

Jurisdiction of assessment review boards

s.460.1(1) A local assessment review board has jurisdiction to hear complaints about any matter referred to in section 460(5) that is shown on

- (a) an assessment notice for
 - (i) residential property with 3 or fewer dwelling units, or
 - (ii) farm land

s.460.1(2) Subject to section 460(14) and (15), a composite assessment review board has jurisdiction to hear complaints about

- (a) any matter referred to in section 460(5) that is shown on
 - (i) an assessment notice for property other than property described in subsection (1)(a)

Decisions of assessment review board

s. 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.
- (4) An assessment review board must not alter any assessment of farm land, machinery and equipment or railway property that has been prepared correctly in accordance with the regulations.

Matters Relating to Assessment and Taxation Regulation, 2018 A.R. 2003/2017 (MRAT)

Mass Appraisal

s. 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

s. 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

s. 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.

Valuation standard for a parcel and improvements

s. 9(1) When an assessor is preparing an assessment for a parcel of land and the improvements to it, the valuation standard for the land and improvements is market value unless subsection (2) or (3) applies.

Matters Relating to Assessment Complaints Regulation, AR 201/2017 (MRAC)

Personal Attendance not required

s. 19(1) Parties to a hearing before a panel of an assessment review board may attend the hearing in person or may, instead of attending in person,