



SPECIAL COUNCIL MEETING MINUTES

OCTOBER 25, 2018

A Special Meeting of the Council of the City of Vancouver was held on Thursday, October 25, 2018, at 2:04 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of sitting as a Court of Revision to hear land averaging appeals.

PRESENT: Acting Mayor Raymond Louie
Councillor George Affleck
Councillor Elizabeth Ball*
Councillor Hector Bremner
Councillor Adriane Carr
Councillor Melissa De Genova*
Councillor Heather Deal
Councillor Tim Stevenson

ABSENT: Mayor Gregor Robertson
Councillor Kerry Jang
Councillor Andrea Reimer

CITY CLERK'S OFFICE: Tina Hildebrandt, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COURT OF REVISION

MOVED by Councillor Stevenson
SECONDED by Councillor Deal

THAT this Council resolve itself into a Court of Revision, Acting Mayor Louie in the Chair, for the purpose of hearing land averaging appeals pursuant to Section 9 of By-Law No. 12066, the *2018 Land Assessment Averaging By-law*, and Section 9 of By-law No. 11759, the *2017 Land Assessment Averaging By-law*.

CARRIED UNANIMOUSLY
(Councillors Ball and De Genova absent for the vote)

2018 and 2017 Land Averaging Appeals

The Court of Revision had before it for consideration a brief prepared by the City of Vancouver's Legal Services, which contained the following material (*on file in the City Clerk's Office*):

Tab	Description
1.	Section 513.1 of the <i>Vancouver Charter</i> – Duties & Powers of Court of Revision Section 374.4 of the <i>Vancouver Charter</i> , S.C.B. 1953, c. 55
2.	Explanation of the Land Assessment Averaging By-laws
Tabs 3 and 4 - Complaints concerning Change of Prescribed Parcel Class	
3.	Correspondence and Complaint concerning: 1 Broadway E, Vancouver, BC Roll # 650-184-05-0000, Owner/Agent: Eric Wen
4.	Correspondence and Complaint concerning: 1527 Main St., Vancouver, BC Roll # 190-630-13-0000, Owner/Agent: Colliers International
Tabs 5-9 - Complaint concerning application of the 2018 By-law No 12066	
5.	Complaint concerning: 3695 Lougheed Highway, Vancouver, BC Roll # 650-312-95-0000, Owner/Agent: Colliers International
6.	Correspondence and Complaint concerning: 455 Kent Ave. North E., Vancouver, BC Roll # 837-197-65-0000, Owner/Agent: Colliers International
7.	Correspondence and Complaint concerning: 2915 Commercial Dr., Vancouver, BC Roll# 683-234-98-0000, Owner/Agent: Colliers International
8.	Correspondence and Complaint concerning: 2021 Kingsway, Vancouver, BC Roll # 770-250-55-0000, Owner/Agent: Colliers International
9.	Correspondence and Complaint concerning: 921 Pender St. W, Vancouver, BC Roll # 592-120-71-0000, Owner/Agent: Colliers International
Tab 10 - Complaint concerning application of the 2017 By-law No 11759	
10.	Correspondence and Complaint concerning: 525 Skeena St. N, Vancouver, BC Roll # 568-297-98-0000, Owner/Agent: Colliers International
11.	Appendix A1: City of Vancouver By-law No. 12066 - 2018 Land Assessment Averaging By-law
12.	Appendix A2: Administrative Report dated March 7, 2018 re: 2018 Property Taxation: Targeted Land Assessment Averaging
13.	Appendix B1: City of Vancouver By-law No. 11759 – 2017 Land Assessment Averaging By-law
14.	Appendix B2: Administrative Report dated February 28, 2017 re: 2017 Property Taxation: Targeted Land Assessment Averaging

Grant Murray, Assistant Director – Administration, Legal Services, and Marty Radakovich, Deputy Collector of Taxes, Finance, Risk and Supply Chain Management, were present on behalf of the City of Vancouver (the City).

Eric Wen was present as Agent on behalf of the Appellant, for the property located at 1 Broadway E. Bob Thompson, Colliers International, was present as Agent on behalf of the Appellants for the properties located at:

1527 Main St.
3695 Lougheed Highway
455 Kent Ave. North E.
2915 Commercial Dr.
2021 Kingsway
921 Pender St. W.
525 Skeena St. N.

Mr. Murray provided an overview of the Land Averaging Appeal process pursuant to Section 9 of the *2018 and 2017 Land Assessment Averaging By-laws*, and Council's role sitting as a Court of Revision pursuant to Section 10 of the above-noted by-laws. He also noted a page was inadvertently excluded from Tab 4 of the brief concerning 1527 Main St., and distributed copies.

**1. 1 Broadway E., Vancouver, BC (Owner/Agent: Eric Wen)
Roll # 650-184-05-0000**

Mr. Murray introduced the appeal for the above-noted property as set out under Tab 3 of the brief. He advised that the property was subject to a Class change and that the issue before the Court of Revision was the effect of the Class change, and whether the property should be exempt from the tax averaging formula.

Mr. Wen submitted that the property is owned by Shandong Natives Association of BC (SDNABC), a non-profit community association, and that the building was mainly leased to small, local businesses with the exception of 17% which was used by SDNABC. He noted that in 2018 BC Assessment recognized 17% of the property was being used for non-profit purposes and changed that portion from Class 6 to Class 8. Mr. Wen pointed out that the other 83% remained Class 6 with no Class changes and that the land value increased significantly in the last few years, making it a 'target property' which should qualify for land assessment averaging. In closing, he advised that the Appellant and tenants have been struggling as a result of the significant property tax increase in 2018 and hoped the Court of Revision would reconsider whether the property should be subject to the land assessment averaging formula. Mr. Wen also responded to questions.

Mr. Radakovich submitted the City's position, noting the property was exempt from land assessment averaging pursuant to Section 3 (b)(iv) of the *2018 Land Assessment Averaging By-law*, and responded to questions.

Mr. Wen responded noting the property use did not change since 1995 and regardless of the change from Class 6 to both Class 6 and Class 8 in 2018, felt that the property use was still the same. He also referred to the definition of "target parcel" under Section 2 of the By-Law, and pointed out that the intent is to allow for land assessment averaging on any parcel or part of a parcel.

Mr. Murray provided closing comments and responded to questions related to Mr. Wen's interpretation of "target parcel" and whether language could be added to the By-law in future that specifically outlines whether and how the effect of a Class change could result in prorating the applicable taxes.

MOVED by Councillor Deal
SECONDED by Councillor Affleck

THAT Vancouver City Council, sitting as the Court of Revision, dismiss the Land Averaging Appeal by the owner of the property located at 1 Broadway East, Vancouver, BC, as there has been no error demonstrated in the application of By-Law No. 12066, the *2018 Land Assessment Averaging By-law*.

CARRIED UNANIMOUSLY (Vote No. 03396)

**2. 1527 Main St., Vancouver, BC (Owner/Agent: Colliers International)
Roll # 190-630-13-0000**

Mr. Murray introduced the appeal for the above-noted property as set out under Tab 4 of the brief. He advised that the complaint was based on Section 3 (b)(iv) of the *2018 Land Assessment Averaging By-law*, and that the property was subject to a class change. He also noted that the property underwent a zoning change. Mr. Murray pointed out that the issue before the Court of Revision was the effect of the class change and whether the property should be subject to the tax averaging formula.

Mr. Thompson submitted that the change from Class 1 and Class 6 in 2017, to Class 6 in 2018, was the result of a change to the Southeast False Creek Official Development Plan (SEFC ODP) by the Director of Planning in relation to the rezoning of an adjacent property. He pointed out that the change was not due to any application or action taken by the Appellant, but rather was the result of a change in the SEFC ODP. In closing, he noted that the Class change was the basis for exclusion of the subject property from tax averaging and that it should be included. Mr. Thompson responded to questions.

Mr. Radakovich submitted the City's position, noting this was not the result of a zoning change to an adjacent property but rather was a change in Class to the subject property, which was the basis for exclusion of the property from tax averaging.

In response, Mr. Thompson pointed out that the zoning change to the adjacent property was initiated by that property owner but the zoning change to the subject property was initiated by the Director of Planning. As a result, the Appellant's property decreased in value and lost tax averaging. Mr. Thompson responded to questions.

Mr. Murray provided closing comments, noting the property was subject to a Class change and that there was no error in applying the *2018 Land Assessment Averaging By-law*. Mr. Murray, along with Mr. Radakovich, responded to questions.

MOVED by Councillor Bremner
SECONDED by Councillor Affleck

THAT Vancouver City Council, sitting as the Court of Revision, dismiss the Land Averaging Appeal by the owner of the property located at 1527 Main Street, Vancouver, BC, as there has been no error demonstrated in the application of By-Law No. 12066, the *2018 Land Assessment Averaging By-law*.

CARRIED UNANIMOUSLY (Vote No. 03397)

**3. 3695 Lougheed Highway, Vancouver, BC (Owner/Agent: Colliers International)
Roll # 650-312-95-0000**

Mr. Murray introduced the appeal for the above-noted property as set out under Tab 5 of the brief. He advised that the appeal was based on interpretation of the *2018 Land Assessment Averaging By-law*, generally under Section 4 and what constitutes a “target property”, adding the issue before the Court of Revision was whether the property should have been subject to the tax averaging formula.

Mr. Thompson submitted that this appeal was based on the definition of ‘average’ and referred to Sections 3 and 4 of the By-law. He advised that based on his interpretation, the subject property was a ‘target parcel’ and should have qualified for tax averaging.

Mr. Radakovich presented the City’s position on the averaging process and responded to questions.

In response, Mr. Thompson questioned the City’s process of calculating average value and responded to questions.

Mr. Murray provided closing comments.

MOVED by Councillor Bremner
SECONDED by Councillor De Genova

THAT Vancouver City Council, sitting as the Court of Revision, dismiss the Land Averaging Appeal by the owner of the property located at 3695 Lougheed Highway, Vancouver, BC, as there has been no error demonstrated in the application of By-Law No. 12066, the *2018 Land Assessment Averaging By-law*.

CARRIED UNANIMOUSLY (Vote No. 03398)

**4. 455 Kent Ave. North E., Vancouver, BC (Owner/Agent: Colliers International)
Roll # 837-197-65-0000**

Mr. Murray introduced the appeal for the above-noted property as set out under Tab 6 of the brief and advised that it was based on the interpretation of Section 4 of the *2018 Land Assessment Averaging By-law*, noting the City’s understanding was that this appeal was substantially the same as Item 3 above.

Mr. Thompson waived his submission and suggested Items 4 to 7 be consolidated as the argument for each property was generally the same.

In response, Mr. Murray provided the Court of Revision with procedural advice in regard to considering Items 4 to 7 concurrently.

The Court of Revision agreed to proceed based on Mr. Murray’s advice.

4. **455 Kent Ave. North E., Vancouver, BC (Owner/Agent: Colliers International)
Roll # 837-197-65-0000**
5. **2915 Commercial Dr., Vancouver, BC (Owner/Agent: Colliers International)
Roll # 683-234-98-0000**
6. **2021 Kingsway, Vancouver, BC (Owner/Agent: Colliers International)
Roll # 770-250-55-0000**
7. **921 Pender St. W., Vancouver, BC (Owner/Agent: Colliers International)
Roll # 592-120-71-0000**

MOVED by Councillor Deal
SECONDED by Councillor Bremner

THAT Vancouver City Council, sitting as the Court of Revision, dismiss the Land Averaging Appeals by the owners of the properties located at:

455 Kent Avenue North East, Vancouver, BC
2915 Commercial Drive, Vancouver, BC
2021 Kingsway, Vancouver, BC; and
921 Pender Street West, Vancouver, BC,

as there has been no error demonstrated in the application of By-Law No. 12066, the *2018 Land Assessment Averaging By-law*.

CARRIED UNANIMOUSLY (Vote No. 03399)

8. **525 Skeena St. N., Vancouver, BC (Owner/Agent: Colliers International)
Roll # 568-297-98-0000**

Mr. Murray introduced the appeal for the above-noted property as set out under Tab 10 of the brief, noting it was based on the *2017 Land Assessment Averaging By-law*, and that the issue was what constitutes a “target property”.

Mr. Thompson submitted that this appeal was the result of an Appeal Board decision made earlier in 2018. He questioned what authority under the By-law allows the City to change what was a target parcel.

Mr. Radakovich presented the City’s position and responded to questions.

MOVED by Councillor Deal
SECONDED by Councillor Affleck

THAT Vancouver City Council, sitting as the Court of Revision, dismiss the Land Averaging Appeal by the owner of the property located at 525 Skeena Street North, Vancouver, BC, as there has been no error demonstrated in the application of By-Law No. 11759, the *2017 Land Assessment Averaging By-law*.

CARRIED UNANIMOUSLY (Vote No. 03400)

RISE FROM COURT OF REVISION

MOVED by Councillor Deal
SECONDED by Councillor Ball

THAT the Court of Revision rise and report

CARRIED UNANIMOUSLY

ADOPT REPORT OF COURT OF REVISION

MOVED by Councillor Stevenson
SECONDED by Councillor Carr

THAT the report of the Court of Revision be adopted.

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor De Genova
SECONDED by Councillor Carr

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Special Council adjourned at 4:18 pm.

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