

Report Date: February 7, 2017  
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Meeting Date: March 8, 2017

TO: Standing Committee on City Finance and Services  
FROM: General Manager of Finance, Risk and Supply Chain Management  
SUBJECT: 2016 Property Tax Exemptions

**RECOMMENDATION**

THAT Council receive the 2016 Property Tax Exemptions for information.

**REPORT SUMMARY**

The purpose of this report is to meet the *Vancouver Charter* requirement of an annual report outlining the objectives and policies for the year in relation to the use of property tax exemptions. The report also summarizes the statutory and permissive property tax exemptions that were available in Vancouver and any compensating payments and rent in-lieu of taxes payable to the City in 2016.

**COUNCIL AUTHORITY/PREVIOUS DECISIONS**

Section 219 of the *Vancouver Charter* stipulates that a report be submitted to Council, by April 30, outlining the objectives and policies for that year in relation to the use of tax exemptions under sections:

- 396A - exemptions for heritage property
- 396C - exemptions for riparian property
- 396E - revitalization tax exemptions
- 396F - exemptions for not-for-profit property

Section 396 of the *Vancouver Charter* sets out two types of property tax exemptions that can be applied within the City:

- **Statutory Exemptions** - Specified in the *Vancouver Charter* as well as the Canadian Constitution Act, these exemptions are administered by BC Assessment as part of the assessment and classification process. Council approval is not required.
- **Permissive Exemptions** - These exemptions are provided under Council's authority when determining the eligibility of individual properties in accordance with program criteria set by Council.

Council has established the following policies regarding property tax exemptions:

- The City will rely on the statutory property tax exemptions available under Section 396(1) of the *Vancouver Charter* and limit the use of permissive property tax exemptions to heritage properties only (396A).
- City support for charitable and not-for-profit organizations will continue through the existing range of statutory property tax exemptions available under Section 396(1) and the City's extensive grant programs as opposed to permissive property tax exemptions (RTS 08713).
- Tenants occupying City-owned properties held for non-civic use will make lease payments which include an amount equivalent to property taxes to ensure equity among tenants occupying privately owned properties and those occupying tax exempt City-owned properties.
- Property tax exemptions are applicable to property owners. The City does not have jurisdiction over how property owners share these costs with their tenants.

### ***CITY MANAGER'S COMMENTS***

The City Manager recommends approval of the foregoing.

### ***REPORT***

#### ***Background/Context***

This section outlines the various tax exemptions available under the *Vancouver Charter* and the amount of forgone tax revenue which is partially offset by payments and rents in-lieu of taxes.

#### ***Vancouver Charter Exemptions***

Section 396 of the *Vancouver Charter* outlines the eligibility requirements for property tax exemptions.

#### ***Statutory Exemptions (396(1))***

These exemptions are prescriptive and eligibility requirements are established by legislation, not Council. All taxes levied by the City and other taxing authorities are exempt for these eligible properties:

- Crown lands - property owned and occupied by the federal, provincial or regional governments, or a Crown corporation
- City of Vancouver property
- Property owned<sup>1</sup> and occupied by incorporated charitable institutions, and wholly in use for charitable purposes
- Property owned<sup>1</sup> and occupied by incorporated institutions of learning, and wholly in use for providing to children education accepted as equivalent to that furnished in a public school
- Property owned<sup>1</sup> and occupied by hospitals receiving aid under the *Hospital Act*, and wholly in use for the purposes of the hospital or held for future use as a hospital-site
- Churches owned<sup>1</sup> and occupied by religious organizations, and in use for the public worship of God

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<sup>1</sup> As a registered owner or owner under agreement

- Property occupied by Simon Fraser University at the Sears Harbour Centre
- Emergency shelters for persons or domestic animals
- Property for pollution control
- Vancouver Court House occupied by the Vancouver Art Gallery association
- British Columbia Cancer Agency Branch located on the north side of the 600 Block of West 12<sup>th</sup> Avenue.

Over the years, the applicability of these exemptions has been defined by the Property Assessment Appeal Board and court decisions.

### ***Permissive Exemptions (396 A, C, E and F)***

The *Vancouver Charter* allows for the following permissive exemptions:

- 396A Heritage Property
- 396C Riparian Property
- 396E Revitalization Program
- 396F Not-for-Profit Organizations

Permissive exemptions are an “optional” form of tax relief whereby Council, at its sole discretion, may choose to exempt certain properties from taxation, in whole or in part, for periods of up to 10 years in order to promote specific goals and objectives of the City. Within the limitations set out by the legislation, Council, by two thirds of the votes cast, has the authority to determine the application of these exemptions. If enacted, eligible properties would receive exemption for all taxes levied by the City and other taxing authorities, except for Revitalization Program exemptions which apply only to City taxes. To effect an exemption in any calendar year, Council must adopt a by-law specifying the exemption on or before October 31 in the preceding year.

In 2003, Council established the Heritage Building Rehabilitation Program (“HBRP”) to encourage the upgrading of heritage buildings and stimulate economic revitalization within the Downtown Eastside historic areas including Chinatown, Gastown, Victory Square and the Hastings Street Corridor. The program incentives included heritage property permissive exemptions originally established as a 5-year initiative. Council extended the program in April 2010 and then again in December 2013 (RTS 10148) to the end of 2015. The HBRP is currently under review. Council has approved 22 properties under the program of which two did not proceed with the heritage upgrade. The value of exemptions approved for the remaining 20 properties total \$24.1 million (See Appendix A).

To date, Council has not implemented additional permissive exemptions outside of Heritage exemptions. In September 2011 (RTS 08713), Council adopted the policy to continue to support not-for-profit organizations through the existing range of statutory property tax exemptions available under Section 396(1) of the *Vancouver Charter* and the City’s grant programs, and not consider further permissive property tax exemptions.

### **Class 3 Supportive Housing**

In addition to the statutory and permissive exemptions, properties classified as Class 3 Supportive Housing are effectively exempt from taxation. This class was created by the Province for assessment purposes, pursuant to the Small Business and Revenue Statutes Amendment Act 2008. Eligible “Supportive Housing” properties are assessed at nominal amount. In 2016, 104 properties in Vancouver were designated as Class 3 “Supportive Housing”, all of which are operated by not-for-profit organizations with financial support from the Province. This represents additional subsidy from the City beyond the capital

funding and land already committed to the development of supportive housing, as other taxpayers must pay more to make up the shortfall arising from the exemptions.

### **Compensating Payments-in-lieu of Taxes**

Under the statutory exemption categories, there are properties for which the City receives payments in lieu of taxes:

#### **Payments-in-lieu of Taxes (PILTs)**

The Federal and Provincial governments are constitutionally exempt from property taxation; however, the *Payments in Lieu of Taxes Act* and the *Municipal Aid Act*, respectively, stipulate that payments be made to local governments in lieu of property taxes on certain exempt properties. In general, payments are calculated based on assessed values and local tax rates to generate an amount equivalent to that which would be paid by a taxable owner. However, both statutes provide some discretion for the granting government to determine which properties are grantable and the payments to be made. Discrepancies between PILTs billed and collected can be appealed at the Taxes Dispute Advisory Panel<sup>2</sup>.

#### ***Rent-in-lieu of Taxes***

The City has a large portfolio of properties, primarily held in the Property Endowment Fund, that are not required for civic purposes and are leased to commercial, residential and not-for-profit tenants. These properties are exempt from property taxation pursuant to Section 396(1) of the *Vancouver Charter*. To ensure equity among tenants of City-owned and privately-owned properties, Council has a policy of setting lease payments for City properties to equalize the impact of taxes.

In 2016, \$39.3 billion of properties, (12.0% of the Assessment Roll) were exempt. General purpose taxes forgone totaled \$212.1 million, which was partially compensated by \$26.9 million of payments.

Table 1 below summarizes the 2016 statutory and permissive tax exemptions for real property in the City.

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<sup>2</sup> The mandate of the PILT advisory Panel is to give advice to the Minister of Public Works and Government Services in the event that a taxing authority disagrees with the property value, property dimension or effective rate applicable to any federal property.

| <b>Table 1: 2016 Summary of Property Tax Exemptions - Statutory and Permissive</b> |  |                       |                                  |                                  |
|--|--|-----------------------|----------------------------------|----------------------------------|
| PROPERTY TAX EXEMPTIONS  |  | EXEMPT VALUE          | FORGONE GENERAL PURPOSE TAX LEVY | PAYMENTS-IN-LIEU OF TAXES BILLED |
| <b>STATUTORY EXEMPTIONS</b>  |  |                       |                                  |                                  |
|  | Federal Crown & Agencies                   | 990,195,000           | 7,562,000                        | 4,124,000                        |
|  | Provincial & Crown Agencies                | 2,852,728,000         | 25,660,000                       | 13,236,000                       |
|  | Metro Vancouver                            | 266,447,000           | 1,394,000                        | -                                |
|  | Transit                                    | 1,197,532,000         | 36,045,000                       | -                                |
|  | School, Colleges & Universities            | 7,671,107,000         | 50,353,000                       | 37,000                           |
|  | Hospitals and Health Authorities           | 2,601,602,000         | 16,630,000                       | -                                |
|  | Charitable Organizations                   | 1,189,990,000         | 4,394,000                        | -                                |
|  | Churches                                   | 1,519,053,000         | 2,522,000                        | -                                |
|  | Other Partial Exemptions                   | 13,360,000            | 56,000                           | -                                |
|  | Statutory Exemptions - Non-City Properties | 18,302,014,000        | 144,616,000                      | 17,397,000                       |
|  | City Properties                            | 20,810,257,000        | 66,605,000                       | 9,511,000                        |
|  | <b>TOTAL STATUTORY EXEMPTIONS</b>          | <b>39,112,271,000</b> | <b>211,221,000</b>               | <b>26,908,000</b>                |
| <b>PERMISSIVE EXEMPTIONS</b>   |  |                       |                                  |                                  |
|  | Heritage Property                          | 151,838,000           | 878,000                          | -                                |
|  | <b>TOTAL EXEMPTIONS</b>                    | <b>39,264,109,000</b> | <b>212,099,000</b>               | <b>26,908,000</b>                |

### ***Financial Implications***

Values of exempt properties are not factored into general purpose tax rate calculations. Any forgone taxes are shared among non-exempt properties in the normal course of balancing the annual operating budget.

Any payments in-lieu of taxes applicable to exempt properties (2016 - \$26.9 million) are reported as general revenues.

### ***CONCLUSION***

This report summarizes the statutory and permissive property tax exemptions provided under Section 396 of the *Vancouver Charter* and the compensating payments and rent in-lieu of taxes payable to the City in 2016.

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| HERITAGE PROPERTY EXEMPTIONS   |                     |                     |                     |
|--|---------------------|---------------------|---------------------|
|  | 2003 - 2016         |                     |                     |
| PROPERTY   | COUNCIL<br>APPROVAL | EXEMPTION           |                     |
|  |                     | MAXIMUM<br>DURATION | MAXIMUM \$          |
| 50 Water St *  | 29-Jan-04           | 10 yrs              | \$768,700           |
| 42 Water St *  | 29-Jan-04           | 10 yrs              | \$382,000           |
| 163 West Hastings  | 16-May-06           | 10 yrs              | \$1,948,159         |
| 210 Carrall Street   | 11-Jul-06           | 10 yrs              | \$314,307           |
| 5 West Pender  | 15-Feb-05           | 10 yrs              | \$247,294           |
| 53 West Hastings – Commercial *  | 26-Sep-06           | 10 yrs              | \$59,260            |
| 53 West Hastings - Residential *   | 26-Sep-06           | 3 yrs               | \$125,339           |
| 108 & 128 West Cordova *   | 21-Mar-06           | 3 yrs               | \$3,500,000         |
| 412 Carrall Street   | 11-Jul-06           | 10 yrs              | \$947,502           |
| 1 Gaoler's Mews  | 13-Jun-06           | 10 yrs              | \$1,299,928         |
| 51 East Pender *   | 28-Feb-06           | 10 yrs              | \$500,395           |
| 12 Water Street - Commercial   | 26-Sep-06           | 10 yrs              | \$1,033,686         |
| 12 Water Street - Residential *  | 26-Sep-06           | 3 yrs               | \$229,034           |
| 133 Keefer Street  | 08-Jul-08           | 10 yrs              | \$421,353           |
| 208 East Georgia   | 19-Jan-10           | 10 yrs              | \$448,171           |
| 101 West Hastings - Commercial   | 21-Mar-06           | 10 yrs              | \$8,140,000         |
| 18 West Hastings   | 16-Sep-08           | 10 yrs              | \$144,492           |
| 564 Beatty St  | 01-Nov-11           | 10 yrs              | \$3,019,986         |
| 71 East Hastings   | 12-Feb-08           | 10 yrs              | \$173,670           |
| 9 West Cordova   | 24-Mar-15           | 10 yrs              | \$358,680           |
| <b>TOTAL</b>   |                     |                     | <b>\$24,061,956</b> |
| *Heritage exemptions are for maximum duration or the maximum \$ value, whichever is reached first.<br>These properties have reached maximum duration or value. |                     |                     |                     |