

Kapur v Area 01, 2026 BCPAAB 20263614

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**PROPERTY ASSESSMENT APPEAL BOARD
OF BRITISH COLUMBIA**

IN THE MATTER OF AN APPEAL PURSUANT TO S. 50 OF THE ASSESSMENT ACT

Appeal File: 2026-01-00039

Between:

Amit Kapur

Appellant

And

Assessor of Area #01 - Capital

Respondent

Citation:

***Kapur v. Area 01*, 2026 BCPAAB 20263614**

Property:

01-63-476-14-1233-000, 10493 Allbay Road, Town of Sidney

Board Panel:

Larry Dybvig, Panel Chair

Heard:

By Written Submissions, closed on September 17, 2026

Decision Date:

October 22, 2026

INTRODUCTION

[1] This appeal arises from the 2026 Property Assessment Review Panel (“Review Panel”) decision that determined the assessment to be \$5,409,000, with \$2,611,000 for the land and \$2,798,000 for the improvements.

[2] Interesting aspects of this appeal are the Appellant’s alleged use of Artificial Intelligence (AI) in their initial submissions, and the size of the submissions: 502 pages - 163 pages for the Appellant and 339 for the Assessor. This despite the ultimately simple questions to be resolved: what is the market value of the property as at the effective date, and is it inequitable to assess the property at its market value?

[3] The Appellant says that the actual market value of the property (the “Subject”) on the effective date was \$4,250,000, that its equitable assessment is \$4,225,000, that the land value should stay at \$2,611,000 with the entirety of the reduction applied to the improvement, which then is valued at \$1,614,000.

[4] The Assessor states that the property's market value is \$4,900,000 and requests the 2026 assessment for the Subject property be adjusted accordingly.

[5] I find the evidence before me supports an actual (market) value of \$5,000,000, but for reasons set out below, I order the Assessor to amend the roll to \$4,900,000.

ISSUES

[6] The issues are two-fold:

- whether the property is assessed at actual value under the *Assessment Act*.
- whether the property has been equitably assessed under the *Assessment Act*, which requires assessments to be at actual value and applied consistently in the municipality.

A PRELIMINARY MATTER

[7] The Appellant submits a document titled “Application to Reassess Under Section 58(3)” of the *Assessment Act* (the “*Act*”), the first paragraph of which states “1] The Appellant applies for an order under section 58(3)(a) of the Assessment Act, directing the commissioner to reassess at actual value the single-family residential land and improvements in that part of the Town of Sidney, jurisdiction 476, in which the 2026 assessments stand above actual value.”

[8] The statutory basis for the application is stated as “Assessment Act, s. 58(1) and s. 58(3), and s. 37(1)(b) as incorporated by s. 58(1)”

[9] However, a review of the *Act* current as of September 22, 2026, shows that Section 58 was repealed in 2024 “[Repealed 2004-45-74].”

[10] Therefore, the stated “authority” for the requested order is null, and the request must be disregarded.

[11] The Appellant also references s. 37(1)(b) of the *Act* as a statutory basis for his Application. In the current *Act*, s. 37 refers to a Notice of Withdrawal from the Property Assessment Review Panel. There is no (b) under part (1) of s. 37. This section of the *Act* has been rewritten. The Assessor says this was completed through section 12 of the *Assessment Amendment Act*, SBC 1998, c. 22, which became effective on Oct. 23, 1998, through BC Reg 367/98, and does not currently exist in the form relied on by the Appellant.

[12] The Appellant does not explain why they rely on outdated sections of the *Act*. The Assessor suggests the use of these outdated sections might be due to the use of Artificial Intelligence (AI).

[13] Section 6 of this Board’s Code of Conduct deals with AI-generated evidence, saying in part:

6.3 AI-Generated Evidence: If evidence is generated or supported by artificial intelligence (AI), participants must clearly disclose that AI was used. ...

6.4 Misrepresentation: Participants are responsible for any evidence or submissions submitted by the Participant, or on their behalf, to the Board, whether prepared personally, by another person, or by AI. Submitting evidence or submissions that are inaccurate, misleading, or manipulated constitutes a breach of this Code of Conduct....

6.6 Sanctions for Misrepresentation: Misrepresentation may result in sanctions, including exclusion of the evidence, adverse inferences, or other penalties as appropriate.”

[14] Under section 6 of its Code of Conduct, the Board is entitled to expect that all evidence submitted is accurate, verifiable, and relevant to the matter at hand. Obvious factual errors create an adverse apprehension about the reliability of the Appellant’s submissions. In their response to the Assessor, the Appellant says that all materials were properly prepared and reviewed, save for the reference to statutes. On this basis, and absent evidence to the contrary, I accept the Appellant’s materials as submitted.

[15] In their response to the Assessor’s rebuttal submission, the Appellant requested that the Board determine the Appellant’s Application to Reassess, filed August 20, 2026, and to be read as an application under section 57(4)(a) of the *Act* as corrected below, and that if the Board declines to make any of the orders sought in it, the Board briefly state the basis on which it declines, as the Appellant asks at paragraph [36] of that Application.

[16] Section 57(4) of the *Act* provides as follows:

(4) The board may order the assessment authority to reassess at actual value land and improvements in all or part of a municipality, the treaty lands of a treaty first nation, Nisga'a Lands or other rural area, whether or not they are the subject of the appeal, if the board finds:

- (a) that the assessments in the municipality, treaty lands, Nisga'a Lands or other rural area, or in part of any of them, are above their actual value, or
- (b) that the assessment appealed against is at actual value but that the assessments of similar land and improvements in the municipality, treaty lands, Nisga'a Lands or other rural area, or in part of any of them, are below their actual value.

[17] I deal with this request under the Equity heading.

EVIDENCE AND ANALYSIS

The Property

[18] The Subject Property is a custom-built architect-designed three-bedroom, five-bathroom single-family waterfront residence located at 10493 Allbay Road, a paved street in the Sidney North-East neighbourhood of the Town of Sidney.

[19] The irregular 11,110-square-foot lot is flat and fully serviced, with 113 feet of water frontage. It fronts onto a quiet street. It has broad ocean and mountain views and direct access to a sandy and small pebble waterfront area.

[20] Constructed in 2009/10, the home features a high-quality design with a stone façade, expansive windows, vaulted and high ceilings, multiple fireplaces, radiant in-floor heat, an elevator, sauna, and a combination of wood and tile finishing throughout. The main level provides an accessible entry and guest accommodation, while the upper level includes a substantial primary suite with private outdoor areas.

[21] The parties differ somewhat in the physical size of the improvements. The Assessor says the gross building area is 5,003 square feet. The Appellant refers to measurements obtained by a commercial improvement measurement firm, "Proper Measure Precision," on September 4, 2019, that show 2,731 square feet on the main floor and 2,707 square feet on the upper floor, for a total finished area of 5,438 square feet.

[22] Site improvements include a 606-square-foot two-car garage and 2,867 square feet of deck and patio. Exterior improvements include multiple balconies and terraces, a private hot tub, a concrete retaining wall and shoreline fence, gated access, and a detached storage shed.

[23] The Town of Sidney official community plan designates the property as Neighbourhood Residential, which contemplates predominantly single-detached dwellings up to 2.5 storeys, with rental housing options in the form of secondary suites and detached secondary dwellings. It is zoned R2-ESA, which allows ground-oriented housing up to four units within Environmentally Sensitive Areas.

[24] Residential properties along this stretch of waterfront hold the same zoning, many with similar characteristics. Most involve residential development, with access to several nearby shops, restaurants, stores and various other amenities available in the Town.

[25] The Subject location has nearby access to main transportation routes, such as the Patricia Bay Highway, major ferry terminals to the Gulf Islands and the Lower Mainland and is a short drive to the City of Victoria.

[26] The community attract retirees, professionals, and downsizers, and demand is expected to remain stable due to ongoing population growth and limited development opportunities. Overall, the market is generally considered to be balanced, supporting stable property values and continued market activity.

[27] In accordance with the requirements of the *Act*, I consider the property's market value and whether evidence exists of inequity.

Differences between the Parties on Facts

[28] The parties differ on many facts regarding property and market data; a few examples are the specific dates of sales, the size of building improvements, and the inclusion of and relevance of unfinished basement areas in the comparables. There is also debate about what information is needed to properly evaluate the actual value and equity, and not all the information suggested is before me for all the areas debated. Some of these differences were only reported when the Appellant submitted its rebuttal of the Assessor's evidence, so the arguments might be considered "new evidence", which the parties were instructed not to submit in their responses. I can order both parties to produce their support for these many variances but see little benefit in doing so.

[29] From past decisions, it is evident that the Assessor follows certain standard practices: building particulars are generally based on building permit applications, land particulars are typically drawn from registered land survey plans, and transfer/sale details reflect land title filings and participant interviews.

[30] There can be legitimate differences in facts such as current floor area as reported on MLS when compared with the original building plans, and lot particulars determined through measurement from municipal online mapping compared with those from registered survey plans.

[31] In these submissions, I have observed that the differences in these numbers tend to be minor and find that the analysis herein would be most consistent if I assumed that the Assessor's records are correct, since their methods have been tested many times in appeals. That doesn't mean the Assessor is correct in every instance, but instead that this approach should yield consistent and reasonable results.

Submissions on Market Value

[32] The *Act* provides:

- "Actual value" is the market value of the fee simple interest in land and improvements, considered together, at section 19(1)
- The valuation date is July 1, 2025, at section 18(1)
- The property is to be valued in its physical condition and with the same permitted uses as of October 31, 2025, set out in section 18(2).

[33] Each party has an evidentiary or persuasive burden as stated by the Court of Appeal in *Trafalgar Lands Ltd. v. British Columbia (Assessor of Area #09)*, 2022 BCCA 211. This means each party must provide evidence to support their position.

[34] Both parties provide extensive information on the local real estate market, on suitable ways to evaluate the market evidence, and on Assessment law and precedents. I have read

and reviewed all the materials and evidence presented in the case. I am identifying only the evidence and arguments necessary to explain the basis for my decision.

Highest and Best Use

[35] The first step in estimating actual (market) value is to determine the highest and best use (“HBU”), defined by the Appraisal Institute of Canada as “the reasonably probable use of Real Property that is physically possible, legally permissible, financially feasible, and maximally productive and that results in the highest value” (Canadian Uniform Standards of Professional Appraisal Practice, Appraisal Institute of Canada, 2026)

[36] “Highest and best use conclusions inform all other analyses in the appraisal process... The best comparable properties match the highest and best use of the Subject property” (The Appraisal of Real Estate, 16th Edition, Page 32, Appraisal Institute, Chicago, 2025)

[37] The Assessor says demand for the Subject property will be driven by its premium physical characteristics and highly desirable location. The property's waterfront setting, expansive living area, quality construction, and luxury finishes position it within the upper segment of Sidney's residential market, appealing to purchasers seeking an executive-style high-end-value home.

[38] While the property's character will limit the pool of potential purchasers compared to the broader residential market, these same attributes contribute to its appeal within the high-end residential marketplace, supporting strong demand within this specialized market segment.

[39] The existing use as a single-family waterfront residence is legally permissible, physically suitable, financially supported by the market, and the most productive use of the property as a whole. The current improvements are suited to both the site characteristics and the expectations of purchasers. The Assessor says the HBU of the Subject property, considering both the land and improvements as a single economic unit, is its continued use as a luxury single-family waterfront residence.

[40] The Appellant does not provide an HBU analysis, although their valuation analysis reflects a similar conclusion. Given the submissions before me, I find the HBU of the property is as a single-family residence in the luxury waterfront segment.

The Comparable Sales and Their Analysis

[41] Both parties value the property through comparison with similar properties that have sold, all in the high-end waterfront marketplace of southeast Vancouver Island. The parties have three comparable sales from the subject community of Sidney in common. The Assessor offers an additional three sales from the nearby North and Central Saanich areas.

[42] These sales occurred between July of 2023 and September of 2025. The parties debate the need for a time adjustment, and both agree that standard market movement statistics such as the Housing Price Index have little application for the market niche of the Subject.

[43] The Assessor says an adjustment for “time” is unnecessary because the data is limited and it appears the market was mostly flat. The Appellant says an understanding of changing values due to market conditions is best measured through an analysis of property resales. They consider resales with the most recent sale closing in 2020 to 2026 and conclude an annual price level change of -0.79% per year or 0.07% per month. I find that property resales analysis is a reasonable method to examine price level changes. Because the effective date is July 1, 2025, I find that the best indicators will be those resales where the sale and resale dates span or fall near this date. Since the most dated comparable sale occurred in July of 2023, I find that paired sales where the first sale closed much before that time could be misleading. Following these principles leaves four resales, three of which show declines in price.

Address	Sale Date 1	Sale Price 1	Sale Date 2	Sale Price 2	Months Gone	Price Change %	Per Month
3044 Oakdowne Road	1-Mar-23	\$1,999,000	04-Mar-25	\$1,985,000	24.1	-0.70%	-0.03%
1548 Munro Road	28-Jul-23	\$2,849,000	30-Apr-25	\$2,560,000	21.1	-10.14%	-0.48%
2481 Tryon Road	15-Jun-22	\$4,800,000	15-Jul-25	\$4,350,000	37.0	-9.38%	-0.25%
1198 Hewlett Place	3-May-24	\$2,860,000	07-Oct-25	\$2,910,000	17.1	1.75%	0.10%

[44] The average of the four monthly changes is -0.17%, or -2.04% per year, a modest rate consistent with the submissions of both parties that the market was largely unchanging over the period of interest. The time adjustments in the sales summaries below are based on this rate.

[45] The three comparable sales in common are as follows:

Address	10493 Allbay Road (Subject)	2565 Beaufort Road	2525 Beaufort Road	2518 Shoreacres Road
Location	Sidney	Sidney	Sidney	Sidney
Distance (km)	0	2	2	2
Front Feet	113	62	100	240
Zoning	R2-ESA	R2-ESA	R2-ESA	R2-ESA
Lot SF	11,110	11,674	30,013	30,666
Waterfront Bank	Walk-on	Walk-on	Walk-on	Low
Property Type	Custom SFD	Semi Custom SFD	Custom SFD	Custom SFD
Age in Years/Condition	2009	1985/2005 renovated	2007	2021
Above Grade Bldg. SF	5,003	3,486	3,439	3,832
Finished Basement SF		1,406		
Total Finished SF	5,003	4,892	3,439	3,832
FSR	0.45	0.30	0.11	0.12
Garage	2-car 2 open	2-car 4 open	4-car	2-car 2 open
Sale Date	01-Jul-25	24-Jun-24	31-Jul-23	30-Aug-24
Sale Price		\$3,800,000	\$4,550,000	\$5,700,000
Months gone		12.2	23.0	10.0
Time Adjustment		-2.08%	-3.92%	-1.70%
Time Adjusted \$		\$3,721,047	\$4,371,857	\$5,602,901

[46] The Assessor offers an additional three sales from the nearby Saanich area.

Address	10493 Allbay Road (Subject)	2481 Tryon Road	10741 Bayfield Road	8425 Lochside Drive
Location	Sidney	North Saanich	North Saanich	Central Saanich
Distance (km)	0	7	3	7
Front Feet	113	81	85	117
Zoning	R2-ESA	R-2	R-2	RE-2
Lot SF	11,110	21,519	30,666	47,480
Waterfront Bank	Walk-on	Medium	Low/Mudflat	Medium
Property Type	Custom SFD	Custom SFD	Custom SFD	Custom SFD

Age in Years/Condition	2009	2022	2017	2021
Above Grade Bldg. SF	5,003	3,795	5,288	3,645
Finished Basement SF				
Total Finished SF	5,003	3,795	5,288	3,645
FSR	0.45	0.18	0.17	0.08
Garage	2-car 2 open	Garage	Garage	Garage
Sale Date	01-Jul-25	12-Aug-25	06-May-24	12-Sep-25
Sale Price		\$4,350,000	\$4,625,000	\$5,070,000
Months gone		-1.4	13.8	-2.4
Time Adjustment		0.23%	-2.35%	0.41%
Time Adjusted \$		\$4,360,204	\$4,516,249	\$5,090,671

[47] These six sales establish a range of adjusted prices of \$3.7 to \$5.6 million, rounded.

[48] The parties take various approaches to evaluating these sales, but both discuss a simple direct comparison that looks at relative desirability of land and improvement value, an analysis I find appropriate and apply here.

[49] Considering first the sales in common, 2565 Beaufort Road (adjusted price of \$3,721,047) is a clear lower limit, with both the lot and the improvement inferior in value. Its waterfront is a similar walk-on configuration but has materially less water frontage. Although the total finished floor area of the improvement is near that of the Subject, the home is of an inferior single-storey plus basement design with almost a third of its finished area in the basement, and is older, albeit renovated.

[50] 2518 Shoreacres Road (\$5,602,901) is an upper limit, with a superior lot but inferior improvements. The lot has much greater waterfrontage and site area, albeit with a low bank waterfront that is inferior to the Subject's walk-on character. The improvements are almost new, although considerably smaller.

[51] 2525 Beaufort Road (\$4,371,857) falls between the above two sales in time-adjusted value. The waterfront is similar in walk-on character and larger, albeit with less waterfrontage. The lot is superior, because it is almost three times the size of the Subject. The improvements are clearly inferior, being older and much (1,564 square feet) smaller. The Subject will be worth more than this comparable, where the value of the inferior improvements are more than offset by its greater land value.

[52] I turn now to the Assessor's three additional sales. They are in North or Central Saanich. I have no evidence of the location adjustment needed, if any. The Assessor's evidence suggests there is none, but the Appellant says these are in different market areas.

[53] 2481 Tryon Road (\$4,360,204) has less and poorer quality waterfrontage, although the lot is larger. The improvements are newer, although considerably smaller. 10741 Bayfield Road (\$4,516,249) also has less and poorer-quality waterfront with a larger lot area. The home is slightly newer and larger. 8425 Lochside Drive (\$5,090,671) also has inferior waterfront but similar frontage and a larger lot area. The improvement is almost new, but significantly smaller.

[54] In the absence of information on locational value differences, I can find only that these properties provide useful information on values in the broader high-end waterfront market in nearby Saanich, pointing to values in the general order of \$4,400,000 to \$5,100,000.

DECISION ON VALUE

[55] Market evidence involving the Subject property can be useful evidence of its value; see *Montreal v Sun Life Assurance Co. of Canada*, [1952] 2 D.L.R. 81 (P.C.)

[56] When a recent arm's length market transaction has occurred, compelling evidence of value arises, often requiring only an adjustment for market conditions.

[57] The present owners acquired the Subject for \$3,162,000 on a contract accepted July 22, 2020, the transfer being registered on October 13, 2020, under document A8489592.

[58] The property was listed on the open market near the July 1, 2025, effective date. For the year commencing January 24, 2025, the list price was \$5,499,000. The list price in 2024 was higher, at \$5,749,900, and a January 2026 listing continued at \$5,499,000.

[59] The parties debate the significance of the listing history. I find the 2020 transaction is too dated to develop a reliable time-adjusted indication of value.

[60] I find the contemporary listing for sale must be considered, because it is direct evidence of the value of the property as at the effective date, and its analysis should provide additional insight into value, helping narrow the range of indicated values.

[61] In dealing with a similar situation (albeit involving a completed sale), in *Kerzner, et al. v. Area 09*, 2023 PAABBC 20231949, the Board said:

... Both parties acknowledge that the best indicator of the market value of the Subject Property is the sale price of the Subject Property two weeks before the valuation date of July 1, 2022. Why then would one accept another figure as being the actual (market) value? I find that the actual (market) value of the Subject Property is the actual sale price, \$3,920,000.

[62] In *Wilson v Area 09*, BCPAAB 20260022, the Board has considered the conclusions that may be drawn from property listings:

... Listings are useful in that they provide an indication of unmet seller expectations. If they have been on the market for some time, it is reasonable to expect an eventual sale price to be lower...

[63] List prices contain an unknown margin for negotiation and so must be regarded as an upper limit of value. They may reasonably be expected to lie sufficiently close to market value to attract buyer interest. In conclusion, I find the list price throughout 2025 at \$5,499,000 to be directly relevant, subject to consideration of the negotiation margin in the asking price, and therefore a high limit. A reasonable margin can be estimated through analysis of the listing and sale prices of similar properties: the median discount from list price for the comparables provided was 5.1%.

Address	Sale Date	Sale Price	Asking Price	Discount
10493 Allbay Road (Subject)	01-Jul-25		5,499,000	
2565 Beaufort Road	24-Jun-24	\$3,800,000	3,799,000	0.0%
2525 Beaufort Road	31-Jul-23	\$4,550,000	4,800,000	-5.2%
2518 Shoreacres Road	30-Aug-24	\$5,700,000	5,995,000	-4.9%

2481 Tryon Road	12-Aug-25	\$4,350,000	4,750,000	-8.4%
10741 Bayfield Road	06-May-24	\$4,625,000	4,750,000	-2.6%
8425 Lochside Drive	12-Sep-25	\$5,070,000	5,399,000	-6.1%
			Average	-4.5%
			Median	-5.1%

[64] Given the evidence above, it is apparent that the Subject value will lie significantly above the adjusted price of \$4,371,857 for 2525 Beaufort Road and significantly below the adjusted price of \$5,602,901 for 2518 Shoreacres Road, a large range. Both are considered good indicators of the lower and upper limits, respectively, and suggest value will lie toward the middle of the range, the midpoint of which is \$5,000,000 in rounded terms. I find that the \$5,499,000 list price also supports value toward the middle of the range (\$5,499,000 less 5.1% is \$5,200,000 in rounded terms).

[65] I also considered the MLS photographs the Appellant provided of the common comparables and of the Subject. They consistently show the Subject improvement of excellent quality throughout, with features not always found in the comparables, supporting a conclusion well above the adjusted values for 2565 Beaufort Road (adjusted price of \$3,721,047) and 2525 Beaufort Road (\$4,371,857).

[66] The Subject clearly has considerable value. It is a fine home, and judging from the photographs provided, as good or better quality than all the comparables. However, the available evidence has a considerable margin of uncertainty. Based on the materials before me, I find that the market value of the Subject property as of July 1, 2025, lies in the order of \$5,000,000.

Analysis of Equity

[67] The *Act* requires that properties be assessed at their actual (market) value. Equity relates to the consistency or “fairness” of assessment. Property owners are entitled to have their property assessed at the lower of actual value and market value, or at an equitable value. This principle is set out in Section 57 (1) of the *Act*, which provides that the board “may reopen the whole question of the property’s assessment to ensure accuracy and that assessments are at actual value applied consistently...”

[68] *Salient Properties (Alhambra) v. Area 09* (2010 PAABBC 20091520) distinguishes between actual value and equity:

[3] Actual value and equity are distinct concepts. In either analysis, it is important not to confuse concepts of market value and equitable value; market value being that value determined from an analysis of market evidence and equitable value being that value determined from a comparison of the assessments of similar properties having regard to whether differences can be adequately accounted for with market evidence. Market value is determined without regard to equity or the assessment of other similar properties. Equitable value is determined from an analysis of the assessments of other similar properties but can never be determined without regard to the market.

[69] With respect to equity, “fairness” or consistency means similar treatment under the law. If properties within the same competitive market set and taxing jurisdiction are afforded a privilege, such as a below-market assessment, then all properties within that same competitive market set should be afforded a similar privilege. Fairness is typically measured by the extent to which the assessed value is relative to the market value and to other properties. Consistency does not mean properties must be assessed the same, but that similar properties are assessed similarly and that differences are explainable and consistently accounted for. The Courts have stated that taxpayers have the right to an assessment at the lower of either market value or an equitable value compared to the assessment of similar property [*Assessor of Area #09 – Vancouver v. Lount* (1995), Stated Case 353 (BCCA); *Assessor of Area #09 – Vancouver v. Bramalea Limited* (1990), Stated Case 277 (BCCA)].

[70] The Assessor states that the International Association of Assessing Officers (IAAO) establishes standards for ratio studies, including the assessment-to-sale ratio (ASR), which is tied to the concept of “range of values.” The IAAO standard for the median ASR in a competitive set is 90 to 110%. Broadly conceived, a competitive set would comprise the properties within a taxation district within a particular taxation class; as such, when assessments are inequitable, owners of different properties pay disproportionate taxes.

[71] When comparing sale prices to assessed values, the IAAO establishes statistical tolerances that illustrate the acceptable range for given property types. The coefficient of dispersion (COD) represents an acceptable “spread” in the value range for a given property type. The standards established for residential properties are 5-10% for newer and homogeneous property classes, and 5 to 15% for older heterogeneous classes. The IAAO permits slightly wider ranges when property classes are older, in a more heterogeneous area, or in a smaller sample area.

[72] BC Assessment conducts analyses of ASRs and CODs within the province. It targets median ASRs for residential properties of 97 to 100%. Median CODs are targeted at 5 to 10% for urban property classes and 5 to 15% for rural properties. The Assessor states that its data indicate that equity was achieved for the property under appeal and for the remaining Class 1 (residential) properties within Taxing Jurisdiction 476, Sidney. In 2025, there were 125 sales of single-family dwellings between January 1, 2025, and December 31, 2025. The 97.9% ASR and the 5.9% COD met the quality standards.

[73] The Assessor also provides an analysis of high-value home sales in Sidney, examining properties trading at prices over \$2,000,000 within 2024, the 2025 roll year (apparently there were no sales of this nature during 2025, the basis for the 2026 roll year). This subset is nine sales. The Assessor says the median ASR was 96.7%, and the median COD was 5.96%. The Assessor says this demonstrates equity among properties within the Subject’s high-end submarket in Sidney. The Appellant also tests equity using small subsets and individual property assessments. I find an analysis that considers a small, select group of properties is not a convincing test of equity, which is best evaluated through analysis of the overall competitive set

[74] The Appellant develops their opinion of actual value for the property at \$4,250,000 by assuming the \$2,611,000 assessed value for the Subject land and adjusting for differences in improvement size using rates based on the assessments applied to the improvements for each comparable.

[75] Assessments are not accepted as evidence of market value, although they are intended to represent such. Moreover, if assessments were accepted as evidence of market value, a circular logic would develop when testing them against market value. The approach applied by the Appellant might be viewed as a test of equity; however, it is not the correct Section 57(1) test, “to ensure accuracy and that assessments are at actual (market) value applied in a consistent manner.” The Act provides that land and improvement assessments are to be considered in aggregate – the relative allocation between land and improvements is not relevant under the Board’s mandate, only the total value.

[76] The Appellant examines equity through an analysis of 97 single-family residential sales he says occurred in Sidney, saying the median ASR of this group is 98.7%. He says that by grouping into three groups, according to price paid, the ASR of these subsets range from 96.3% for the highest priced one-third to 104.1% for the lowest priced one-third. The Assessor says the Appellant did not adjust these actual sales to the effective date, or for other reasons, when doing their calculations; therefore, it is not established that the sale prices truly represent actual value. Nothing before me says that ASRs are to be calculated using adjusted sale prices, so I disregard this argument. I observe that the ASRs noted by the Appellant fall within the benchmarks the Assessor presents.

[77] The court’s decision in *Trafalgar Lands Ltd. v. British Columbia (Assessor of Area #09)*, 2022 BCCA 211 establishes a persuasive burden for equity. That is, a party must provide evidence to demonstrate that inequity exists.

[78] None of the ASR and COD statistics provided suggest an unfair distribution of market value to actual value. Nothing in the parties’ submissions suggests it would be inequitable to assess the property at its market value.

[79] The Appellant has requested the Board consider ordering a reassessment of the residential properties in Sidney under section 57(4)(a) of the Act. For that to be ordered, evidence would be needed that assessments overall are above {Section 57(4)(a)} or below {Section 57(4)(b)} their actual value. The evidence before me does not support such a conclusion, so I decline to make the order.

CONCLUSION

[80] Based on the evidence before me, I find that the property's actual (market) value is \$5,000,000 and is not inequitable.

[81] The Assessor has submitted a revised valuation of \$4,900,000 and has asked the Board to amend the assessment to this value. They have not requested that I set the assessment at an amount higher, if I find market value to be greater than \$4,900,000, and the Appellant has not been given notice that an increase might be an outcome of the appeal. Therefore, I order the roll to be set at \$4,900,000. I have assigned the reduction in value entirely to the improvements.

ORDER

[82] The Board orders the Assessor to amend the 2026 assessment roll as follows:

Roll No. 01-63-476-14-1233-000:

		FROM	TO
Land:	Class 1 – Residential	\$ 2,611,000	\$ 2,611,000
Improvements:	Class 1 – Residential	\$ 2,798,000	\$ 2,289,000
Total Assessed Value:		\$ 5,409,000	\$ 4,900,000

FOR THE BOARD

Larry Dybvig
Panel Chair