



CENTRAL ALBERTA REGIONAL
**Assessment
Review Board**

Complaint ID 0262 2056
Roll No. 30000210245

LOCAL ASSESSMENT REVIEW BOARD DECISION
HEARING DATE: MAY 26, 2025

PRESIDING OFFICER: S. DUSHANEK
BOARD MEMBER: M. JAMES
BOARD MEMBER: D. WIELINGA

BETWEEN:

AL BERGQUIST AND KRISTA BERGQUIST

Complainants

-and-

REVENUE AND ASSESSMENT SERVICES
For the City 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 City of Red Deer as follows:

ROLL NUMBER: 30000210245
MUNICIPAL ADDRESS: 103 VOISIN CLOSE, RED DEER, ALBERTA
ASSESSMENT AMOUNT: \$604,300

The complaint was heard by the Local Assessment Review Board on the 26th day of May 2025, in Council Chambers at the City of Red Deer, Alberta.

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 Complainants: Al and Krista Bergquist

Appeared on behalf of the Respondent: Tyler Anderson, Property Assessor
Travis Larder, Property Assessor

DECISION: The assessed value of the subject property is confirmed at \$604,300.

JURISDICTION

- [1] The Central Alberta Regional Assessment Review Board [“the Board”] has been established in accordance with section 455 of the *Municipal Government Act*, R.S.A. 2000, c M-26 [“MGA”].

PROPERTY DESCRIPTION AND BACKGROUND

- [2] The subject property is a residential property located in the subdivision of Vanier East, in the City of Red Deer. The home is a Semi Custom Bungalow built in 2012 with a developed basement and a front attached garage. The municipal address is 103 Voisin Close, Red Deer, AB.
- [3] The property assessment complaint was submitted to the Central Alberta Regional Assessment Review Board by the Complainants on January 30th, 2025, Exhibit A.1., page 3.
- [4] The Notice of Hearing was issued on April 1st, 2025, Exhibit A.1., pages 4 and 5.

PRELIMINARY MATTERS*Issue No. 1 – Rules of Disclosure*

- [5] The Complainants brought forward a concern that the Respondent did not adhere to *Matters Related to Assessment Complaints Regulation, 2018*, AR 201/2017 (“MRAC”), particularly Section 5(2), Disclosure of Evidence and MRAC Section 6 (b), Issues and Evidence Before a Panel.
- [6] Specifically, the Complainant stated that the Respondent’s disclosure date identified on the Notice of Hearing of May 20, 2025, was incorrect. Explaining MRAC Section 5(2)(b) specifies that the Respondent’s Disclosure must be provided to the Board and the Complainants at least 7 days before to the hearing date.
- [7] The Complainants stated the rules of disclosure were not followed since the Respondent’s Disclosure was not provided at least seven days before the hearing date of May 26, 2025 and requested the Board not to accept the Respondent’s Disclosure into the record.
- [8] The Respondent stated that it complied with the deadline outlined on the Notice of Hearing and was not aware of any late submission.
- [9] The Board reviewed the Alberta *Interpretation Act*, RSA 2000, C I-8 (Appendix B), including Section 22 and confirmed that the Respondent’s Submission, Exhibit R.1 was made as required. Accordingly, the Respondent’s Disclosure was accepted into the record.

Issue 2 – New Evidence

- [10] The Respondent objected to the Complainants’ documents Exhibit C2, pages 2 and 4, and C3 and requested that they be excluded.
- [11] The Respondent explained the Complainants were introducing new evidence since the information was not previously referenced in either the Complainants’ Disclosure, Exhibit C1 or the

Respondent's Disclosure Exhibit R1, therefore, it could not be considered as proper rebuttal evidence.

- [12] Before rendering a decision on this preliminary matter, the Board recessed to review the documents in question. The Board determined they would accept the documents as submitted and would consider what weight, if any, the information would be attributed.
- [13] No additional preliminary or procedural matters were raised by any party. Both parties indicated that they were prepared to proceed with the complaint.

POSITION OF THE PARTIES

Position of the Complainants

- [14] The Complainants believes the subject property is assessed too high and requested the Board to revise the assessment and lower the assessed value to \$576,150.
- [15] The Complainants first referenced the subject property was purchased July 4, 2024 for \$548,000, just a few days after the valuation date of July 1, 2024. The Complainants argued the subject property is overly assessed, and proposed the value of \$576,150, indicating this price would align more closely with its own sale.
- [16] Further, the Complainants believe their requested assessment would reflect a sale price to assessed value ratio of approximately 1.05 which they believe would more accurately reflect the value.
- [17] The Complainants referenced a set of comparable properties provided in Exhibit C1, page 1. The Complainants were unable to find sales in their own neighbourhood of Vanier West that they would consider a direct comparison to the subject property.
- [18] The Complainants stated that comparing sales from the Anders neighbourhood would not be a fair comparison as they viewed those homes to be higher end with larger lots, more established yards and many neighbourhood amenities.
- [19] Therefore, looking at sales from the Vanier West neighbourhood only, the Complainants provided the following analysis of the chart Exhibit C1, page. 1 where they identified properties with sale prices over \$600,000, which are larger than the subject property, have triple car garages, and higher end homes with well-kept yards. Further, the Complainant indicated the properties that sold below the subject property's sale price of \$548,000 were similar in size with more bedrooms.
- [20] In the Complainants' opinion, the purchased price of the subject property is a very close reflection of the market sales in Vanier West.
- [21] Through questioning the Complainants confirmed that the data was summarized in the chart was information contained in MLS listings that were obtained from a real estate agent. The Board is giving little weight to this evidence, as the underlying data is not before it.
- [22] The Complainants argued that the subject property was on the market for over 50 days during a period of strong market activity. Providing further support that the sale price reflects fair market value and should be relied upon in determining the assessment.

- [23] Additionally, the Complainants stated that the interior condition and quality of the subject property is below average, suggesting that they may have overpaid for the property. Appliances are entry-level, with no upgrades. They argued that the basic finishings and lower quality of construction support an assessment closer to, or below, the actual sale price.

Position of the Respondent

- [24] The Respondent addressed the Complainants' issues first, beginning with an analysis of the comparable properties provided in Exhibit C1.
- [25] The Respondent referenced the Complainants' comparable properties in their own chart, Exhibit R1, page 8. In review, the Respondent noted the comparable properties are not within the same market stratification as the subject property.
- [26] Further, the Respondent stated that all sales provided by the Complainants with the exception of 242 Viscount Dr, would not be used for analysis until next year.
- [27] The Respondent explained that it is the City of Red Deer's practice to rely on the transfer date from Land Titles as the reference point. Any transfers that take place after the valuation date would be used in the analysis for the following year's assessment. Further, the Respondent added that Land Titles provides an official point when the property transfers, accounts for time when conditions are set, accounts for time to acquire financing and transfer the funds, etc. In support of this, the Respondent pointed the Board to the Land Title with transfer dates for each of the comparable properties, Exhibit R1 page 26-32. It also confirmed that this is a consistent practice throughout the City of Red Deer for all property assessments.
- [28] The Respondent also stated the comparable properties would not be suitable as they are not the same building/structure type as the subject property and would be affected by different market influences. Further they have varying levels of finish quality that would also need to be accounted for.
- [29] The Respondent stated that landscaping and chattels such as the conditions of garden beds and appliances have no impact on assessed value. Landscaping is inherently subjective and does not form part of the valuation process.
- [30] The Respondent argued that the homes wear and tear is normal for an aging property and is not significant enough to warrant an adjustment.
- [31] The Respondent also presented an assessment equity analysis using three comparable properties within the same neighborhood as the subject property Exhibit R1, page. 10.
- [32] The Respondent argued that reducing the subject property's assessment to its sale price would result in inequity relative to similar properties in the area. The comparable properties were selected from semi-custom bungalows in Vanier East, sale prices were verified via Land Title certificates, Exhibit R1, pages 33-36.
- [33] The Respondent stated there were 36 sales of semi-custom bungalows in south Red Deer, Exhibit R1, page 13. From its analysis, the ASR is 97.9 % for the 36 sales, which aligns with the acceptable

standard for ASR. The median size for semi-custom bungalows in Vanier is 1,384 sq feet and median time adjusted sale price for semi-custom bungalows in Vanier is \$632,900 (5 sales).

- [34] Lastly, the Respondent submitted a list of sales comparisons to support the accuracy of the current assessment. The properties varied in their characteristics compared to the subject property, which the Respondent argued illustrates the rationale behind not relying on a single sale when applying assessment adjustments. While Land Title certificates were provided to confirm sale prices, MLS listings were not included, limiting the verifiability of the comparable properties.


BOARD FINDINGS and DECISION

- [35] The Complainants submitted a chart of comparable properties in Exhibit C1, page 1. The Complainants indicated the comparable properties that sold over \$600,000 were typically larger than the subject property with three car garages. Comparable properties that sold lower were more comparable to the subject property in the Complainants' opinion.
- [36] The Board gives little to no weight to the comparable properties listed by the Complainants' chart, Exhibit C1, page 1, as they lacked MLS listings or other verifiable data. Additionally, all but one of the comparable properties sold after the city of Red Deer's valuation date. For this reason, they would not be considered for this year's assessment.
- [37] The Respondent directed the Board to the Land Titles information provided for each comparable property it relied on. The Respondent noted the use of Land Title transfer dates as the official date used by the City of Red Deer in determining if it falls within the valuation year. The Complainants' comparable property sales in chart Exhibit C1, page 1 with the exception of 242 Viscount Dr, would be considered in the next year's assessment cycle as the official transfer date accepted by the Respondent is after the valuation date (July 1, 2024).
- [38] Upon reviewing the information in the Complainants' chart Exhibit C1, page 1, the Board assigns it little weight, as the data could not be independently verified and was not reproducible. Furthermore, the Board accepts the Respondent's practice of using the Land Titles Transfer Date to determine whether a transaction falls within the valuation year, as it is considered fair and consistently applied throughout the City.
- [39] The Respondent submitted comparable properties to the board in Exhibit R1, page 10. Though Land Title Transfer Dates were provided, MLS listings or additional property details were not provided. As such, the Board assigned limited weight to this evidence.
- [40] While both parties presented differing views regarding the condition and wear of the subject property, neither party provided comparable sales with underlying information to substantiate their respective claims. In the absence of such evidence, the Board is unable to conclude that the property was incorrectly assessed based on condition and, as such, must confirm the assessment.
- [41] The Complainants argued that the assessment should reflect the recent sale price of the property. The Respondent argued that to maintain consistency of reports and assessments that they only use the transfer date, though they look at multiple factors beyond a single comparable property. The Board found that neither party provided sufficient or valid comparable properties to justify a change to the assessment value.

- [42] With respect to the Complainants' assertion that the extended time on market supports the accuracy of the sale price, the Board could find no statistical evidence or market data provided to support this position. The Respondent countered that properties may remain on the market for varying reasons unrelated to value. As neither party supported their arguments with substantive evidence, the Board gives limited weight to this argument.
- [43] The Complainants also submitted that the exterior condition and landscaping negatively impacted the subject property's value. The Respondent indicated that landscaping is not considered in assessments due to its subjective nature. The Board agrees that, in the absence of verifiable standards or comparable properties, landscaping is not a determining factor in this case.
- [44] Similarly, the Board assigns limited weight to the Respondent's comparable properties provided in Exhibit R1, page 6, 8 and 11, due to the absence of MLS data or other supporting documentation.
- [45] The Board considered the arguments related to the interior condition and finishings of the subject property. While the Complainants provided photographs, they did not present any comparable properties to demonstrate that the home was over-assessed in comparison to similar properties. Likewise, the Respondent did not provide comparable properties to support the assessment on this basis. In the absence of such evidence, the Board finds no justification for an adjustment.
- [46] The Home Inspection Report, Exhibit C3 submitted by the Complainants was time-stamped within the valuation period and accepted as a rebuttal document. While the report provided more detail on the interior condition of the home, it did not establish a clear basis for valuation adjustment, as the quality of finishes could not be compared against similar properties. Without appropriate comparable properties, the Board is unable to draw a conclusion from this evidence.
- [47] Based on the evidence presented, and in the absence of sufficient verifiable, comparable or supporting documentation to support a change, the Board confirms the assessed value of the subject property.

DECISION SUMMARY

- [48] The Board finds that the original assessed value is confirmed at \$604,300 and no change is required.
- [49] Dated at the Central Alberta Regional Assessment Review Board, in the city of Red Deer, in the Province of Alberta this 25th day of June, 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.



S. Dushanek
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
C.1	Complainant Submissions – May 2, 2025	2
C.2	Complainant Rebuttal - Statement to the Board - May 22 2025	2
C.3	Complainant Rebuttal Submission - Property Inspection Report - May 22 2025	2
R.1	Respondent Submissions	39

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.

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, file a written presentation with the Clerk.

Alberta Interpretation Act, 2000

Computation of time

s. 22(1) If in an enactment the time limited for the doing of a thing expires or falls on a holiday, the thing may be done on the day next following that is not a holiday.

- s. (2) If in an enactment the time limited for registration or filing of an instrument, or for the doing of anything, expires or falls on a day on which the office or place in which the instrument or thing is required to be registered, filed or done is not open during its regular hours of business, the instrument or thing may be registered, filed or done on the day next following on which the office or place is open.
- S. (3) If an enactment contains a reference to a number of days expressed to be clear days or to “at least” or “not less than” a number of days between 2 events, in calculating the number of days, the days on which the events happen shall be excluded.
- s. (4) If an enactment contains a reference to a number of days not expressed to be clear days or “at least” or “not less than” a number of days between 2 events, in calculating the number of days, the day on which the first event happens shall be excluded and the day on which the 2nd event happens shall be included.
- s. (5) If in an enactment a time is expressed to begin or end at, on or with a specified day or to continue to or until a specified day, the time includes that day.
- s. (6) If in an enactment a time is expressed to begin after or to be from a specified day, the time does not include that day.
- s. (7) If an enactment provides that anything is to be done within a time after, from, of or before a specified day, the time does not include that day.