



## MEMORANDUM

February 4, 2005

TO: Mayor Campbell and Councillors

CC: Syd Baxter, City Clerk - Court of Revision  
Judy Rogers, City Manager  
Peter Vaisbord, BIA Coordinator

FROM: Ann McAfee, Director of CityPlans

SUBJECT: Court of Revision Applications

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### APPLICATIONS

On November 30, 2004, Council considered the following Business Improvement Area (BIA) applications:

Strathcona BIA	- Renewal
Marpole BIA	- Renewal
Chinatown BIA	- Renewal
Commercial Drive BIA	- Renewal

Council referred all four applications to the Court of Revision for consideration as Council Initiatives.

### ACTIONS

After reviewing letters of objection and hearing from delegations Council may choose to:

A. APPROVE AN APPLICATION

Section 4 of this memo outlines past practice with respect to approval of a BIA application. Council practice has been to approve the application if less than one-third of property owners or business tenants are in opposition. If Council wishes to approve the application, the following motion is appropriate:

***“THAT the application of the [name of association], as described in Appendix \_\_, be approved and that the Director of Legal Services, in consultation with the Director of City Plans, prepare by-laws to re-establish (renew) the \_\_\_\_\_ BIA and establish a new funding ceiling, and to remit monies for a business promotion scheme.”***

Where a BIA application appears to be generally supported, but is strongly opposed within a specific area, Council may determine and approve reduced boundaries. While Council has, at the request of BIA sponsors, re-drawn

boundaries to exclude properties on the *edge* of a BIA area, it has not been City practice to exclude properties situated *within* a BIA area.

B. NOT APPROVE AN APPLICATION

Several criteria identified in the past as possible reasons for rejecting a BIA application are outlined in section 4 of this memo. Should Council choose to reject an application the following motion is appropriate:

***“THAT the application of the [name of association] to re-establish (renew) the \_\_\_\_\_ BIA, as described in Appendix \_\_, not be approved.”***

C. COUNCIL WISHES FURTHER INFORMATION

Since there are a large number of properties involved, representing considerable variation in assessed values, Council may require additional information to assess the level of opposition. If, after hearing delegations, Council wishes further information the following motion is appropriate:

***“THAT the hearing of the application by the [name of association] to re-establish (renew) the \_\_\_\_\_ BIA, as described in Appendix \_\_, be concluded; and***

***THAT, before Council decides on the application, the Director of City Plans, in consultation with the Director of Finance and Director of Legal Services, assess information received from the applicants and/or opponents of the proposal and report to Council on the proportion of business tenants and/ or property owners, by number of properties and assessed value, who do not support the proposal.”***

1. BACKGROUND

Sections 455 through 463 of the Vancouver Charter make provision for the creation, renewal and funding of Business Improvement Areas (BIAs). Taxation of properties in an area pays for a variety of programs to promote and enhance the area.

Before a BIA, or BIA renewal, application can be approved, the proposal must be considered at a Court of Revision:

- Prior to the Court of Revision, the City notifies all property owners and business tenants of the Court of Revision Hearing, the proposed levy, and details on filing objections; and
- At the Court of Revision Council is advised of letters of opposition. Council also hears delegations. Council policy is that if one third of property owners, representing one third of the assessed property value, or business tenants, counted separately, object, the BIA proposal will be defeated.
- If approved, Council directs that a by-law establishing (or, in the case of renewals, re-establishing) the BIA boundaries and funding ceiling be prepared.

Further explanation of the notification and Court of Revision process follows.

## 2. NOTIFICATION PROCESS

BIA applications are a form of local improvement. As such, the City is required to mail to the owners of parcels liable to be assessed notification of the project, the designated area, and estimated annual rate. The notification letter must be sent at least one month prior to the hearing. While the Charter does not require notification of tenants, it is City policy to notify business owners of a BIA proposal. Staff have notified property owners and business tenants in the areas affected by the BIA proposals:

- Individually addressed letters were sent, postmarked on or before December 24, 2004, to all property owners affected by the BIA applications.
- The City does not have a reliable current record of all affected business owners in an area. Letters to business owners were hand delivered to all businesses affected by the BIA applications.

## 3. LETTERS OF OPPOSITION

Property owners / business tenants who oppose the proposal(s) were invited to either write to the City Clerk, with the letter being received by 12 o'clock noon on January 28, 2005, or address Council directly at the Court of Revision.

Several questions emerged during the public process:

- **Who will be charged:** The BIA levy only applies to commercial and light industrial (Class 5 and 6) properties. The levy does not apply to residential properties and therefore does not involve home-based businesses.
- **Can an owner choose to opt out:** If the levy is approved it applies to all eligible owners.
- **Is there a charge to property owners and to business tenants:** There is one levy and it is included as part of the annual taxation bill sent to property owners. It is up to each owner as to whether they pass the charge along to tenants and how the amount charged to tenants is allocated.

## 4. BASIS FOR COUNCIL ACTION

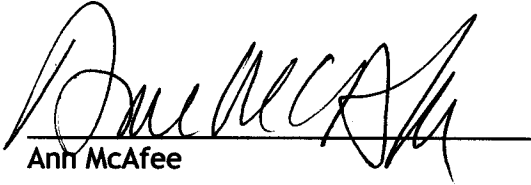
Under section 506 of the Vancouver Charter a "sufficient number" of notices of objection to defeat a Local Improvement Council Initiative is deemed to be more than *one-half* of the assessed property owners, representing more than one-half of the value according to the last revised real-property assessment roll, of the parcels liable to be assessed. However, Council guidelines apply a more stringent standard for BIAs.

Council policy with respect to BIA applications has been to identify the "sufficient number" of objections to be either one-third of the assessed owners, representing at least one-third of the assessed value *or* one-third of the business tenants, counted separately. The one-third guideline has been used by Council to reflect the fact that Council initiatives require those who oppose an application to make the case that the levy is not desired. Typically, local improvements involve only a few property owners, and in many cases have each petitioned to have the work done. This is not the case for a BIA application. For a large area, with many property owners, the task of assembling sufficient opposition is difficult. For this reason, Council policy is to consider rejection if one-third, rather than one-half, of the owners or tenants oppose

the application. Recent experience has indicated that, in smaller areas, it is relatively easy to assemble the one-third opposition required to defeat a BIA Council Initiative.

#### 5. TABULATION OF RESULTS

Following this memo are separate appendices for each of the proposed BIAs (Appendix A - D) which provide notification data for the applications, and a tabulation of letters of opposition received as of January 28, 2005. The City Clerk will have available copies of all objections received prior to the Court of Revision. As late objections or petitions could be received up to the date of the Council meeting, staff will distribute a supplementary memo with updated opposition data. Representatives from the applicants will be in attendance to respond to questions about the respective BIA proposals.



Ann McAfee

Phone: 604-873-7451

Fax: 604-873-7898

AMcA/pv/ sb

#### Attachments

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## STRATHCONA BIA

### Application to Renew (Re-establish) BIA

On November 30, 2004, Council considered an application by the Strathcona Area Merchants Society to renew the Strathcona BIA (Attachment A). Council referred the application to the Court of Revision for consideration as a Council Initiative.

The proposed BIA levy ranges from \$33.35 to \$8,964.07 annually, depending upon the assessed value of the property. Eight properties will have a levy under \$100, about 337 properties will have a levy between \$100 and \$1,000, and 120 properties will be charged over \$1,000 annually.

As the BIA levy will be based on the 2005 property assessment, the actual BIA levies may differ slightly from the estimates provided in the City's notification.

### Notification

Individually addressed letters (Attachment B) were sent, postmarked on or before December 24, 2004, to 364 property owners, owning 465 legal parcels located within the BIA boundaries. Six letters were returned because the owners had moved with no forwarding address.

Letters (Attachment C) were hand delivered to all businesses within the BIA. Over 500 letters were delivered.

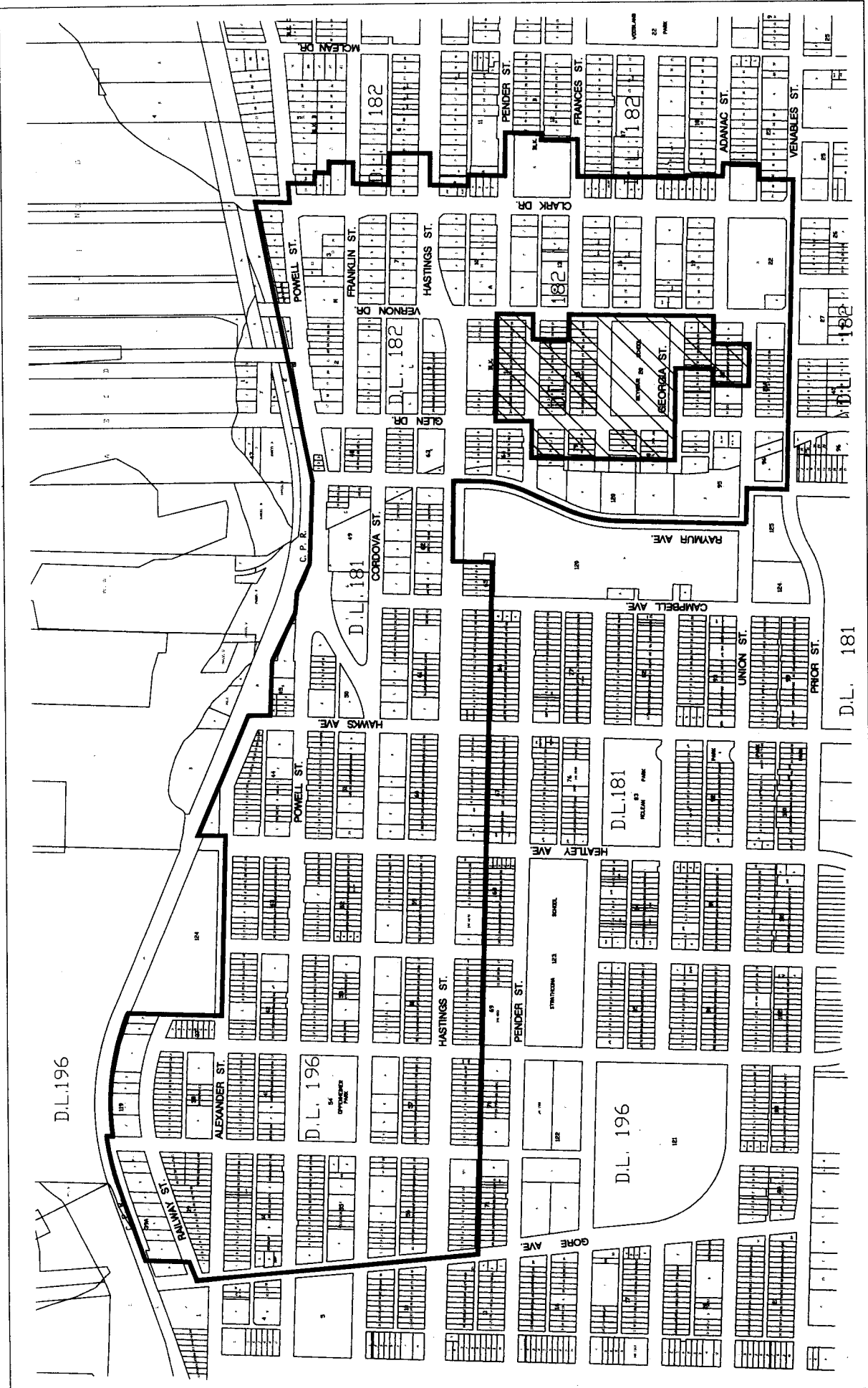
### Letters of Opposition

As of noon, January 28, 2005, letters of objection had been received from 12 property owners (3.3% of total) representing 20 assessed properties (4.3% of total) and an assessed value of \$9,648,694 (4.5% of total). No tenants objected.

For information, should Council wish to apply the one-third guideline, then:

- one-third of the number of assessed properties is 155 properties (subject to adjustments);
- since there are many multiple owners, one-third of the actual owners is 121 owners (subject to adjustments);
- one-third of the assessed property value is in the order of \$71,331,268; and
- one-third of the business tenants is approximately 170 tenants.

Should the final number of owners or tenants indicating opposition approach the one-third guideline, Council may wish to consider denying the renewal application. As of January 28, 2005, the number of owners/tenants opposing the proposal is minimal. However, should Council receive, on February 8, 2005, a petition or delegations indicating significant opposition, then it will likely take some time to calculate whether the objections reflect one-third of the assessed property value. If this is the case, Council may wish to conclude the Court of Revision and have staff calculate the level of opposition. Recommendation C offers a way for staff to provide additional advice prior to Council deciding on the renewal application.



# Strathcona B.I.A.



**NOTICE OF INTENTION TO RENEW A BIA**

November 30, 2004

Dear Property Owner(s):

The City's records indicate that you own property which is within an existing Business Improvement area (BIA). If approved, the renewal will mean a BIA levy will continue to be added to your property tax. This letter contains information about the services a Business Improvement Area provides, the cost of the BIA levy, and your opportunity to tell the City whether you do or do not support the BIA renewal.

The City encourages Business Improvement Areas as a way for property owners and business tenants to promote business and provide enhanced services in their area. The City collects the BIA levy as part of the property taxes and turns all of the money over to your BIA association to use. The BIA money is administered by a Board of Directors. The Board is comprised of commercial property owners and business tenants who are elected by all owners and tenants in the area.

Earlier this year, your BIA association approached the City with an application to renew its BIA mandate, which expires on March 31, 2005. The City requested the group discuss this proposal with owners and tenants in the BIA area to assess support for the renewal. As requested, the BIA hosted (an) information meeting(s) with businesses and property owners to discuss the renewal proposal.

In August or September, your BIA association notified all property owners and business tenants of its AGM and proposed renewal motion. The proposed renewal was approved at the AGM, and the BIA association requested the City to act on the association's BIA renewal application.

However, before the BIA renewal can be approved and the levy applied, the proposal must be considered by City Council at a Court of Revision. On November 30 2004, City Council agreed to consider the BIA renewal. Council instructed City staff to write all the property owners and business tenants to verify the level of support for the BIA renewal proposal.

The attached materials provide information prepared by the BIA association which describes their renewal proposal and the services they offer. If you have questions about the proposed BIA renewal, I encourage you to contact the association at the number(s) provided in their material (enclosed).

The BIA levy is calculated based on each owner's share of the total assessed value of properties in the BIA area. The amount for each owner varies because of different assessed values. The attached statement indicates the amount which would be assessed against your property in 2005. Over the program's lifespan, it is possible that your share of the BIA budget may change. Each property owner's share will be reapportioned annually according to the assessed values determined by the BC Assessment Authority.

After you have reviewed the material, if you support the proposed BIA renewal, you do not need to respond to this letter. However, if you wish to object, please submit your objection in the form of a letter to the City Clerk, Vancouver City Hall, 453 West 12th Avenue, Vancouver, BC, V5Y 1V4. Written objections against the proposal should be filed with the City Clerk *before noon on Friday, January 28, 2005*.

The Court of Revision will be held on Tuesday, February 8, 2005 at 7:30 p.m. in Council Chambers, 3rd floor, City Hall. At that time Council will hear from property owners and business tenants concerning the BIA renewal proposal. Council will also review letters of support and objections. If you wish to speak, please call the City Clerk's office at (604) 873-7276 to register in advance. To register the day of the hearing, registration for the speakers list will start at 7:00 p.m. outside the Council Chambers.

Council's policy is to consider rejection of the BIA proposal if 1/3 or more of the property owners or business tenants are opposed. A copy of the City-wide tax roll, which includes the names of property owners, is filed in the office of the Collector of Taxes, ground floor of City Hall, and is available for inspection during office hours.

Should the BIA renewal be approved by City Council, your BIA association will still need to obtain approval of the program and budget from its membership on an annual basis (at its annual general meetings) before Council releases funds. If you wish further information about the City's role in the BIA process, please call me at (604) 871-6304.

Yours truly,

Peter Vaisbord  
B.I.A. Coordinator  
*peter\_vaisbord@city.vancouver.bc.ca*  
*Phone: 604.871-6304*

PV/lmh

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Enclosure(s)





**NOTICE OF INTENTION TO RENEW A BIA**

November 30, 2004

Dear Business Owner:

I am writing to advise you that the Business Improvement Association for your area is proposing to renew its BIA mandate as required at the end of its current term. The proposed Business Improvement Area (BIA) renewal will mean continuation of a special BIA levy on properties in the area. Since many lease agreements require that (BIA) levies be paid by the tenants, this letter provides information about the proposal, possible costs, and your opportunity to tell the City whether you do or do not support the BIA proposal. Because this letter is being hand delivered, delivery may extend beyond the proposed boundaries. Before responding, please check the attached map to confirm that your business is within the BIA area.

The City encourages Business Improvement Areas as a way for property owners and business tenants to promote business and enhance services in their area. The City collects the BIA levy as part of the property taxes and turns all of the money over to the BIA to use. The BIAs use the money for a variety of activities, such as providing banners and other identifying material, and enhancing safety. The BIA money is administered by a Board of Directors. The Board is comprised of commercial property owners and business tenants who are elected by all owners and tenants in the area.

Earlier this year, your BIA association approached the City with an application to renew its BIA mandate, which expires on March 31, 2005. The City requested the group discuss this proposal with owners and tenants in the BIA area to assess support for the renewal. As requested, the BIA hosted (an) information meeting(s) with businesses and property owners to discuss the renewal proposal

In August or September, your BIA association notified all property owners and business tenants of its AGM and proposed renewal motion. The proposed renewal was approved at the AGM, and the BIA association requested the City to act on the association's BIA renewal application.

However, before the BIA renewal can be approved and the levy applied, the proposal must be considered by City Council at a Court of Revision. On November 30, 2004, City Council agreed to consider the BIA renewal. Council instructed City staff to write all the property owners and business tenants to verify the level of support for the BIA renewal proposal.

The attached materials provide information prepared by the BIA association which describes their renewal proposal and the services they offer. If you have questions about the proposed BIA renewal, I encourage you to contact the association at the number(s) provided in their material (enclosed).

The amount of each property owner's levy varies because of different assessment values. City staff have mailed all property owners estimates of the proposed BIA levy. To determine how the proposed BIA levy could impact your business, I suggest that you discuss the matter with your landlord.

After you have reviewed the material, if you support the proposed BIA renewal, you do not need to respond to this letter. However, if you wish to object, please submit your objection in the form of a letter to the City Clerk, Vancouver City Hall, 453 West 12th Avenue, Vancouver, BC, V5Y 1V4. Written objections against the proposal should be filed with the City Clerk *before noon on Friday January 28, 2005*.

The Court of Revision will be held on Tuesday, February 8, 2005, at 7:30 p.m. in Council Chambers, 3rd floor, City Hall. At that time, Council will hear from property owners and business tenants concerning the BIA renewal proposal. Council will also review letters of support and objections. If you wish to speak, please call the City Clerk's office at (604) 873-7276 to register in advance. To register the day of the hearing, registration for the speakers list will start at 7:00 p.m. outside the Council Chambers.

Council's policy is to consider rejection of the BIA proposal if 1/3 or more of the property owners or business tenants are opposed. A copy of the City-wide tax roll, which includes the names of property owners, is filed in the office of the Collector of Taxes, ground floor of City Hall, and is available for inspection during office hours.

Should the BIA renewal be approved by City Council, your BIA association will still need to obtain approval of the program and budget from its membership on an annual basis (at its annual general meetings) before Council releases funds. If you wish further information about the City's role in the BIA process, please call me at (604) 871-6304.

Yours truly,

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Enclosure(s)

IMPORTANT NOTICE FROM  
THE CITY OF VANCOUVER  
TO BUSINESS OWNERS

## MARPOLE BIA

### Application to Renew (Re-establish) BIA

On November 30, 2004, Council considered an application by the Marpole Business Association to renew the Marpole BIA (Attachment A). Council referred the application to the Court of Revision for consideration as a Council Initiative.

The proposed BIA levy ranges from \$0.17 to \$20,594.97 (Safeway) annually, depending upon the assessed value of the property. 16 properties will have a levy under \$100, about 42 properties will have a levy between \$100 and \$1,000, and 29 properties will be charged over \$1,000 annually.

As the BIA levy will be based on the 2005 property assessment, the actual BIA levies may differ slightly from the estimates provided in the City's notification.

### Notification

Individually addressed letters (Attachment B) were sent, postmarked on or before December 24, 2004, to 60 property owners, owning 87 legal parcels located within the BIA boundaries. No letters were returned undeliverable.

Letters (Attachment C) were hand delivered to all businesses within the BIA. Over 150 letters were delivered.

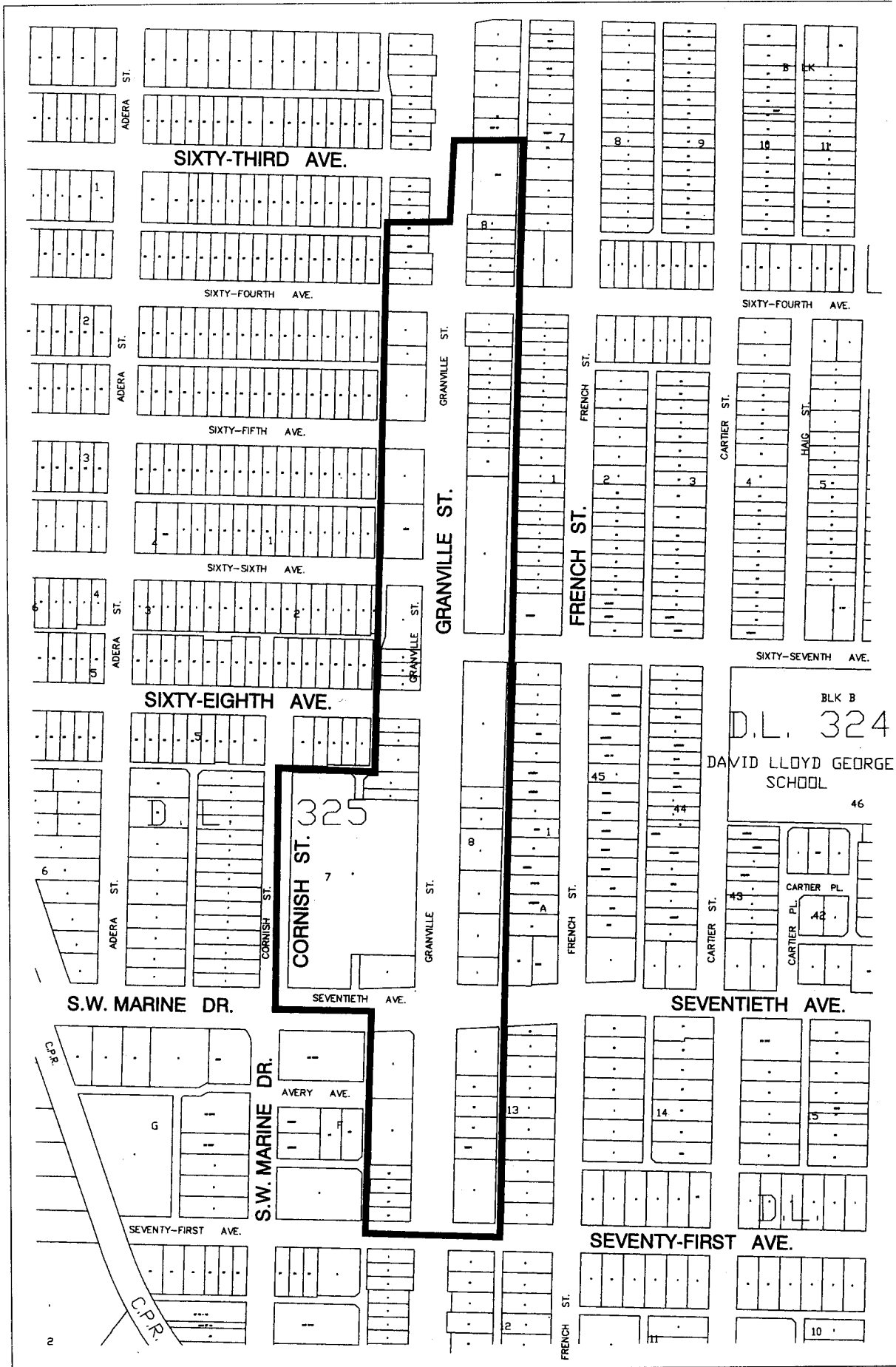
### Letters of Opposition

As of noon, January 28, 2005, letters of objection had been received from 2 property owners (3.3% of total) representing 2 assessed properties (2.3% of total) and an assessed value of \$12,709,933 (18.6% of total). 15 tenants objected (10% of total).

For information, should Council wish to apply the one-third guideline, then:

- one-third of the number of assessed properties is 29 properties (subject to adjustments);
- since there are several multiple owners, one-third of the actual owners is 20 owners (subject to adjustments);
- one-third of the assessed property value is in the order of \$22,751,123; and
- one-third of the business tenants is approximately 50 tenants.

Should the final number of owners or tenants indicating opposition approach the one-third guideline, Council may wish to consider denying the renewal application. As of January 28, 2005, the number of owners/tenants opposing the proposal is fairly small. However, should Council receive, on February 8, 2005, a petition or delegations indicating more wide spread opposition, then it will likely take some time to calculate whether the objections reflect one-third of the assessed property value. If this is the case, Council may wish to conclude the Court of Revision and have staff calculate the level of opposition. Recommendation C offers a way for staff to provide additional advice prior to Council deciding on the renewal application.



**Marpole B.I.A.**





**NOTICE OF INTENTION TO RENEW A BIA**

November 30, 2004

Dear Property Owner(s):

The City's records indicate that you own property which is within an existing Business Improvement area (BIA). If approved, the renewal will mean a BIA levy will continue to be added to your property tax. This letter contains information about the services a Business Improvement Area provides, the cost of the BIA levy, and your opportunity to tell the City whether you do or do not support the BIA renewal.

The City encourages Business Improvement Areas as a way for property owners and business tenants to promote business and provide enhanced services in their area. The City collects the BIA levy as part of the property taxes and turns all of the money over to your BIA association to use. The BIA money is administered by a Board of Directors. The Board is comprised of commercial property owners and business tenants who are elected by all owners and tenants in the area.

Earlier this year, your BIA association approached the City with an application to renew its BIA mandate, which expires on March 31, 2005. The City requested the group discuss this proposal with owners and tenants in the BIA area to assess support for the renewal. As requested, the BIA hosted (an) information meeting(s) with businesses and property owners to discuss the renewal proposal.

In August or September, your BIA association notified all property owners and business tenants of its AGM and proposed renewal motion. The proposed renewal was approved at the AGM, and the BIA association requested the City to act on the association's BIA renewal application.

However, before the BIA renewal can be approved and the levy applied, the proposal must be considered by City Council at a Court of Revision. On November 30 2004, City Council agreed to consider the BIA renewal. Council instructed City staff to write all the property owners and business tenants to verify the level of support for the BIA renewal proposal.

The attached materials provide information prepared by the BIA association which describes their renewal proposal and the services they offer. If you have questions about the proposed BIA renewal, I encourage you to contact the association at the number(s) provided in their material (enclosed).

The BIA levy is calculated based on each owner's share of the total assessed value of properties in the BIA area. The amount for each owner varies because of different assessed values. The attached statement indicates the amount which would be assessed against your property in 2005. Over the program's lifespan, it is possible that your share of the BIA budget may change. Each property owner's share will be reapportioned annually according to the assessed values determined by the BC Assessment Authority.

After you have reviewed the material, if you support the proposed BIA renewal, you do not need to respond to this letter. However, if you wish to object, please submit your objection in the form of a letter to the City Clerk, Vancouver City Hall, 453 West 12th Avenue, Vancouver, BC, V5Y 1V4. Written objections against the proposal should be filed with the City Clerk *before noon on Friday, January 28, 2005*.

The Court of Revision will be held on Tuesday, February 8, 2005 at 7:30 p.m. in Council Chambers, 3rd floor, City Hall. At that time Council will hear from property owners and business tenants concerning the BIA renewal proposal. Council will also review letters of support and objections. If you wish to speak, please call the City Clerk's office at (604) 873-7276 to register in advance. To register the day of the hearing, registration for the speakers list will start at 7:00 p.m. outside the Council Chambers.

Council's policy is to consider rejection of the BIA proposal if 1/3 or more of the property owners or business tenants are opposed. A copy of the City-wide tax roll, which includes the names of property owners, is filed in the office of the Collector of Taxes, ground floor of City Hall, and is available for inspection during office hours.

Should the BIA renewal be approved by City Council, your BIA association will still need to obtain approval of the program and budget from its membership on an annual basis (at its annual general meetings) before Council releases funds. If you wish further information about the City's role in the BIA process, please call me at (604) 871-6304.

Yours truly,

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PV/lmh

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Enclosure(s)



**NOTICE OF INTENTION TO RENEW A BIA**

November 30, 2004

Dear Business Owner:

I am writing to advise you that the Business Improvement Association for your area is proposing to renew its BIA mandate as required at the end of its current term. The proposed Business Improvement Area (BIA) renewal will mean continuation of a special BIA levy on properties in the area. Since many lease agreements require that (BIA) levies be paid by the tenants, this letter provides information about the proposal, possible costs, and your opportunity to tell the City whether you do or do not support the BIA proposal. Because this letter is being hand delivered, delivery may extend beyond the proposed boundaries. Before responding, please check the attached map to confirm that your business is within the BIA area.

The City encourages Business Improvement Areas as a way for property owners and business tenants to promote business and enhance services in their area. The City collects the BIA levy as part of the property taxes and turns all of the money over to the BIA to use. The BIAs use the money for a variety of activities, such as providing banners and other identifying material, and enhancing safety. The BIA money is administered by a Board of Directors. The Board is comprised of commercial property owners and business tenants who are elected by all owners and tenants in the area.

Earlier this year, your BIA association approached the City with an application to renew its BIA mandate, which expires on March 31, 2005. The City requested the group discuss this proposal with owners and tenants in the BIA area to assess support for the renewal. As requested, the BIA hosted (an) information meeting(s) with businesses and property owners to discuss the renewal proposal.

In August or September, your BIA association notified all property owners and business tenants of its AGM and proposed renewal motion. The proposed renewal was approved at the AGM, and the BIA association requested the City to act on the association's BIA renewal application.

However, before the BIA renewal can be approved and the levy applied, the proposal must be considered by City Council at a Court of Revision. On November 30, 2004, City Council agreed to consider the BIA renewal. Council instructed City staff to write all the property owners and business tenants to verify the level of support for the BIA renewal proposal.

The attached materials provide information prepared by the BIA association which describes their renewal proposal and the services they offer. If you have questions about the proposed BIA renewal, I encourage you to contact the association at the number(s) provided in their material (enclosed).

The amount of each property owner's levy varies because of different assessment values. City staff have mailed all property owners estimates of the proposed BIA levy. To determine how the proposed BIA levy could impact your business, I suggest that you discuss the matter with your landlord.

After you have reviewed the material, if you support the proposed BIA renewal, you do not need to respond to this letter. However, if you wish to object, please submit your objection in the form of a letter to the City Clerk, Vancouver City Hall, 453 West 12th Avenue, Vancouver, BC, V5Y 1V4. Written objections against the proposal should be filed with the City Clerk *before noon on Friday January 28, 2005*.

The Court of Revision will be held on Tuesday, February 8, 2005, at 7:30 p.m. in Council Chambers, 3rd floor, City Hall. At that time, Council will hear from property owners and business tenants concerning the BIA renewal proposal. Council will also review letters of support and objections. If you wish to speak, please call the City Clerk's office at (604) 873-7276 to register in advance. To register the day of the hearing, registration for the speakers list will start at 7:00 p.m. outside the Council Chambers.

Council's policy is to consider rejection of the BIA proposal if 1/3 or more of the property owners or business tenants are opposed. A copy of the City-wide tax roll, which includes the names of property owners, is filed in the office of the Collector of Taxes, ground floor of City Hall, and is available for inspection during office hours.

Should the BIA renewal be approved by City Council, your BIA association will still need to obtain approval of the program and budget from its membership on an annual basis (at its annual general meetings) before Council releases funds. If you wish further information about the City's role in the BIA process, please call me at (604) 871-6304.

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PV/lmh

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Enclosure(s)

IMPORTANT NOTICE FROM  
THE CITY OF VANCOUVER  
TO BUSINESS OWNERS



## CHINATOWN BIA

### Application to Renew (Re-establish) BIA

On November 30, 2004, Council considered an application by the Vancouver Chinatown BIA Society to renew the Chinatown BIA (Attachment A). Council referred the application to the Court of Revision for consideration as a Council Initiative.

The proposed BIA levy ranges from \$9.53 to \$9,665.46 annually, depending upon the assessed value of the property. 25 properties will have a levy under \$100, about 132 properties will have a levy between \$100 and \$1,000, and 42 properties will be charged over \$1,000 annually.

As the BIA levy will be based on the 2005 property assessment, the actual BIA levies may differ slightly from the estimates provided in the City's notification.

### Notification

Individually addressed letters (Attachment B) were sent, postmarked on or before December 24, 2004, to 158 property owners, owning 199 legal parcels located within the BIA boundaries. One letter was returned because the owners had moved with no forwarding address, but new address was found and letter re-sent.

Letters (Attachment C) were hand delivered to all businesses within the BIA. Over 300 letters were delivered.

All letters were translated into Chinese. The letter to property owners is Attachment D and the letter to business owners is Attachment E.

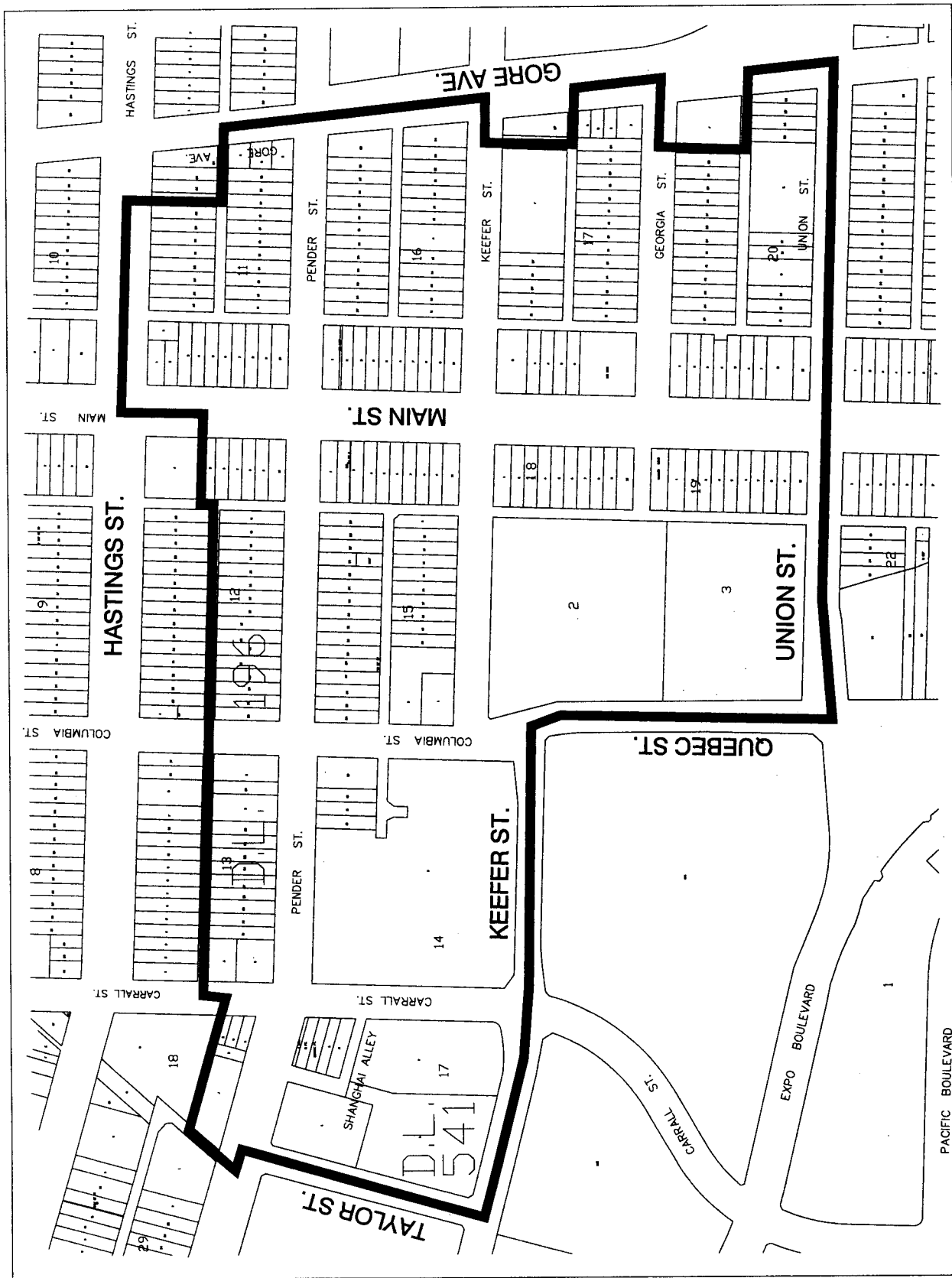
### Letters of Opposition

As of noon, January 28, 2004, letters of objection had been received from 27 property owners (17.1% of total) representing 31 assessed properties (15.6% of total) and an assessed value of \$32,037,759 (20.8% of total). 53 tenants objected (17.6% of total).

For information, should Council wish to apply the one-third guideline, then:

- one-third of the number of assessed properties is 66 properties (subject to adjustments);
- since there are several multiple owners, one-third of the actual owners is 53 owners (subject to adjustments);
- one-third of the assessed property value is in the order of \$51,414,160; and
- one-third of the business tenants is approximately 100 tenants.

Should the final number of owners or tenants indicating opposition approach the one-third guideline, Council may wish to consider denying the renewal application. As of January 28, 2005, the number of owners/tenants opposing the proposal is still well below one-third. However, should Council receive, on February 8, 2005, a petition or delegations indicating more wide spread opposition, then it will likely take some time to calculate whether the objections reflect one-third of the assessed property value. If this is the case, Council may wish to conclude the Court of Revision and have staff calculate the level of opposition. Recommendation C offers a way for staff to provide additional advice prior to Council deciding on the renewal application.



# Chinatown B.I.A.



**NOTICE OF INTENTION TO RENEW A BIA**

November 30, 2004

Dear Property Owner(s):

The City's records indicate that you own property which is within an existing Business Improvement area (BIA). If approved, the renewal will mean a BIA levy will continue to be added to your property tax. This letter contains information about the services a Business Improvement Area provides, the cost of the BIA levy, and your opportunity to tell the City whether you do or do not support the BIA renewal.

The City encourages Business Improvement Areas as a way for property owners and business tenants to promote business and provide enhanced services in their area. The City collects the BIA levy as part of the property taxes and turns all of the money over to your BIA association to use. The BIA money is administered by a Board of Directors. The Board is comprised of commercial property owners and business tenants who are elected by all owners and tenants in the area.

Earlier this year, your BIA association approached the City with an application to renew its BIA mandate, which expires on March 31, 2005. The City requested the group discuss this proposal with owners and tenants in the BIA area to assess support for the renewal. As requested, the BIA hosted (an) information meeting(s) with businesses and property owners to discuss the renewal proposal.

In August or September, your BIA association notified all property owners and business tenants of its AGM and proposed renewal motion. The proposed renewal was approved at the AGM, and the BIA association requested the City to act on the association's BIA renewal application.

However, before the BIA renewal can be approved and the levy applied, the proposal must be considered by City Council at a Court of Revision. On November 30 2004, City Council agreed to consider the BIA renewal. Council instructed City staff to write all the property owners and business tenants to verify the level of support for the BIA renewal proposal.

The attached materials provide information prepared by the BIA association which describes their renewal proposal and the services they offer. If you have questions about the proposed BIA renewal, I encourage you to contact the association at the number(s) provided in their material (enclosed).

The BIA levy is calculated based on each owner's share of the total assessed value of properties in the BIA area. The amount for each owner varies because of different assessed values. The attached statement indicates the amount which would be assessed against your property in 2005. Over the program's lifespan, it is possible that your share of the BIA budget may change. Each property owner's share will be reapportioned annually according to the assessed values determined by the BC Assessment Authority.

After you have reviewed the material, if you support the proposed BIA renewal, you do not need to respond to this letter. However, if you wish to object, please submit your objection in the form of a letter to the City Clerk, Vancouver City Hall, 453 West 12th Avenue, Vancouver, BC, V5Y 1V4. Written objections against the proposal should be filed with the City Clerk *before noon on Friday, January 28, 2005*.

The Court of Revision will be held on Tuesday, February 8, 2005 at 7:30 p.m. in Council Chambers, 3rd floor, City Hall. At that time Council will hear from property owners and business tenants concerning the BIA renewal proposal. Council will also review letters of support and objections. If you wish to speak, please call the City Clerk's office at (604) 873-7276 to register in advance. To register the day of the hearing, registration for the speakers list will start at 7:00 p.m. outside the Council Chambers.

Council's policy is to consider rejection of the BIA proposal if 1/3 or more of the property owners or business tenants are opposed. A copy of the City-wide tax roll, which includes the names of property owners, is filed in the office of the Collector of Taxes, ground floor of City Hall, and is available for inspection during office hours.

Should the BIA renewal be approved by City Council, your BIA association will still need to obtain approval of the program and budget from its membership on an annual basis (at its annual general meetings) before Council releases funds. If you wish further information about the City's role in the BIA process, please call me at (604) 871-6304.

Yours truly,

Peter Vaisbord  
B.I.A. Coordinator  
*peter\_vaisbord@city.vancouver.bc.ca*  
*Phone: 604.871-6304*

PV/lmh

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Enclosure(s)



**NOTICE OF INTENTION TO RENEW A BIA**

November 30, 2004

Dear Business Owner:

I am writing to advise you that the Business Improvement Association for your area is proposing to renew its BIA mandate as required at the end of its current term. The proposed Business Improvement Area (BIA) renewal will mean continuation of a special BIA levy on properties in the area. Since many lease agreements require that (BIA) levies be paid by the tenants, this letter provides information about the proposal, possible costs, and your opportunity to tell the City whether you do or do not support the BIA proposal. Because this letter is being hand delivered, delivery may extend beyond the proposed boundaries. Before responding, please check the attached map to confirm that your business is within the BIA area.

The City encourages Business Improvement Areas as a way for property owners and business tenants to promote business and enhance services in their area. The City collects the BIA levy as part of the property taxes and turns all of the money over to the BIA to use. The BIAs use the money for a variety of activities, such as providing banners and other identifying material, and enhancing safety. The BIA money is administered by a Board of Directors. The Board is comprised of commercial property owners and business tenants who are elected by all owners and tenants in the area.

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In August or September, your BIA association notified all property owners and business tenants of its AGM and proposed renewal motion. The proposed renewal was approved at the AGM, and the BIA association requested the City to act on the association's BIA renewal application.

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The attached materials provide information prepared by the BIA association which describes their renewal proposal and the services they offer. If you have questions about the proposed BIA renewal, I encourage you to contact the association at the number(s) provided in their material (enclosed).

The amount of each property owner's levy varies because of different assessment values. City staff have mailed all property owners estimates of the proposed BIA levy. To determine how the proposed BIA levy could impact your business, I suggest that you discuss the matter with your landlord.

After you have reviewed the material, if you support the proposed BIA renewal, you do not need to respond to this letter. However, if you wish to object, please submit your objection in the form of a letter to the City Clerk, Vancouver City Hall, 453 West 12th Avenue, Vancouver, BC, V5Y 1V4. Written objections against the proposal should be filed with the City Clerk *before noon on Friday January 28, 2005*.

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PV/lmh

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Enclosure(s)

IMPORTANT NOTICE FROM  
THE CITY OF VANCOUVER  
TO BUSINESS OWNERS



**CITY OF VANCOUVER**  
COMMUNITY SERVICES GROUP  
City Plans

## 更新商業促進區 (Business Improvement Area 簡稱 BIA) 意向通知書

2004 年十二月八日

致各位商業區業主：

根據市政府的紀錄顯示，您在現存的商業促進區內擁有物業。如果更新建議獲得通過，您在區內的物業將繼續被徵收特別稅項。發信的目的是要讓您明白有關商業促進區的服務、BIA 特別稅項的費用及讓您有機會向市政府反映您是否支持這項 BIA 建議。

市政府鼓勵成立商業促進區，希望業主及商戶利用 BIA 特別稅，促進該區的商業繁榮及提高服務。市政府透過地稅，徵收 BIA 特別稅，但會全數交還商會使用。BIA 的款項由商業業主及商戶組成的董事局管理。董事局是由區內所有的業主及租客共同選舉產生。

在今年初，BIA 商會向市政府提出申請，更新即將在 2005 年三月卅一日期滿的規章。市政府要求區內的業主及租客為這建議書作集體討論，以評估對更新建議的支持度。因此，BIA 商會主辦了資訊研討會，討論這更新建議書。

在本年八月或九月，您區內的 BIA 商會通知了所有的業主及商戶，在週年會員大會中將提出更新 BIA 動議。隨後，在週年大會中，更新動議獲得通過。現在，BIA 商會要求市政府為更新 BIA 建議申請作出回應。

不過，在批准更新建議及接受徵稅申請前，建議書一定要在修訂法院中 (Court of Revision) 得到市議會的贊同。在 2004 年十一月卅日，市議會同意考慮 BIA 商會的更新建議。市議會要求市政府職員發信給所有的業主及商戶，查證對更新建議的支持程度。

隨函附上由 BIA 商會準備的資料，描述他們的更新建議及提供的服務。如果您對更新建議有任何疑問，鼓勵您直接聯絡商會，聯絡電話可在附函資料內找到。

BIA 特別稅的計算方法，是根據每一個業主，在商業促進區內擁有的資產總值所佔的比率而定。稅額會因不同的估價而異。附上的文件顯示您的物業在 2005 年被評估的價值。在這計劃的執行年限內，您要付出的商業促進區經費比率可能會改變，每一位業主的資產比率，會根據省政府評估委員會每年所定的估價，重新分配。

在您審查過資料之後，如果您支持更新建議，便無須回應。如果您反對，請在 2005 年一月廿八日星期五正午之前，用書信形式通知市政府。請寄：The City Clerk, Vancouver City Hall, 453 West 12th Avenue, Vancouver, BC, V5Y 1V4

修訂法院會在 2005 年二月八日星期二，下午七時卅分在市政府大樓三樓會議廳舉行會議。屆時，市議員將會聆聽業主及商戶對 BIA 更新建議所關注的事項，同時，亦會審查支持及反對的信件。如果您希望發言，請致電 604-873-7276，向職員辦事處(City Clerk's Office)預先登記。如要在公聽會當日登記，可以在七時正到會議廳外，登記列入發言者名單。

根據市議會政策，如果有三分之一或者更多的業主及商戶反對的話，便會考慮拒絕 BIA 更新建議，。一份載有大溫業主名單的稅務副本（貯存於市政府大樓地下之稅務部辦公室內）可供大眾在辦公時間內查閱。

如果市議會批准了 BIA 更新建議，BIA 商會仍然需要在每年(週年會員大會)徵求會員批准該項目及財政預算，市議會才可發放資金。如果要更詳盡地了解市政府在 BIA 程序中的職責，請致電 604-871-6304 與我聯絡。

Peter Vaisbord  
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附件





**CITY OF VANCOUVER**  
COMMUNITY SERVICES GROUP  
City Plans

## 更新商業促進區 (Business Improvement Area 簡稱 BIA) 意向通知書

2004 年十二月八日

致各位商業東主或經理：

本人希望通知閣下，在您經營生意地區內的商業促進區商會，提議在本年度結束前，依照市府 BIA 附例，申請更新 BIA，以延續其運作。建議更新 BIA，意思是要向區內的物業繼續徵收特別稅項。由於許多租約協議要求租客支付 BIA 特別稅，所以，發信的目的是要讓您明白有關的建議、可能的費用及讓您有機會向市政府反映您是否支持這項 BIA 建議。由於這封信是請人派送的，所以可能會派到超出 BIA 界限的地方，在您回應之前，請核對隨函附上的地圖，確定您的生意是在 BIA 區內。

市政府鼓勵成立商業促進區，希望業主及商戶利用 BIA 特別稅，促進該區的商業繁榮及提高服務。市政府透過地稅，徵收 BIA 特別稅，但會全數交還商會使用。商會利用這些款項從事多種活動，例如：提供彩旗及其他獨特的標誌、提高區內的安全等。BIA 的款項由商業業主及商戶組成的董事局管理。董事局是由區內所有的業主及租客共同選舉產生。

在今年初，您區內的 BIA 商會向市政府提出申請，更新即將在 2005 年三月卅一日期滿的規章。市政府要求區內的業主及租客為這建議書作集體討論，以評估對更新建議的支持度。因此，BIA 商會主辦了資訊研討會，討論這更新建議書。

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每個業主的稅額會因不同的估價而異。市政府職員已經為所有業主寄出 BIA 建議特別徵稅的估價單。要知道建議的 BIA 特別稅如何影響您的生意，請與您的物業業主討論這事。

在您審查過資料之後，如果您支持更新建議，便無須回應。如果您反對，請在 2005 年一月廿八日星期五正午之前，用書信形式通知市政府。請寄：The City Clerk, Vancouver City Hall, 453 West 12th Avenue, Vancouver, BC, V5Y 1V4

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附件

這是一封市政府致商戶的重要公函

## COMMERCIAL DRIVE BIA

### Application to Renew (Re-establish) BIA

On November 30, 2004, Council considered an application by the Commercial Drive Business Society to renew the Commercial Drive BIA (Attachment A). Council referred the application to the Court of Revision for consideration as a Council Initiative.

The proposed BIA levy ranges from \$327.96 to \$29,217.40 (Il Mercato Mall) annually, depending upon the assessed value of the property. About 80 properties will have a levy between \$100 and \$1,000, and 75 properties will be charged over \$1,000 annually.

As the BIA levy will be based on the 2005 property assessment, the actual BIA levies may differ slightly from the estimates provided in the City's notification.

### Notification

Individually addressed letters (Attachment B) were sent, postmarked on or before December 24, 2004, to 139 property owners, owning 155 legal parcels located within the BIA boundaries. Two letters were returned because the owners had moved with no forwarding address.

Letters (Attachment C) were hand delivered to all businesses within the BIA. Over 300 letters were delivered.

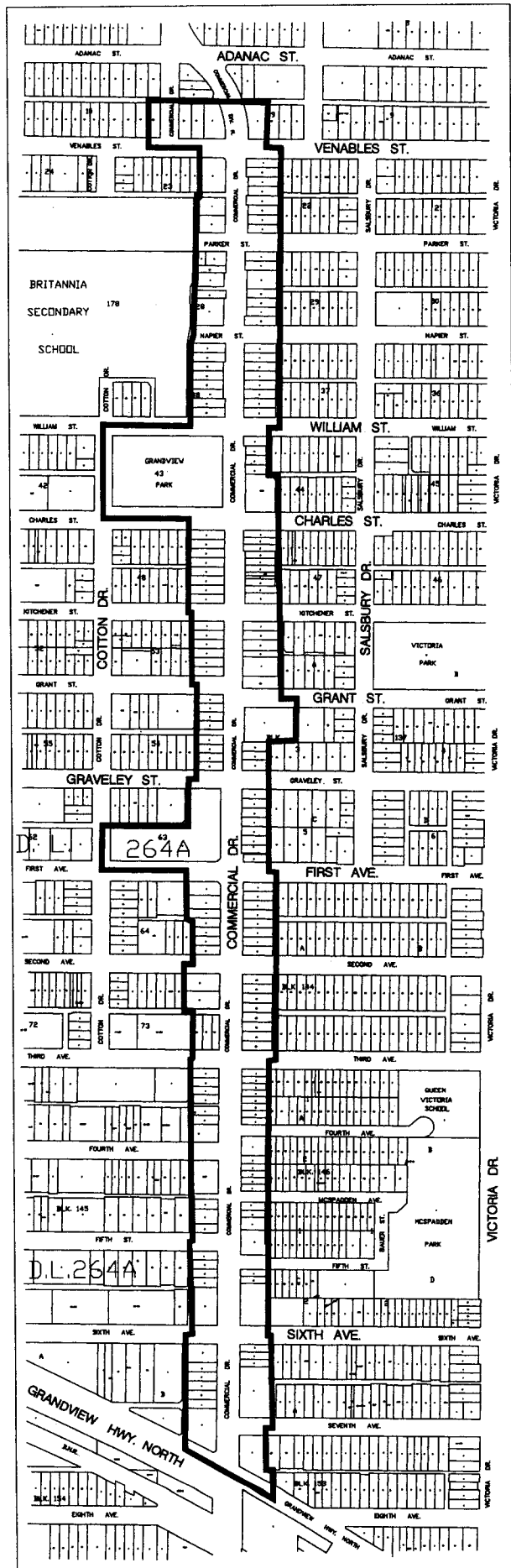
### Letters of Opposition

As of noon, January 28, 2005, letters of objection had been received from 8 property owners (5.8% of total) representing 8 assessed properties (5.2% of total) and an assessed value of \$6,064,963 (6.2% of total). 19 tenants objected (6.3% of total).

For information, should Council wish to apply the one-third guideline, then:

- one-third of the number of assessed properties is 52 properties (subject to adjustments);
- since there are several multiple owners, one-third of the actual owners is 46 owners (subject to adjustments);
- one-third of the assessed property value is in the order of \$32,580,185; and
- one-third of the business tenants is approximately 100 tenants.

Should the final number of owners or tenants indicating opposition approach the one-third guideline, Council may wish to consider denying the renewal application. As of January 28, 2005, the number of owners/tenants opposing the proposal is fairly small. However, should Council receive, on February 8, 2005, a petition or delegations indicating significant opposition, then it will likely take some time to calculate whether the objections reflect one-third of the assessed property value. If this is the case, Council may wish to conclude the Court of Revision and have staff calculate the level of opposition. Recommendation C offers a way for staff to provide additional advice prior to Council deciding on the renewal application.



**Commercial Dr. B.I.A.**



**NOTICE OF INTENTION TO RENEW A BIA**

November 30, 2004

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PV/lmh

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Enclosure(s)



**NOTICE OF INTENTION TO RENEW A BIA**

November 30, 2004

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The attached materials provide information prepared by the BIA association which describes their renewal proposal and the services they offer. If you have questions about the proposed BIA renewal, I encourage you to contact the association at the number(s) provided in their material (enclosed).

The amount of each property owner's levy varies because of different assessment values. City staff have mailed all property owners estimates of the proposed BIA levy. To determine how the proposed BIA levy could impact your business, I suggest that you discuss the matter with your landlord.

After you have reviewed the material, if you support the proposed BIA renewal, you do not need to respond to this letter. However, if you wish to object, please submit your objection in the form of a letter to the City Clerk, Vancouver City Hall, 453 West 12th Avenue, Vancouver, BC, V5Y 1V4. Written objections against the proposal should be filed with the City Clerk *before noon on Friday January 28, 2005*.

The Court of Revision will be held on Tuesday, February 8, 2005, at 7:30 p.m. in Council Chambers, 3rd floor, City Hall. At that time, Council will hear from property owners and business tenants concerning the BIA renewal proposal. Council will also review letters of support and objections. If you wish to speak, please call the City Clerk's office at (604) 873-7276 to register in advance. To register the day of the hearing, registration for the speakers list will start at 7:00 p.m. outside the Council Chambers.

Council's policy is to consider rejection of the BIA proposal if 1/3 or more of the property owners or business tenants are opposed. A copy of the City-wide tax roll, which includes the names of property owners, is filed in the office of the Collector of Taxes, ground floor of City Hall, and is available for inspection during office hours.

Should the BIA renewal be approved by City Council, your BIA association will still need to obtain approval of the program and budget from its membership on an annual basis (at its annual general meetings) before Council releases funds. If you wish further information about the City's role in the BIA process, please call me at (604) 871-6304.

Yours truly,

Peter Vaisbord  
B.I.A. Coordinator  
*peter\_vaisbord@city.vancouver.bc.ca*  
Phone: 604.871-6304

PV/lmh

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Enclosure(s)

IMPORTANT NOTICE FROM  
THE CITY OF VANCOUVER  
TO BUSINESS OWNERS