

First Realty Investments Corp
5913 50 Avenue
Red Deer, AB T4N 4C4

Attention: B. Dushanek

Via email: blaine@blainedushanek.com
(paper copy to follow)

Bow Valley Property Valuators
PO Box 40014
Canmore, AB T1W 3H9

Attention: F. Watson

Via email: ftwatson@telusplanet.net
(paper copy to follow)

COMPOSITE ASSESSMENT REVIEW BOARD DECISION

Hearing: 30 November, 2010

Panel: Presiding Officer M. Chilibeck; M. Slawinsky; K. Steckler

Decision# CARB0031-225/2010

Multiple Rolls (list attached)
Multiple Rolls (list attached)

For the Complainant:
Blaine Dushanek

Units 1-4 & 6-14 | Lakeview Close (13 units)
Units 1-30 | Westridge Drive (30 units)

For the Respondent:
F. Watson, Assessor

The Complainant filed multiple complaints on subject properties located in two subdivisions in the Town of Blackfalds – Lakeview Place (civic addresses on Lakeview Close and referred to as ‘the Lakeview properties’) and Rock Port Place (civic addresses on Westridge Drive and referred to as ‘the Westridge properties’).

LAKEVIEW PROPERTIES

The Lakeview properties consist of 13 bare land condo units each with a semi-detached dwelling unit. Each of the 13 condo units has an individual land title.

WESTRIDGE PROPERTIES

The Westridge properties consist of 30 bare land condo units each with a semi-detached dwelling unit. Each of the 30 condo units has an individual land title.

PRELIMINARY ISSUE

At the outset of the hearing the Presiding Officer requested both parties to clarify the make-up of the subject properties and referenced section 460.1 of the *Municipal Government Act* R.S.A. 2000 Ch. M-26 ('MGA') which provides jurisdiction of assessment review boards and specifies that residential properties with 3 or fewer dwelling units are to be heard by a local assessment review board.

The Presiding Officer asked the parties if they had any objection to the composite assessment review board hearing the complaints. The Complainant was in opposition.

DECISION

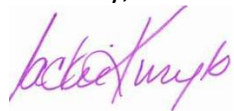
The Board having considered the matter of jurisdiction decides that it does not have jurisdiction to hear the complaints. Section 285 of the MGA requires each municipality to prepare an assessment for each property in the municipality. Property is defined in section 284(1)r of the MGA as a parcel of land and the improvements to it. Section 290.1 requires that each condominium unit and the share in the common property, in the case of a bare land condominium, must be assessed as if it is a parcel of land. The subject complaints are on properties that consist of a bare land condominium unit improved with one residential dwelling unit.

The proper authority to hear these complaints is a local assessment review board pursuant to section 460.1(1) of the MGA.

Both parties agreed that the subject complaints could be heard by the Local Assessment Review Board on Thursday, 02 December 2010 at 9:00 a.m.

Dated at the City of Red Deer in the Province of Alberta this 31th day of December, 2010 and signed by the Appeals Coordinator for the Presiding Officer on behalf of all three panel members who agree with this decision.

Cordially,



J. Kurylo

for: Myron Chilibeck, Presiding Officer

xc: Minister, Municipal Affairs (via email only: mgbmail@gov.ab.ca)

Member Municipality (via email only: donna@blackfalds.com)

The Municipal Government Act provides the right for you to appeal this decision to the Court of Queens Bench on a question of law or jurisdiction of the Board within 30 days of receiving this letter.

If you have any questions concerning these matters, please contact the Regional Assessment Review Board Clerk at 403.342.8132.

FOR ADMINISTRATIVE USE ONLY

CARB0031-225/2010		Roll No. MULTIPLE (see attached)		
<u>Subject</u>	<u>Type</u>	<u>Issue</u>	<u>Detail</u>	<u>Issue</u>
CARB	Jurisdiction	LARB v. CARB		

Central Alberta

Regional Assessment Review Board

- 4 -

ROLL	CIVIC ADDRESS	LEGAL ADDRESS
023850	1 5200 Westridge Drive	Unit 1 Plan 0723110
023860	2 5200 Westridge Drive	Unit 2 Plan 0723110
023870	3 5200 Westridge Drive	Unit 3 Plan 0723110
023880	4 5200 Westridge Drive	Unit 4 Plan 0723110
023890	5 5200 Westridge Drive	Unit 5 Plan 0723110
023900	6 5200 Westridge Drive	Unit 6 Plan 0723110
023910	7 5200 Westridge Drive	Unit 7 Plan 0723110
023920	8 5200 Westridge Drive	Unit 8 Plan 0723110
023930	9 5200 Westridge Drive	Unit 9 Plan 0723110
023940	10 5200 Westridge Drive	Unit 10 Plan 0723110
023950	11 5200 Westridge Drive	Unit 11 Plan 0723110
023960	12 5200 Westridge Drive	Unit 12 Plan 0723110
023970	13 5200 Westridge Drive	Unit 13 Plan 0723110
023980	14 5200 Westridge Drive	Unit 14 Plan 0723110
023990	15 5200 Westridge Drive	Unit 15 Plan 0723110
024000	16 5200 Westridge Drive	Unit 16 Plan 0723110
024010	17 5200 Westridge Drive	Unit 17 Plan 0723110
024020	18 5200 Westridge Drive	Unit 18 Plan 0723110
024030	19 5200 Westridge Drive	Unit 19 Plan 0723110
024040	20 5200 Westridge Drive	Unit 20 Plan 0723110
024050	21 5200 Westridge Drive	Unit 21 Plan 0723110
024060	22 5200 Westridge Drive	Unit 22 Plan 0723110
024070	23 5200 Westridge Drive	Unit 23 Plan 0723110
024080	34 5200 Westridge Drive	Unit 24 Plan 0723110
024090	25 5200 Westridge Drive	Unit 25 Plan 0723110
024100	26 5200 Westridge Drive	Unit 26 Plan 0723110
024110	27 5200 Westridge Drive	Unit 27 Plan 0723110
024120	28 5200 Westridge Drive	Unit 28 Plan 0723110
024130	29 5200 Westridge Drive	Unit 29 Plan 0723110
024140	30 5200 Westridge Drive	Unit 30 Plan 0723110

012190	1 Lakeview Close	Unit 1 Plan 9924444
012200	5 Lakeview Close	Unit 2 Plan 9924444
012210	9 Lakeview Close	Unit 3 Plan 9924444
012220	13 Lakeview Close	Unit 4 Plan 9924444
012240	21 Lakeview Close	Unit 6 Plan 9924444
012250	25 Lakeview Close	Unit 7 Plan 9924444
012260	29 Lakeview Close	Unit 8 Plan 9924444
012270	33 Lakeview Close	Unit 9 Plan 9924444
012280	37 Lakeview Close	Unit 10 Plan 9924444
012290	41 Lakeview Close	Unit 11 Plan 9924444
012300	45 Lakeview Close	Unit 12 Plan 9924444
012310	49 Lakeview Close	Unit 13 Plan 9924444
012320	53 Lakeview Close	Unit 14 Plan 9924444