



Filing

a property assessment complaint
and preparing for your hearing

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For further information

Alberta's Municipal Government Act, the Matters Relating to Assessment Complaints Regulation, and the Matters Relating to Assessment and Taxation Regulation, are the source for the information in this guide. If there are differences between the information in the act and regulations, and what is presented in this guide, the legislation and regulations take precedence.

introduction:

If you own a residence or business, this guide will help you understand the assessment complaint process in Alberta. This guide will assist you in filing a property assessment complaint, and offers ideas on how to prepare for your hearing with an assessment review board.

Introduction to this guide

This is only a guide and it is not mandatory to use it to file an assessment complaint. It may help you to gather the information you need to determine if you will proceed with a complaint and to clarify in your own mind how best to present your case to the assessment review board.

You may also wish to get further help from a tax agent, appraiser, lawyer, or other person experienced in assessment complaints. You may have one or more of these people present your case to the board.

This guide will be of help if your property has been assessed on the basis of its market value. Farmland, and industrial machinery and equipment, are assessed using a regulated process. For information on the assessment of these properties, contact your municipality's assessor.

section 1:

Why are property assessments prepared?

The assessment process establishes the value of a property in relation to similar properties. The purpose of property assessment is to distribute the property tax fairly among property owners in a municipality.

Some facts about property assessment

The assessment of a property does not in itself generate property taxes. Property taxes are generated when the tax rate, established by your municipality, is applied to the assessed value of your property. Your municipality sets its tax rate based on the amount of revenue it needs for local programs and services.

Property tax dollars pay for municipal services such as police and fire protection, roads, waste management, parks and recreation, and capital projects.

Your property tax bill also includes a school tax, which is collected by your municipality and then submitted to the province. The province uses the school tax to help pay for primary and secondary education programs. Your property tax bill may also include local improvement taxes or other municipal taxes.

Note: *You cannot file a complaint about the tax rate with an assessment review board, or appeal it to the Court of Queen's Bench of Alberta. Neither can change tax rates or the services that are provided by a municipality. If you have specific concerns about these matters, you may wish to discuss them with the administration or council of your municipality.*

How is my property assessed?

In Alberta, residential and most commercial property is assessed on the basis of a property's market value.

Market value is defined as the price a property might reasonably sell for after adequate time and exposure to an open market when sold by a willing seller to a willing buyer.

Provincial regulation directs that property assessments must reflect typical market conditions as of July 1 in the previous year.

To calculate your assessment, assessors look at property characteristics such as the size, type, and age of your property, as well as its location, style, condition, upgrades, and lot size. The selling prices of similar properties in the same neighbourhood or similar areas are also considered.

Mass appraisal

An appraisal is an estimate of value. Properties in Alberta are assessed using a method called mass appraisal. Mass appraisal is the process of valuing a group of properties as of a given date, using common data, mathematical models, and statistical tests. Mass appraisal techniques allow assessors to accurately value a large number of properties in a short period of time.

Valuation date

To ensure that properties are assessed fairly, the province of Alberta sets a specific date to value all property for assessment purposes. This is called the valuation date. In Alberta, the valuation date is July 1 of every year. The assessment you receive this year shows the estimated market value assessment of your property on July 1 in the last calendar year.

Example: *The assessed value of your property on your 2010 assessment notice is based on the estimated market value of your property on July 1, 2009.*

Condition date

The second legislated date in the valuation process is the condition date. The condition date is the date on which the condition of the property is recorded for property assessment purposes. Under Alberta legislation, the condition date for property other than linear property is December 31. For example, for the 2010 tax year, the condition date would be December 31, 2009. This means that although the value of the property reflects the market conditions as of July 1, it must also reflect the condition of the property as of December 31.

Example: *If a garage has been added to the property during 2009, the property assessment for 2010 would be based on its market value as of July 1, 2009, including the garage. The 2009 property assessment would not have included the garage because the garage was not built by the condition date (December 31, 2008).*

section 2:

If I don't agree with my assessment, what can I do?

Review your property information to make sure the description of your property is accurate. This is an important step. If you believe

Before filing a complaint

information about your property is not correct, arrange a meeting with your

municipality's assessor. Discuss any problems that might affect your property's value (for example, a major structural problem such as a cracked foundation).

Find out if these problems were taken into account when your assessment was prepared. The assessor can re-inspect your property and correct the information if necessary.

***Note:** It is your responsibility to contact your municipal office and check your property record to make sure the details are accurate.*

You can also compare your assessment with other assessments of similar properties in your neighbourhood. Talk with a professional appraiser, assessor, or realtor who can estimate your property's comparative value in the current market.

Remember that the value shown on your assessment notice is based on the estimated value of your property on July 1 in the previous year.

How do I get information about my property?

You are entitled to receive all documents, records and other information in respect of your property that the assessor has in the assessor's possession or under the assessor's control such as:

- information about the parcel of land including legal description, civic address, the use of the land, the size of the parcel of land, etc.

- information about the improvements including classification and type of improvement, interior and exterior characteristics, such as number of rooms, quality, size or measurement of any improvements, physical condition, site improvements, etc.
- key factors, components and variables of the valuation model applied in preparing the assessment of property including site area, ancillary site improvements, location, physical condition, and adjustments for time, and
- property related information including building permits, inspection reports, and sales information.

Section 299 of the *Municipal Government Act* states that a municipality must provide this information to you within 15 days from the date you requested the information. For further information you can refer to the information pamphlet “Access to Property Assessment Information” available on the Municipal Affairs website or from your municipality.

Tip: Your municipality may have your property information available on-line.

Tip: Free access to the Internet is available to library cardholders in most libraries.

Estimate the market value of your property

Look for sales data on properties similar to yours (size, age, location) that sold close to July 1 in the assessment year. The data that you collect on these “comparison” properties will help you to estimate the market value of your property.

How do I get information about other comparable properties?

In addition to the above sources of information, you are entitled to receive from your municipality a summary of information on similar properties to yours such as:

- a description of the parcel of land and any improvements, to identify the type and use of the property
- the size of the parcel of land
- the age and size or measurement of any improvements, and
- the key factors, components and variables of the valuation model applied in preparing the assessment of property.

You may request summary information on up to five comparable properties. Section 300 of the *Municipal Government Act* states that a municipality must provide this information to you within 15 days from the date you requested the information. For further information please refer to the information pamphlet “Access to Property Assessment Information” available on the Alberta Municipal Affairs website or from your municipality.

Tip: Your municipality may have comparative value information available on-line.

If you believe that a municipality has failed to comply with your information request under section 299 or 300 of the *Municipal Government Act*, you may write to the Minister of Municipal Affairs who will review whether the municipality provided the required information.

Comparable features

Look at the recent sale prices of properties that are comparable to yours in terms of the following characteristics or features:

- Location (neighbourhood, access to transportation, open space, etc.)
- Services (near schools, recreation facilities, shopping, etc.)
- Lot size
- House size
- Age of house

- Landscaping
- Number and size of bathrooms
- Basement (finished or unfinished)
- Fireplaces
- Garage/carport
- Outbuildings
- Major or minor repairs needed
- Environmental problems (odours, high traffic, loud noise, etc.)

Condominium units

If you own a condominium unit, you might also want to compare features such as:

- The floor the unit is on
- View
- Corner (inside, or end unit)
- Floor plan
- Parking (underground or street)
- Elevators
- Other features (health club, party room, swimming pool, tennis court, etc.)

Rural areas

If you live in a rural area, you may have to look further than your neighbours to find comparable properties. If this is the case, remember that market conditions and selling prices may vary significantly in different locations and regions. If you own property in a rural setting, consider the following when looking for properties that are comparable to yours:

- Land area or dimensions
- Site improvements
- Non-assessable improvements

- Services (garbage, water, sewer, etc.)
- Location

Building

- General description
- Number of bedrooms
- Finished area
- Number of bathrooms
- Year built
- Basement
- Outbuildings
- Number of storeys

There are a number of ways you can find sales information on properties comparable to your own:

Multiple Listing Service

Search the Multiple Listing Service database on the Internet (at www.mls.ca). This is a collection of all properties that are listed for sale in your community through a real estate office. If you are using this service, search for properties with characteristics and in neighbourhoods that are similar to yours. When entering the features of your home for your search, make sure to specify a “minimum” and “maximum” that match your property. For example, if you own a three-bedroom house, search for comparison properties with a “minimum” and “maximum” of three bedrooms.

***Note:** MLS listings are representative of current market conditions and may not reflect market value as of the July 1 valuation date or the December 31 condition date.*

Local Registry Office

Go to your local registry office to search for recent sale prices. There will likely be a fee for this service. To find the nearest registry office, look in the Yellow Pages under License and Registry Services. Get a computer printout of the search at the registry office. Make sure the “declared value” of the property (usually the same as the sale price) is on the computer printout. Keep copies of the search results to bring to your hearing.

Tip: You will need the legal land description of the properties you want to search for when you go to the registry office. You can find this information on the assessment roll at your municipal office by first looking up the street addresses of the properties. The legal land descriptions may also be available on your municipality’s website.

Develop a comparison chart

By now, you should have enough information to compare your assessment to assessments of similar properties. You should have an idea of whether your assessment is a fair estimate of the value of your property in comparison to other similar properties.

Look at the property characteristics and details that might affect the value or price of your property and the comparison properties. If you list these comparables in a chart, the assessor can review your evidence at a glance. If the assessor agrees that the original assessment or tax notice is not accurate, a new assessment or tax notice can be issued.

Tip: All of the information gathered, including the chart, will be useful evidence at an assessment review board hearing.

Here is an example of how the chart may look.

SAMPLE COMPARISON CHART

	Sale price	Sale date	Feature 1	Feature 2	Feature 3	Feature 4	Feature 5
Property 1 (include address)							
Property 2 (include address)							
Property 3 (include address)							

Do the facts support your case?

Make sure that you have enough information to demonstrate that your property is similar to those that you have selected as comparable properties, and that the assessed value of your property differs significantly from those properties.

Choose comparable properties that are located in your neighbourhood. Properties outside your neighbourhood may be affected by factors that may cause prices to differ significantly from those in your neighbourhood. If this is the case, it would not be feasible to use these properties to compare to your own.

If possible, take photographs of the outside of the comparison properties and of your own. Contact your municipality to get a map of the neighbourhood and mark the locations of all the properties on a map of the area.

If after reviewing the information about your property and any comparative properties you are unable to come to an agreement about your assessment with the assessor, you can file a complaint with your municipality’s assessment review board.

section 3:

You have 60 days from the date your assessment or tax notice was sent to you to file a complaint with the clerk of the assessment review board.

An assessment complaint must be filed using the Government of Alberta

“Assessment Review Board Complaint Form” (number LGS1402). This form may be included with your assessment or tax notice or provided by your municipality upon request. You can also download it from the Municipal Affairs website at www.municipalaffairs.alberta.ca.

How do I file a complaint?

The Complaint Form

It is important to complete all fields on the complaint form that are relevant to your property. This will help the assessment review board clerk schedule the appropriate amount of time for your hearing and allow the board members to familiarize themselves with your case prior to the hearing.

Section 1 – Notice Type

In this section you will indicate what type of assessment or tax notice you received. The type of notice you received will be indicated on the notice, for example, “Annual Assessment” or “Supplementary Assessment”.

Section 2 – Property Information

This section identifies your property within the municipality. The assessment roll or tax roll number is unique to your property and is indicated on your assessment notice or tax notice. The address or legal land description further verifies the property under complaint. It is important to identify your property type so the clerk of the assessment review board can schedule your hearing with the proper board. For example, if you own a house in the city, you would select the “Residential

property with 3 or less dwelling units”. If you own a residence that is located on a farm, you would select “Residential property with 3 or less dwelling units” AND “Farm land”.

Section 3 – Complainant Information

This is where you identify who is filing the complaint on the property described in section 2. If, for example, you are going to have a family member or friend represent you at the hearing, you would identify them in this section. It is important for the municipality and the assessment review board to know who the complainant is because confidentiality could be an issue.

If you have hired someone to file the complaint and represent you at the hearing, you must identify them in this section, and submit the Assessment Complaints Agent Authorization form along with the complaint form.

Section 4 – Complaint Information

This is where you identify the specific issues (matters) you are filing the complaint about. On the back of the complaint form, you will find a list numbered 1 to 10, of the matters that a complaint can be about. Check the corresponding box on the front of the complaint form. You can check more than one box if your complaint is about more than one matter.

Section 5 – Reason(s) for Complaint

In the previous section, you identified the matter(s) for complaint. This section is where you provide the details about the matter. For instance, you may be filing a complaint about matter number 3 (the assessment amount). Here is where you state what information on the assessment notice is incorrect (in this case it would be the assessment amount). You need to explain why the information is incorrect (for example, the square footage on your property record is wrong), what the

correct information should be (for example, the actual square footage), and what the requested assessed value is.

Note: *An assessment review board must not bear any matter regarding an issue that is not identified on the complaint form. This means that you cannot introduce new evidence or issues at the hearing that have not been disclosed.*

You must indicate if you have met or spoken to the assessor prior to filing the complaint, and the date and outcome of that discussion. If you have not spoken to the assessor, you must explain why you did not. You may attach additional information to the complaint form if the space provided is insufficient.

Section 6 – Complaint Filing Fee

If your municipality has set a filing fee payable by persons wishing to file a complaint, the filing fee must be submitted with the complaint form or the complaint will be invalid. If the assessment review board makes a decision in your favour, or you and the assessor have reached an agreement and your assessment has been corrected and your complaint is withdrawn prior to the hearing, the filing fee must be returned to you.

Section 7 – Complainant Signature

Be sure to sign, print your name, and date your complaint form, or have the family member or friend representing you sign, print their name, and date it.

Note: *Your completed complaint form and any supporting attachments including the agent authorization form, and the prescribed filing fee must be submitted together prior to the deadline indicated on your assessment notice*

or tax notice. Complaint forms that are incomplete, filed late, or without the required filing fee are invalid.

Who do I send my complaint to?

All complaints are sent to the clerk of the assessment review board for your municipality. Your assessment notice or tax notice will indicate the address.

Tip: To avoid penalties, taxes must be paid on or before the deadline specified on the tax notice even if a complaint is filed.

What happens next?

The clerk of the assessment review board will review the complaint to ensure required information, proper attachments, and the filing fee have been provided. If there are no problems, the clerk will determine what type of assessment review board will hear your complaint. There are two types of assessment review boards that hear complaints depending on the type of property:

- Local Assessment Review Board (LARB) – Members of this board are appointed by the municipality to hear assessment complaints about farmland and residential property with up to three dwelling units.
- Composite Assessment Review Board (CARB) – Two members of this board are appointed by the municipality and one member is appointed by the Minister of Municipal Affairs. This board hears complaints about residential property with four or more dwelling units and non-residential property.

Once the clerk determines which board will hear your complaint, you will be notified of the hearing date and location. If your hearing is scheduled with a LARB, you will

receive notice at least 35 days prior to the hearing date. If your hearing is scheduled to be heard by a CARB, you will receive notice at least 70 days prior to the hearing date.

Disclosure timelines

Once the date of your hearing has been set, you need to be aware of the following critical dates:

For a complaint about an assessment to be heard by a LARB:

Complainant must provide full disclosure at least **21 days** before the scheduled hearing date.

Respondent must provide full disclosure at least **7 days** before the scheduled hearing date.

Complainant must provide rebuttal at least **3 days** before the scheduled hearing date.

Hearing Date

For a complaint about an assessment to be heard by a CARB:

Complainant must provide full disclosure at least **42 days** before the scheduled hearing date.

Respondent must provide full disclosure at least **14 days** before the scheduled hearing date.

Complainant must provide rebuttal at least **7 days** before the scheduled hearing date.

Hearing Date

For a complaint about any matter other than an assessment, the parties must provide full disclosure at least 7 days before the scheduled hearing date. An example of a non-assessment matter would be the name or mailing address of an assessed person or taxpayer being incorrect.

Disclosure of evidence

As the complainant, you are obligated to provide the assessor with the information you will be presenting at the hearing. This is referred to as disclosure. Disclosure must include:

- All relevant facts supporting the matters of complaint described on this complaint form.
- All documentary evidence to be presented at the hearing.
- A list of witnesses who will give evidence at the hearing.
- A summary of testimonial evidence.
- The legislative grounds and reason for the complaint.
- Relevant case law and any other information that the complainant considers relevant.

Note: *The timelines for disclosure must be followed. Any information that has not been disclosed will not be heard by the assessment review board. The disclosure timelines can be reduced if the disclosure information is provided at the time the complaint is filed, and only if agreed to by both parties.*

Preparing for your hearing

When you are preparing for your hearing, it is important to remember that you are responsible for gathering information that proves your assessment is unfair or inaccurate. Your goal is to demonstrate that the assessment on your property is not a fair estimate of the market value of your property in comparison to other similar properties in your neighbourhood.

Think about how you want to present your comparison information to the board. You could describe your property and explain how each of your comparable properties is similar to or different from your property. Use the sale prices or assessments of your comparison properties to show how the assessment of your property is inaccurate or unfair.

Bring your comparison chart to the hearing along with other information you have gathered including:

- The notes you took when you reviewed the assessment roll.

- Copies of the registry searches.
- Any other material you have gathered, such as photographs and maps.

This information will help you to answer questions about the accuracy of your comparisons. If you say there is a physical problem with your property that affects its value, bring to the hearing:

- Written confirmation that the problem exists and a repair estimate from at least one reputable contractor.
- Photographs of the problem area.
- The written opinion of a realtor or appraiser saying how this might affect the value of your property in the current market. This opinion may or may not be accepted as evidence.

Tip: *Make copies of all your material (including photographs) to take to the hearing, for yourself, the board members, and the assessor. Contact the assessment review board to confirm the number of copies you will need to provide.*

Note: *Information that has not been disclosed prior to the hearing will not be heard by an assessment review board.*

At the hearing

The following is a typical sequence of events at an assessment review board hearing:

- The hearing is called to order and board members are introduced.
- The clerk reads the assessment complaint.
- You and the assessor introduce yourselves.
- The presiding officer outlines the hearing process.
- You and the assessor summarize your presentations.
- You present your case.

- The assessor and board members may ask you questions.
- The assessor presents his or her case.
- You and the board members may ask questions.
- You may offer evidence regarding the assessor's case.
- You summarize your case and state your argument.
- The assessor summarizes his or her case and states an argument.
- The board considers the information presented.
- The board may announce its decision at the hearing if the members believe they can make an immediate decision.
- Whether or not an oral decision is provided, you will be provided with the board's decision in writing within 30 days of the hearing.

An assessment review board may make any of the following decisions:

- Dismiss the complaint if it was not made within the proper time.
- Dismiss the complaint if you have not explained why you think information in the assessment or tax notice is incorrect or unfair.
- Change the following: the assessment, the description of your property or business, the name and mailing address on the assessment notice, an assessment class, an assessment subclass, the type of property, the type of improvement, the school support, whether the property is assessable, whether the business or property is exempt from taxation.
- Decide that no change is required.

You may appeal the decision of the assessment review board to the Court of Queen's Bench of Alberta.

section 4:

If you believe that the assessment review board made an error in its decision, you may file an appeal with the Court of Queen's Bench of Alberta.

You have 30 days from the date you receive the written decision of the assessment review board to file your application.

The Court of Queen's Bench of Alberta

***Note:** You cannot appeal the decision of an assessment review board simply because you do not agree with the decision. An appeal can only be made if you believe that the board made an error on a question of law or jurisdiction.*

A question of law is generally defined as a question to be decided, ultimately by a judge, concerning the application or interpretation of the law.

Jurisdiction is the general power or authority to decide an issue.

Appeal process

In order to have the Court of Queen's Bench (the court) hear an appeal of an assessment review board decision, the appellant must first file an application for "Leave to Appeal" with the court.

In your application you will need to clearly demonstrate that an error on a question of law or jurisdiction has been made by the board. Your application should include the written decision of the board and any supporting evidence that relates to the error on a question of law or jurisdiction. You can make a written request for materials from the board for the purposes of the application. The assessment review board has 14 days in which to provide you with this information.

On hearing the application and representations of any other parties to the matter, the court will determine if the appeal is valid. The court may uphold the assessment review board decision, at which point there is no further avenue of appeal available. If leave to appeal is granted, then the appeal process will proceed. If the court finds that there was an error in law or jurisdiction, it may refer the matter back to the board with instructions to re-hear the complaint.

section 5:

To obtain information on your property assessment or on filing a complaint, contact your municipality at the address or telephone number printed on your assessment notice or tax notice. Your municipality may also provide detailed information on their website.

For further information

Contact Alberta Municipal Affairs:

Alberta Municipal Affairs
Assessment Services Branch
15th Floor, Commerce Place
10155 - 102 Street
Edmonton, Alberta T5J 4L4

Phone: 780 422-1377 (To call toll free, dial 310-0000 first)

Fax: 780 422-3110

Website: <http://municipalaffairs.alberta.ca/>

You can view the *Municipal Government Act*, the *Matters Relating to Assessment Complaints Regulation*, and the *Matters Relating to Assessment and Taxation Regulation* on the Municipal Affairs Website.

You can also purchase copies of the above Acts from the Queen's Printer:

Queen's Printer Bookstore Location:

Main Floor, Park Plaza
10611 - 98 Avenue
Edmonton, Alberta T5K 2P7

Phone: 780 427-4952 (To call toll free, dial 310-0000 first)

Fax: 780 427-4952

Website: www.qp.alberta.ca



For further information

www.municipalaffairs.alberta.ca

or

Assessment

Services

Branch

780.422.1377

To call toll free,

dial 310.0000 first