

EXPLANATION

2023 Land Assessment Averaging By-law

Enactment of the attached By-law will implement targeted land assessment averaging for the 2023 taxation year, as approved by Council on March 8, 2023.

Director of Legal Services
March 28, 2023

BY-LAW NO. _____

A By-law to Average Land Assessments for 2023

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

Name of By-law

1. The name of this By-law, for citation, is the "2023 Land Assessment Averaging By-law".

Definitions

2. In this By-law:

“assessed improvement value” means assessed improvement value on the *Assessment Roll* as determined by the assessment authority, pursuant to the *Assessment Act*;

“assessed land value” means assessed land value on the *Assessment Roll* as determined by the assessment authority, pursuant to the *Assessment Act*;

“assessed value” means the combined value of assessed land value and assessed improvement value;

“assessment authority” means the British Columbia Assessment Authority;

“Average Assessment Roll” means the Assessment Roll produced annually by the assessment authority as a result of an assessment averaging by-law enacted under section 374.4 (1) of the *Vancouver Charter*;

“averaged land value” means the averaged land value determined by the land assessment averaging formula set out in this By-law;

“averaged value” means the combined value of averaged land value and assessed improvement value;

“threshold %” means 10 percentage points above the average year-over-year % change in property value within Class 1 – residential or 10 percentage points above the average year-over-year % change in property value within the combined property classes of Class 5 – light industry and Class 6 – business and other, as determined by the assessment authority based on the Revised Assessment Roll;

“year-over-year % change in property value” means the difference between the current year’s assessed value and the preceding year’s value as shown on the Average Assessment Roll, all divided by the preceding year’s value as shown on the Average Assessment Roll; and

“target parcel” means any parcel or part of a parcel in Class 1 - residential, Class 5 – light industry, or Class 6 – business and other, that experienced a year-over-year % change in property value that was greater than or equal to the threshold %.

Assessment averaging

3. Notwithstanding anything else in this By-law, if any parcel or part of a parcel:
 - (a) has no assessed improvement value for 2023;
 - (b) is a new entry on the *2023 Assessment Roll*, unless that entry results from an administrative roll number re-assignment by the assessment authority, or
 - (c) was subject to:
 - (i) subdivision or consolidation during the period between completion of the *2022 and 2023 Assessment Rolls*, unless:
 - (i.i) the sole purpose of the subdivision or consolidation is to vest in the city, by dedication or transfer, all or part of the parcel for street purposes; or
 - (i.ii) the subdivision or consolidation is initiated by the assessment authority for assessment or administrative purposes, and does not alter the physical characteristics of the target parcel, or
 - (ii) a Council policy statement guiding consideration of an anticipated rezoning of the parcel or part of the parcel that was approved by Council between November 1, 2020 and October 31, 2022, other than a Council policy statement that was developed primarily on the initiative of the Director of Planning, that has not resulted in a proposed rezoning of the parcel or part of that parcel that has been approved in principle by Council following a public hearing;
 - (iii) a proposed change in zoning or zoning district, including a proposed change to an existing CD-1 zoning district that includes a proposed change to permitted density, that has been approved in principle by Council between November 1, 2020 and October 31, 2022 following a public hearing, but has not been enacted, except for:
 - (iii.i) any proposed rezoning from RS-1 to RM-8, RM-8A, RM-8N or RM-8AN, or
 - (iii.ii) any proposed rezoning initiated by the Director of Planning, or
 - (iv) a change in zoning or zoning district, including a change to an existing CD-1 zoning district that includes a change to permitted density, except for:
 - (iv.i) any rezoning from RS-1 to RM-8, RM-8A, RM-8N or RM-8AN, or
 - (iv.ii) amendments to the Zoning and Development By-law or to an Official Development Plan that were initiated by the Director of Planning and enacted by Council between November 1, 2021 and October 31, 2022, or

- (v) a change in the prescribed class of the parcel or part of the parcel during the period between the completion of the 2022 and 2023 *Assessment Rolls*, except for:
 - (v.i) a change between Class 5 - light industry and Class 6 - business and other, or
 - (v.ii) a change to or from Class 1 – residential or Class 3 – supportive housing resulting from the installation or removal of temporary modular homes supported by a decision to relax a zoning by-law to allow for the provision of low cost housing for persons receiving assistance as authorized by section 5.1.3 of the Zoning and Development By-law, or
- (vi) a change in the method of determination of the assessed value under section 19(8) of the *Assessment Act* where the preceding year's assessed value was determined based on the actual use of the land and improvements and the current year's value is determined taking into consideration any other use to which the land or improvements could be put,

then the entire parcel is exempt from land assessment averaging set out in section 5 of this By-law.

4. Notwithstanding anything else in this By-law, if any parcel or part of a parcel is subject to tax relief during 2023 under a by-law enacted pursuant to section 374.6 of the Vancouver Charter then the entire parcel is excluded from land assessment averaging set out in section 5 of this By-law.

Land assessment averaging formula

5. If a parcel or part of a parcel is not exempt from averaging in accordance with section 3 of this By-law, is not excluded from averaging in accordance with section 4 of this By-law, and was not exempt from averaging under section 3 of any of the 2019, 2020, 2021 and 2022 Land Assessment Averaging By-laws (No. 12398, No. 12674, No. 12943 and No. 13293 respectively), and is a target parcel, then the 2023 averaged land value for each target parcel is the quotient arrived at by dividing the 2019, 2020, 2021, 2022 and 2023 assessed land value by the number of total years prescribed by the Preceding Years for Land Assessment Averaging By-law, 2019 (No. 12397), for each such target parcel.

Averaging of properties that regain eligibility

6. If a target parcel is not exempt from averaging in accordance with section 3 of this By-law and is not excluded from averaging in accordance with section 4 of this By-law, but was exempt from averaging in accordance with section 3 of the 2022 Land Assessment Averaging By-law (No. 13293), the 2023 averaged land value for that parcel is the quotient arrived at by dividing the 2023 assessed land value by one (1).

7. If a target parcel is not exempt from averaging in accordance with section 3 of this By-law, is not excluded from averaging in accordance with section 4 of this By-law, and was not exempt from averaging in accordance with section 3 the 2022 Land Assessment Averaging By-law (No. 13293), but was exempt from averaging in accordance with section 3 of the 2021 Land Assessment Averaging By-law (No. 12943), the 2023 averaged land value for that parcel is the quotient arrived at by dividing the sum of the 2022 and 2023 assessed land values by two (2).
8. If a target parcel is not exempt from averaging in accordance with section 3 of this By-law, is not excluded from averaging in accordance with section 4 of this By-law, and was not exempt from averaging in accordance with section 3 of both the 2021 and 2022 Land Assessment Averaging By-laws (No. 12943 and No. 13293, respectively), but was exempt from averaging in accordance with section 3 of the 2020 Land Assessment Averaging By-law (No. 12674), the 2023 averaged land value for that parcel is the quotient arrived at by dividing the sum of the 2021, 2022 and 2023 assessed land values by three (3).
9. If a target parcel is not exempt from averaging in accordance with section 3 of this By-law, is not excluded from averaging in accordance with section 4 of this By-law, and was not exempt from averaging in accordance with section 3 of all of the 2019, 2020 and 2021 Land Assessment Averaging By-laws (No. 12674, No. 12943 and No. 13293, respectively), but was exempt from averaging in accordance with section 3 of the 2019 Land Assessment Averaging By-law (No. 12398), the 2023 averaged land value for that parcel is the quotient arrived at by dividing the sum of the 2020, 2021, 2022 and 2023 assessed land values by four (4).

Non-applicability of By-law

10. Despite sections 5, 6, 7, 8 and 9 of this By-law, land assessment averaging does not apply to any target parcel if the land assessment averaging will result in an averaged value greater than the assessed value.

Limit on Application of By-law

11. Despite sections 5, 6, 7, 8 and 9 of this By-law, for any target parcel, the averaged value shall not be less than the product resulting from the multiplication of the preceding year's value as shown on the Average Assessment Roll and 100% plus the threshold %. If it is, then the averaged land value is calculated by subtracting the assessed improvement value from the product resulting from the multiplication of the preceding year's value as shown on the Average Assessment Roll and 100% plus the threshold %.

Correction of errors

12. An owner who receives notice under section 403 of the *Vancouver Charter* of adjustments to the net taxable value of the owner's property, and who wishes the Collector of Taxes to correct errors made in applying this By-law to such property, must file a request for correction with the Collector of Taxes on or before the last business day of July 2023.

Appeal to Court of Revision

13. A person:

- (a) may appeal to Council, sitting as a Court of Revision, any decision of the Collector of Taxes with respect to:
 - (i) an adjustment to the net taxable value of any property, or
 - (ii) an exemption from this By-law; and
- (b) must file such appeal within 30 days after the Collector of Taxes makes that decision.

Adjudication by Court of Revision

14. The Court of Revision must sit no later than October 31, 2023 to:

- (a) adjudicate complaints made under this By-law respecting errors in:
 - (i) an adjustment to the net taxable value of any property, or
 - (ii) an exemption from this By-law; and
- (b) direct the Collector of Taxes to amend the net taxable value of any property, necessary to give effect to any decision of the Court of Revision.

Severability

15. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

Force and effect

16. This By-law is to come into force and take effect on enactment.

ENACTED by Council this 28th day of March, 2023

Mayor

Acting City Clerk