

RECORD OF DECISION

CITY OF PRINCE ALBERT, BOARD OF REVISION

APPEAL NO.: 2021-54
ROLL NO.: 200-006-460
Hearing Date: January 26, 2022, at 1:00 p.m.
Location: 2nd Floor, Main Boardroom, City Hall & Teleconference
1084 Central Avenue, Prince Albert, SK

Appellant Douglas Chow, Executor of Estate for Wong Wayne

Respondent City of Prince Albert

Board of Revision Jackie Packet, Chair
Ralph Boychuk, Member
Dan Christakos, Member

Terri Mercier, Secretary

Representation

Appellant Peter Andrew Abrametz, Legal Professional Corporation on behalf of Douglas Chow

Respondent Vanessa Vaughan (City Assessor)
Darcy Lees (Observer, Assessment Department)

Both the Appellant and Respondent attended via teleconference.

Property Appealed

Civic Address 557 – 10th Street East
Prince Albert, Saskatchewan

Legal Description Lot 14, Block 16, Plan No. B651, Extension 0

Assessed Value \$117,100

Tax Class Residential-Improved (80% of value)

Taxable Assessment \$93,700

Role of the Board of Revision

[1] The Board of Revision (Board) is an appeal board that rules on the assessment valuations for both land and buildings that are under appeal. The basic principle to be applied by the Board in all cases is set out in *The Cities Act*, which states the dominant and controlling factor in the assessment of property is equity. The Board's priority is to ensure that all parties to an appeal receive a fair hearing and that the rules of natural justice come into play.

[2] The Board may also hear appeals pertaining to the tax classification of property or the tax status of property (exempt or taxable). This does not mean the Board can hear issues relating to the taxes owed on property.

[3] Upon hearing an appeal the Board is empowered to:

- confirm the assessment; or,
- change the assessment and direct a revision of the assessment roll by:
 - increasing or decreasing the assessment;
 - changing the liability to taxation or the classification of the subject; or,
 - changing both the assessment and the liability to taxation and the classification of the subject.

Legislation

[4] Property assessments in Saskatchewan are governed by *The Cities Act*, *The Cities Act Regulations* and/or by board order of the Saskatchewan Assessment Management Agency (SAMA).

[5] The dominant and controlling factor in assessment is equity. (*The Cities Act*, 165(3))

[6] Equity is achieved by applying the market valuation standard. (*The Cities Act*, 165(5))

[7] The market valuation standard is achieved when the assessed value of property:

- is prepared using mass appraisal;
- is an estimate of the market value of the estate in fee simple in the property;
- reflects typical market conditions for similar properties; and,
- meets quality assurance standards established by order of the agency.

(*The Cities Act*, 163(f.1))

[8] Mass appraisal means preparing assessments for a group of properties as of the base date using standard appraisal methods, employing common data and allowing for statistical testing. (*The Cities Act*, 163(f.3))

Preliminary Matters

[9] With respect to the Board's internal process, this hearing will be recorded for use of the Board only in rendering its decision.

[10] The Respondent advised that the Appellant did not provide any materials to consider and requested that the Board place certain weight on the consideration of verbal arguments.

[11] The Appellant disagreed that this was a preliminary matter and requested to carry-on with the hearing.

Exhibits

[12] The following material was filed with the Secretary of the Board of Revision:

- Exhibit A-1 – Notice of Appeal received on November 4, 2021
- Exhibit A-2 – Letter dated November 26, 2021 clarifying facts and providing an Authorization and Consent to Disclose form
- Exhibit A-3 – Email dated December 6, 2021 clarifying property address and administrator of the estate
- Exhibit R-1 – Respondent's 10 day written Submission received January 13, 2022

Appeal

[13] Pursuant to *The Cities Act*, subsection 197(1), an appeal has been filed against the property valuation of the subject property.

[14] The Appellant's ground states:

The garage and carport were destroyed by arson and the value was only reduced by \$3,900, which is too little. The value should be reduced by \$20,000 to \$30,000.

Agent

[15] In the Appellant's testimony to the Board, the Appellant states:

- The value of the destroyed garage and carport which were destroyed by arson should have been estimated between \$20,000 and \$30,000 not \$3,900. This can be noted as the property sold for less than assessed value (\$89,000) on January 2, 2022

- Questions by City Assessor: Where did the estimated values come from? And is there any way to receive a written estimation of estimated value?
- Answers by Appellant: Replacement costs of a garage and carport are much higher than \$3,900 and from sale of property one can see that its value has diminished. No written estimation of cost of carport and garage can be provided.
- Questions by the board: To whom was property sold and has the title transferred? Was an appraisal done prior to sale?
- Answers by Appellant: No appraisal was done prior to the property being purchased by the new owner, who is using it for a revenue property; the title has been transferred to the new owner. Mr. Chow, executor of the estate for the owner of this property, is in a dispute with the City concerning the costs of demolition of the carport and garage, therefore he has continued with this assessment appeal.

Assessor

[16] In the Assessor's written submission and testimony to the Board, the Assessor states

- The sales comparison approach was used to determine the property's assessment. January 1, 2019 is the base date for these assessments. 1627 private property sales across the city happened between 2015-2019. A variety of determining variables were used to determine the assessment value.
- Carports are not valued as part of residential property assessment. There was also a lean-to which also are not part of residential property assessments.
- A 242 square foot garage built in 1932 has a diminished value of approximately \$3,700. Assessors cannot remove more value than was added in the first place.
- No evidence has been provided by the appellant to change the assessment. Even if it was a new garage, the added valuation would not reach \$20,000.
- Questions by the Appellant: Why are sheds and carports not considered the same as similar builds and how does City come up with a value of \$320,449?
- Answers by Assessor: A new build in that area, similar size and construction would cost \$320,449 and carports are free standing structures with no defining walls. Sheds and garages are self contained.
- Through final questioning, Appellant informed board that no insurance claim was submitted on arson.

Board Analysis

[17] After careful deliberation and review of information provided the board determines:

- City followed proper protocol when using the sales comparison approach when assessing the property.
- Documentation of garage size, year of build, and the fact that carports are not part of property assessments assures the board that the city assessor has accurately assessed the value of the destroyed garage.
- The garage valuation provided by the Appellant completely contradicts the assessed value of \$3,700 determined by the Assessor. As no evidence was provided by Appellant for the Board to consider, the Assessor made the correct reduction.
- The City Assessor has provided information that a new build of a garage this size would have added \$9,730 to the assessed value. This is much less than the value the Appellant is quoting.
- The Appellant has not proven an error by the Assessor in fact, in law, or in application of established guidelines.

Decision

[18] The Board dismisses the appeal on all grounds.

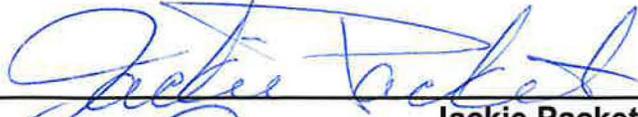
[19] The total assessed value will remain at \$117,100.

[20] The taxable assessment will remain at \$93,700.

[21] The filing fee shall be retained.

DATED AT PRINCE ALBERT, SASKATCHEWAN THIS 17th DAY OF FEBRUARY, 2022.

CITY OF PRINCE ALBERT BOARD OF REVISION



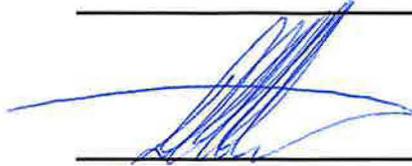
Jackie Packet, Chair

I concur:



Ralph Boychuk, Member

I concur:



Dan Christakos, Member