

IN THE MATTER OF A COMPLAINT filed with the Regional Municipality of Wood Buffalo Local Assessment Review Board (LARB) pursuant to Part 11 of the *Municipal Government Act* being chapter M-26 of the revised statutes of Alberta 2000.

BETWEEN:

Darrin Erwin – Complainant (via MS Teams)

- and -

Regional Municipality of Wood Buffalo (RMWB) – Respondent

BEFORE:

Members:

Alex McKenzie, Presiding Officer

Nayef Mahgoub, Member

Sean Schaffer, Member

Staff:

Anita Hawkins, Clerk

BACKGROUND AND DESCRIPTION OF PROPERTY UNDER COMPLAINT

[1] A hearing was convened on August 13, 2022 in the Regional Municipality of Wood Buffalo in the Province of Alberta to consider a complaint about the assessment of the following property:

Assessment Roll Number	30611740
Civic Address	176 Greenwich Lane
Owner	Darrin Erwin
File Number	ARB 22-033

PROCEDURAL MATTERS

The LARB derives its authority to make decision under Part 11 of the *Municipal Government Act*, R.S.A. 2000, c. M-26.

- [2] The parties confirmed that they had no objections to the composition of the Board.
- [3] The Presiding Officer declared being Chair for the Subdivision and Development Appeal Board hearing where decision SDAB 2021-004, referred to in the complaint form, was rendered. Both parties confirmed they had no objections to the hearing proceeding.

PRELIMINARY MATTERS

- [4] There were no preliminary matters raised.

ISSUES

Issue identified on the complaint form	Assessment Amount	Requested Value
An Assessment Amount	\$149,790.00	\$75,000.00
The description of the property or business		
An assessment class		
The type of property		
The type of improvement		

MERIT MATTERS

Position of the Complainant

- [5] The Complainant presented within the complaint form (Exhibit C-1) that the land only has a recreational vehicle (RV) parked on it temporarily.
- [6] The Complainant verbally presented that he purchased the land vacant in 2020 for \$55,000 and since then, has placed the RV on the property. The clarification needed is whether the building is a mobile home or an RV.
- [7] The Complainant added that if the building is determined to be an RV, the assessment should be \$75,000 based on the current lot prices for land only in the trailer park as recreational vehicles are not assessed.
- [8] In response to a question from the Board, the Complainant noted the property is not insured as the building classification has not been settled with the Municipality.
- [9] The Complainant confirmed that no evidence has been submitted other than the original complaint form.

[10] The Complainant submitted that the improvement is only partially skirted at the front for aesthetic purposes. The improvement, although bigger than a microhome, is smaller than a typical mobile home which is generally over 400 ft².

[11] In response to a question raised by the Board, the Complainant confirmed that the improvement is fully serviced.

[12] The Complainant presented verbal information on his interactions with the Municipality's Planning and Development as they relate to the classification of the improvement on his property.

Position of the Respondent

[13] The Respondent submitted that for Residential Improved Property, such as the subject property, the assessment is determined using the direct sales approach.

[14] The Respondent presented that the subject property, 176 Greenwich Lane, is in the Gregoire neighbourhood of Fort McMurray. The property consists of a 408 ft² mobile home which has 1 bedroom and a full 4-piece bath, a 512 ft² detached garage and a 240 ft² shed on a 6,005 ft² lot. The mobile home built in 2007 is a single section manufactured home of average quality that meets and occasionally exceeds minimum building requirements. The finishes are selected from average quality materials and a minimum number of decorative features are normally encountered. The walls are average quality pre-finished wallboard or equivalent, average quality pre-manufactured kitchen cabinets; average quality baseboards and trim, standard hollow core doors; and average quality vinyl windows. The shed, built in 2021, is considered poor quality with no fixtures. (Exhibit R-1)

[15] The Respondent also presented that the detached heated garage built in 2021 is representative of an average quality garage. The detached garage is not included in the 2022 property assessment. If the structure is still on the lot on December 31, 2022, it will be added to the 2023 property assessment. (Exhibit R-1)

[16] The Respondent provided as evidence the replacement cost summary report detailing the depreciated replacement value of the mobile home and the shed (not including land value) as per the Alberta 2001 Residential Cost Manual, totaling \$72,060.00. (Exhibit R-1).

[17] The Respondent presented comparable land sales for valid vacant land sales for the Gregoire Mobile Home Park which occurred between October 2019 and June 2020. These sales were time adjusted and determined a median rate of \$12.76 per ft². Using this median rate, the subject property value, if vacant, would be \$76,628.65. (Exhibit R-1).

[18] The Respondent submitted as evidence a photo of the front view of the subject property; an aerial view of the property as of May 30, 2022; and an image of the comparable land sales within the Gregoire Mobile Home Park, showing their proximity to the subject property. (Exhibit R-1)

[19] The Respondent noted that the Complainant is requesting an assessment value of \$75,000.00 based on the improvements being temporary.

[20] The Respondent submitted the replacement cost of the improvements located on the subject property has been proven to be \$72,060.00 (not including the detached garage); and the value of the land, if vacant, has been calculated at \$76,628.65. The mobile is considered an assessed improvement as it has been skirted in, has a deck and veranda attached, and is receiving utility services. The improvements were on the property at December 31, 2021, as per the completion date identified in the *Municipal Government Act*. (Exhibit R-1)

[21] In response to questions raised by the Board regarding the size of the improvement, the Respondent confirmed that the assessment was based on information received from the building permit for the improvement on the subject property and that no evidence was submitted by the Complainant to refute this assessment. For assessment purposes, the improvement is a manufactured home and permitted or not, the improvement is assessed based on square footage.

[22] In closing, the Respondent offered that the subject property is assessed using the Direct Sales Approach. Examination of the replacement cost for the improvements on the subject property, as well as the calculated land values further demonstrate a fair and equitable property assessment. The onus is on the Complainant to provide compelling evidence on which a revised assessment can be based.

[23] In his closing statement, the Complainant reiterated his request that the Municipality reach an agreement as to whether the improvement is classified as a manufactured home or a recreational vehicle.

[24] The Respondent requested that the Local Assessment Review Board confirm the assessed value for the subject property at \$149,790.00.

DECISION

[25] It is the Decision of the LARB to confirm the assessment in the amount of \$149,790.00.

REASON FOR DECISION

[26] In coming to its conclusion, the Board has reviewed carefully the provisions of the *Municipal Government Act* (“MGA”), the *Matters Relating to Assessment Complaints Regulation* (“MRAC”) and the *Matters Relating to Assessment and Taxation Regulation* (“MRAT”).

[27] The Board determined the issue before them is whether the improvements located on the subject property are assessable.

[28] The Board took into consideration the Complainant’s oral evidence, however little weight was given to it as no physical evidence was submitted to support the Complainant’s position or refute the assessed value of the improvements.

[29] The Board found that the Complainant’s reasons for complaint on the Complaint Form and oral statements did not constitute evidence to demonstrate that the assessment is incorrect. The onus is on the Complainant to provide the evidence to support their case, failing to do so does not mean that the onus is transferred to the Respondent.

[30] The Board accepted the Respondent’s photographic evidence that the improvement is located on the subject property.

[31] The Board accepted the Respondent’s replacement cost summary report for the depreciated replacement value of the mobile and shed of \$72,060.00 as per the Alberta 2001 Residential Cost Manual.

[32] The Board noted that the improvements on the property have full utilities permanently installed. Furthermore, the Complainant has benefitted from the use and enjoyment of the improvement for as long as it has been on the property. In the absence of physical evidence establishing the improvement as a recreational vehicle, the Board concluded the improvement is considered to be a permanent structure and therefore, is assessable.

[33] The Board agreed that the issue raised by the Complainant as to whether the improvement is a mobile home, or a recreational vehicle is to be addressed through the Planning and Development Department of the Municipality and does not fall within the jurisdiction of this Board. In this respect, the Board would encourage the Complainant to continue to work with the Planning and Development Department to resolve this issue.

[34] It is so ordered.

DISSENTING OPINION

[35] There was no dissenting opinion.

[36] The decision of the Local Assessment Review Boards is final and binding on all parties, subject only to appeal to the Court of Queen's Bench on a question of law or jurisdiction with respect to the decision in accordance to section 470 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this
26th day of August, 2022.

FOIP s17(1)

Alex McKenzie, Presiding Officer

APPENDIX A

DOCUMENTS RECEIVED AND CONSIDERED BY THE LARB

Exhibit Number	Description
C-1 -	ARB 22-033 Complaint Form (2 pages)
R-1	ARB 22-033 Respondent Disclosure (23 pages)
R-2	ARB 22-033 Hearing Notice (6 pages)
R-3	ARB 22-033 RMWB Law Brief (58 pages)

APPENDIX B

REPRESENTATIONS

Person Appearing	Capacity
Darrin Erwin	Complainant
Dharma Gross	Assessor, Regional Municipality of Wood Buffalo
Julie Peyton	Supervisor, Assessment, Regional Municipality of Wood Buffalo

APPENDIX C

LEGISLATION

Municipal Government Act, R.S.A. 2000, c. M-26

Matters Relating to Assessment and Taxation Regulation, 2018 – AR 203/2017

Matters Relating to Assessment Complaints Regulation, 2018 – AR 201/2017
