



## REPORT

Report Date: April 9, 2020  
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Meeting Date: April 28, 2020  
[Submit comments to Council](#)

TO: Vancouver City Council  
FROM: Director of Finance  
SUBJECT: 2019 Property Tax Exemptions

### **RECOMMENDATION**

THAT Council receive the 2019 Property Tax Exemptions for information.

### **REPORT SUMMARY**

This report serves to meet the *Vancouver Charter* requirement of an annual report outlining the objectives and policies relating to the use of property tax exemptions. The report also summarizes the statutory and permissive tax exemptions and any compensating payments-in-lieu of taxes in 2019.

### **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:

- s396A – exemptions for heritage property
- s396C – exemptions for riparian property
- s396E – revitalization tax exemptions
- s396F – exemptions for not-for-profit property

Section 396 of the *Vancouver Charter* sets out two types of tax exemptions:

- **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 processes. 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 long-standing policies and practices regarding tax exemptions:

- The City will rely on the statutory exemptions available under s396(1) of the *Vancouver Charter* and limit the use of permissive exemptions to heritage properties (s396A) that were approved as part of the Heritage Building Rehabilitation Program (expired in 2015).
- The City's support for charitable and not-for-profit organizations will continue through the existing range of statutory exemptions available under s396(1) and the City's extensive grant programs as opposed to permissive exemptions (RTS No. 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 properties.
- Similar to property taxes, tax exemptions are applicable to property owners. The City does not have jurisdiction over how property owners share the savings arising from tax exemptions with their tenants.

### **CITY MANAGER'S/GENERAL MANAGER'S COMMENTS**

The City Manager recommends approval of the foregoing.

### **REPORT**

#### **Background & Analysis**

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

**Statutory Exemptions s396(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 the following 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
- Property occupied by Simon Fraser University at the Sears Harbor 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 12th Avenue

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

***Permissive Exemptions*** – The following exemptions are available under the *Vancouver Charter*:

- s396A – exemptions for heritage property
- s396C – exemptions for riparian property
- s396E – revitalization tax exemptions
- s396F – exemptions for not-for-profit property

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 to promote specific goals and objectives of the City. Within the limitations set out by 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 taxes levied by the City and other taxing authorities, except for revitalization 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 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, which included heritage exemptions, was established as a 5-year initiative. Council extended the program in April 2010 and again in December 2013 (RTS 10148) to end of 2015. Council has approved 22 properties under the program of which two did not

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

proceed with the heritage upgrade. The value of exemptions for the remaining 20 properties total \$24.1 million (Appendix A).

To date, Council has not implemented additional permissive exemptions outside of heritage exemptions that were approved as part of the Heritage Building Rehabilitation Program, which expired in 2015. In January, 2019, Council approved the updated Heritage Incentive Program which included direct financial incentive for eligible heritage properties for 50% of eligible costs to a maximum of \$4 million per qualified building; heritage exemptions were not included in the new program. In September 2011 (RTS 08713), Council adopted the policy to continue to support charitable and not-for-profit organizations through the existing range of statutory exemptions available under s396(1) of the *Vancouver Charter* and the City's grant programs, and not consider further permissive exemptions.

### **Supportive Housing**

In addition to statutory and permissive exemptions, eligible properties designated as Supportive Housing (Class 3) are assessed at a nominal value and effectively exempt from property taxes. This property class was created by the Province pursuant to the *Small Business and Revenue Statutes Amendment Act 2008*.

In 2019, 122 properties in Vancouver were designated as Supportive Housing and paid no taxes. This represents additional financial subsidies from the City above and beyond the capital funding and land already committed to the development of supportive housing, as any forgone tax revenue is borne by all taxpayers.

### **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 taxes; 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 taxes 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 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 taxes pursuant to s396(1) of the *Vancouver Charter*. To ensure equity among tenants of City properties and privately-owned properties, Council has a policy of setting lease payments for City properties to equalize the impact of taxes.

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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 value, dimension or effective rate applicable to any federal property

Table 1 summarizes the 2019 tax exemptions in Vancouver.

**Table 1: 2019 Summary of Property Tax Exemptions - Statutory and Permissive**

PROPERTY TAX EXEMPTIONS	Exempt Value	Forgone General Tax Levy	Payments-in-Lieu of Taxes
<b>STATUTORY EXEMPTIONS</b>			
Federal Crown & Agencies	1,342,473,000	6,452,000	4,307,000
Provincial & Crown Agencies	3,763,803,000	25,431,000	21,277,000
Metro Vancouver	340,680,000	2,011,000	-
Transit	1,374,400,000	32,580,000	-
School, Colleges & Universities	9,767,917,000	41,425,000	25,000
Hospitals and Health Authorities	3,802,977,000	15,853,000	-
Charitable Organizations	2,284,538,000	5,546,000	-
Churches	2,309,911,000	3,218,000	-
Other Partial Exemptions	18,636,000	56,000	-
<b>Statutory Exemptions - Non-City Properties</b>	<b>25,005,335,000</b>	<b>132,572,000</b>	<b>25,609,000</b>
City Properties	29,733,257,000	71,850,000	11,277,000
<b>TOTAL STATUTORY EXEMPTIONS</b>	<b>54,738,592,000</b>	<b>204,422,000</b>	<b>36,886,000</b>
<b>PERMISSIVE EXEMPTIONS</b>			
Heritage Property	138,112,000	498,000	-
<b>TOTAL EXEMPTIONS</b>	<b>54,876,704,000</b>	<b>204,920,000</b>	<b>36,886,000</b>

### ***Financial implications***

In 2019, \$54.9 billion of properties (12% of the Assessment Roll) were exempt, resulting in forgone general purpose taxes of \$204.9 million, which was partially offset by \$36.9 million of compensating payments-in-lieu of taxes.

Values of exempt properties are not factored into general purpose tax rate calculations. Any forgone taxes (net of compensating payments-in-lieu of taxes) are borne by non-exempt properties.

### ***CONCLUSION***

This report summarizes the statutory and permissive exemptions provided under s396 of the *Vancouver Charter*, and the compensating payments-in-lieu of taxes payable to the City in 2019.

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**HERITAGE PROPERTY EXEMPTIONS**  
2003 - 2019

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

\*Heritage exemptions are set for maximum duration or maximum \$ value, whichever is reached first. These properties have reached maximum duration or value.