

EXPLANATION**2011 Land Assessment Averaging**

Enactment of the attached By-law, will implement the three-year land averaging for the 2011 taxation year, along with revisions to the Land Assessment Averaging By-law as approved by Council on March 3, 2011.

Director of Legal Services
March 15, 2011

BY-LAW NO. _____

 A By-law to Average
Land Assessments for 2011

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

Name of By-law

1. The name of this By-law, for citation, is the "2011 Land Assessment Averaging By-law".

Definitions

2. In this By-law:

"assessed land value" means assessed land value as determined by the Assessor, pursuant to the *Assessment Act*; and

"assessed improvement value" means assessed improvement value, as determined by the Assessor pursuant to the *Assessment Act*.

Assessment averaging

3. The 2011 land assessment for each parcel or part of a parcel classified Class 1 - residential, Class 5 - light industry, or Class 6 - business and other, is to be the result obtained by averaging the 2009, 2010, and 2011 assessed land value for each such parcel or part of a parcel.

Non-applicability of By-law

4. This By-law does not apply to any parcel or part of a parcel that does not have an assessed improvement value for 2011.

Exemptions from assessment averaging

5. Despite section 3 of this By-law, any of the following changes or events that occurred between completion of the 2010 and 2011 assessment rolls, exempt the involved parcel from averaging under section 3:

- (a) subdivision or consolidation of all or part of the parcel unless:
 - (i) the sole purpose of the subdivision or consolidation is to vest in the city, by dedication or transfer, all or part of the parcel for street purposes, or
 - (ii) the subdivision or consolidation is initiated by the Assessment Authority for assessment or administrative purposes, and does not alter the physical characteristics of the parcel;

- (b) a change in zoning district of all or part of the parcel, unless the change is from RS-1 to RS-1S or from RS-1S to RS-1;
- (c) a change to an existing CD-1 zoning district where there is a change in permitted density;
- (d) a change in the prescribed class of the parcel or part of the parcel, except for a change between Class 5 - light industry and Class 6 - business and other; or
- (e) a new entry of the parcel on the 2011 assessment roll, unless that entry results from an administrative roll number re-assignment by the Assessment Authority.

Averaging of properties that regain eligibility

6. If By-law No. 10021, or By-law No.'s 10021 and 9822, did not apply to any particular parcel or part of a parcel under section 2 of such by-law or by-laws, or if a particular parcel or part of a parcel was exempt from averaging under section 4 of By-law 10021 or section 3 of By-law 9822, the formula for averaging the assessed land value for that parcel in 2011, is the quotient arrived at by dividing the sum of the assessed land value for 2011 by one.

Further averaging of properties that regain eligibility

7. If By-law No. 9822 did not apply to any particular parcel or part of a parcel under section 2 of such by-law, or if a particular parcel or part of a parcel was exempt from averaging under section 3 of such by-law, the formula for averaging the assessed land value for that parcel in 2011, is the quotient arrived at by dividing the sum of the assessed land values for 2010 and 2011 by two.

Correction of errors

8. An owner who receives notice, under section 403 of the *Vancouver Charter*, of adjustments to the net taxable value of the owner's property, and who wishes the Collector of Taxes to correct errors made in applying this By-law to such property, must file a request for correction with the Collector of Taxes on or before the last business day of July, 2011.

Appeal to Court of Revision

9. A person:
- (a) may appeal to Council, sitting as a Court of Revision, any decision of the Collector of Taxes with respect to:
 - (i) an adjustment to the net taxable value of any property, or
 - (ii) an exemption from this By-law; and
 - (b) must file such appeal within 30 days after the Collector of Taxes makes that decision.

Adjudication by Court of Revision

10. The Court of Revision must sit no later than October 31, 2011 to:
- (a) adjudicate complaints made under this By-law respecting errors in:
 - (i) an adjustment to the net taxable value of any property, or
 - (ii) an exemption from this By-law; and
 - (b) direct the Collector of Taxes to amend the net taxable value of any property, necessary to give effect to any decision of the Court of Revision.

Severability

11. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

Force and effect

12. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2011

Mayor

City Clerk

EXPLANATION**Grant Allocation By-law
KCC 4th Avenue Business Improvement Association**

On February 15, 2011, following a Court of Revision, Council passed a resolution which included an instruction to bring forward the necessary grant allocation By-law for the business improvement area, in an area generally described as Kitsilano Fourth Avenue, for a term of five years. Enactment by Council of this By-law, after its enactment of the 2011 Kitsilano Fourth Avenue BIA Designation By-law, will complete that instruction.

Director of Legal Services
March 15, 2011



BY-LAW NO. _____

**A By-law to Grant Money for a Business Promotion Scheme
in the Kitsilano Fourth Avenue Business Improvement Area**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. The name of this By-law, for citation, is the “2011 Kitsilano Fourth Avenue BIA Grant Allocation By-law”.
2. In this By-law:

“Director” means the city’s Director of Finance;

“grant money” means any money granted to the Society by Council under section 3; and

“Society” means the KCC 4th Avenue Business Improvement Association.
3. Subject to the 2011 Kitsilano Fourth Avenue BIA Designation By-Law, the terms and conditions set out in this By-law, and Council’s approval of the budget referred to in section 5, Council, by annual resolution, may grant money to the Society at such times and in such proportions as Council determines.
4. The Society may spend the grant money only to encourage, promote, and develop business in, and to improve the economics and welfare of, the area designated under the 2011 Kitsilano Fourth Avenue BIA Designation By-law including studies, reports, management, and administration necessary to implement the business promotion scheme.
5. On or before December 31 of each year or as otherwise determined by the Director, the Society must submit to the Director a budget, based on a fiscal year commencing April 1, which contains information sufficient in detail to describe all anticipated expenses and revenues, and which the Society has approved in accordance with the requirements of its constitution and by-laws.
6. At least every three months after Council approves the budget, the Society must submit to the Director a statement of revenues and expenditures.
7. On or before September 30 of each year, the Society must cause its auditor to deliver to the Director, the Society’s audited financial statements, including a balance sheet, a statement of revenue and expenditures, a statement of change in financial position, and a schedule of change in financial reserves.
8. The Society must keep grant money in a separate account, and must cause the revenue and expenditures resulting from use of that separate account, to be an audited schedule to the financial statements and reported separately as required by section 6.

9. The Society must not borrow, if the result is indebtedness or other obligation as to grant money, which extends beyond the fiscal year in which Council approved the grant.

10. The Society must permit the Director, or Director's designate, during normal business hours on reasonable notice, to inspect all financial records the Director deems advisable to verify and obtain further particulars of budgets and financial statements of the Society as they relate to grant money.

11. The Society may invest any grant money not required for immediate use, but must do so only in securities in which trustees are authorized by law to invest.

12. The Society must carry comprehensive general liability insurance of at least \$2,000,000.00, which includes the city as an additional named insured, and contains a cross coverage provision and an endorsement to give the Director 30 days' notice of change to or cancellation of the policy.

13. The Society must give notice of every general meeting at least 14 days before the date scheduled for the meeting, if delivered by hand or transmitted via facsimile or electronic mail, or 21 days by any other means to the Director; to all persons who own class 5 or class 6 properties, as described in section 459 of the *Vancouver Charter*, to their address as ascertained from the most recent assessment rolls for the City of Vancouver; and to all persons who lease class 5 or class 6 properties and from which they carry on a business, to their address as determined by directories, visual inspection or any other information system.

14. If the Society alters its constitution or by-laws without first giving the Director 60 days' notice and obtaining approval from the Director, the city may withhold payment of further grant money.

15. The Society must comply with the requirements under this By-law at its own expense.

16. This By-law is to come into force and take effect on April 1, 2011, and is to expire and have no further force or effect after March 31, 2016.

ENACTED by Council this day of , 2011

Mayor

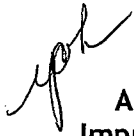
City Clerk

EXPLANATION**Designation of an area described as
Kitsilano Fourth Avenue
as a Business Improvement Area 2011-2016**

Enactment of the attached By-law will implement Council's resolution of February 15, 2011, to designate Kitsilano Fourth Avenue as a business improvement area with a five year funding ceiling of \$2,007,650.00, for the term April 1, 2011 to March 31, 2016.

Director of Legal Services
March 15, 2011

BY-LAW NO. _____



A By-law to Designate a Business Improvement Area in that area of the City known as Kitsilano Fourth Avenue

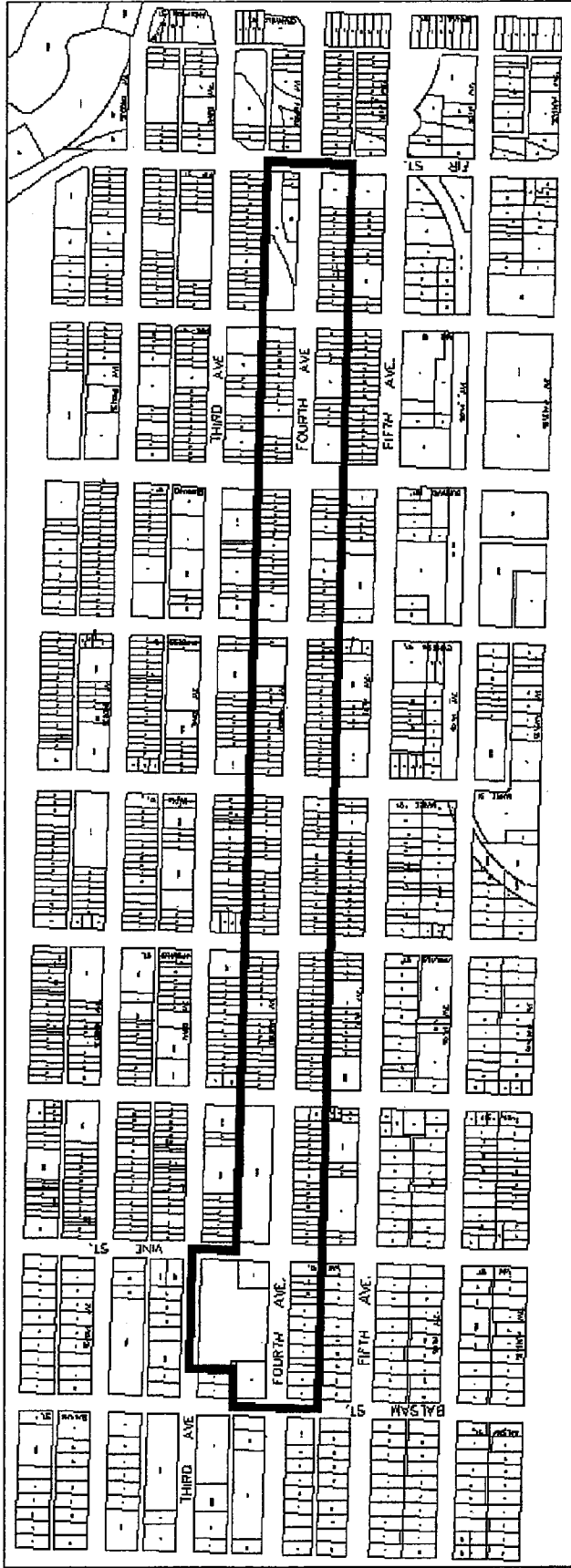
THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. The name of this By-law, for citation, is the "Kitsilano Fourth Avenue BIA Designation By-law".
2. Council, by initiative, designates as a business improvement area that portion of the city outlined in black on the plan attached to and forming part of this By-law.
3. The amount of money Council, from time to time grants to an applicant for the planning and implementation of a business promotion scheme in the area designated under section 2, must not exceed in aggregate, \$2,007,650.00.
4. Recovery by the city of the amount of money granted to an applicant, is to be pursuant to the levy and imposition of a tax on class 5 and class 6 real property, from the owners of land and improvements within the area designated under section 2.
5. This By-law is to come into force and take effect on April 1, 2011, and is to expire and have no further force or effect after March 31, 2016.

ENACTED by Council this _____ day of _____, 2011

Mayor

City Clerk



Kitsilano Fourth Avenue B.I.A.