

EXPLANATION

Special Relief Resolution

This special resolution is pursuant to section 508(r) of the *Vancouver Charter* which provides that Council, by a two-thirds vote, shall deem and declare, for reasons to be set out in the resolution, that certain properties especially inequitably or unjustly affected by any tax imposed against the property, may be afforded tax relief by way of a tax reduction for such properties.

Director of Legal Services
June 2, 2009

Folio 265-586-06-0000
Folio 265-586-36-0000

Pavement, Curbs, Trees & Bulges

Templeton Drive from Triumph Street
to Pandora Street

RESOLUTION

MOVED by Councillor _____

SECONDED by Councillor _____

PREAMBLE

On June 8, 2005, Council approved an owner petitioned pavement and curbs project (the "project").

The City Engineer has certified the project as complete, and Council has enacted a by-law specially assessing, for part of the project costs, the real properties that will benefit from the project.

On October 5, 1971, Council approved giving relief on local improvements charges to homes on flanking higher-zoned lots so that they pay a rate according to their zoning but with a residential level of flankage relief; that the relief be limited to owner-occupied single family dwellings, the ownership of which precedes the assessment of the local improvement charge; and, that the relief apply to local improvements for pavement, curbs, and sidewalks.

On July 22, 1980, Council approved giving special local improvement relief to underdeveloped properties which front on pavement and curb improvements, with the relief to be such that the owners pay only 75% of the rate for their zoning; the relief to be limited to owner-occupied single-family dwellings, the ownership of which precedes the assessment of the local improvement; the relief to be given on a year-to-year basis so long as the properties remain eligible; and the relief to commence with projects placed on the tax roll in 1980 for the first time; and, for the Collector of Taxes to be instructed to bring forward each year the list of properties in a formal resolution under section 67 of By-law No. 3614 as amended to give effect to the policy.

On October 16, 1982, Council approved current policies for local improvements remaining in effect except that property owners' rates must never be adjusted lower than residential rates.

On July 16, 1990, Council approved giving additional special relief, being the basis for the relief referred to in the preceding paragraph of this preamble, for local improvements in the West End, for owner-occupied multiple conversion dwellings having no more than four suites including the owner's suites affected by the West End Improvement Project (east of Denman), according to the relief formula set out in the City Manager's report dated February 9, 1983.

The annual special rate levied by the by-law imposing the local improvement tax expires in 2023.

Those certain parcel of real property described as:

- (a) PID: 007-525-451, the North ½ of Lot 1, Block 31, District Lot 184, Plan 178 ("N ½ Lot 1"), which includes two dwellings, abuts the project; and
- (b) PID: 002-786-486, the South ½ of Lot 1, Block 31, District Lot 184, Plan 178 ("S ½ Lot 1"), which includes two dwellings, abuts the project.

The owner of each of the N ½ Lot 1 and S ½ Lot 1 has applied for special relief by way of a reduction in taxes.

The zoning for each of the N ½ Lot 1 and S ½ Lot 1 is RM-3A under the *Zoning and Development By-law*.

The Collector of Taxes is satisfied that, under the Council approvals cited in this By-law, each of the N ½ Lot 1 and S ½ Lot 1 is eligible for the relief requested.

A special annual assessment for the project imposed on each of the N ½ Lot 1 and S ½ Lot 1 for 15 years if assessed as RM-3A would be \$853.54.

THEREFORE COUNCIL RESOLVES, by the votes of not less than two-thirds of its members, to:

- (a) deem and declare, for the reasons set out in the preamble to this special resolution, that each of the N ½ Lot 1 and S ½ Lot 1 is especially inequitably or unjustly affected by such special annual assessment, and, having met the criteria required by the approvals cited in the preamble, will be subject to a reduced special assessment, for the year 2009 and each following year up to and including 2023, of \$426.77;
- (b) direct the Collector of Taxes, so long as the Collector is satisfied that each of the N ½ Lot 1 and S ½ Lot 1 remains eligible, to enter onto the tax rolls against each of the N ½ Lot 1 and S ½ Lot 1 the amount of the reduced special assessments; and
- (c) provide for the difference between the original and reduced amounts for each of the N ½ Lot 1 and S ½ Lot 1 out of the general funds of the City.

NOTE: PASSAGE OF THIS RESOLUTION REQUIRES THE AFFIRMATIVE VOTES OF AT LEAST TWO THIRDS OF COUNCIL MEMBERS.