CITY OF VANCOUVER

COUNCIL REPORT

Report Date:	October 24, 2025
Contact:	Colin Knight
Contact No.:	604-873-7610
RTS No.:	18280
VanRIMS No.:	08-2000-20
Meeting Date:	November 4, 2025

[Submit comments to Council]

TO: Vancouver City Council

FROM: Director of Finance

SUBJECT: Declaration of Manifest Error – Tax Sale of 1208 – 1575 West 10th Avenue

Recommended Resolution for Council Adoption

THAT Council hereby cancels the sale to the tax sale purchaser of the registered leasehold interest in the property known as 1208 - 1575 West 10th Avenue, Vancouver, BC and legally described as:

Parcel Identifier: 024-230-251

Legal Description:

STRATA LOT 81 DISTRICT LOT 526 GROUP 1 NEW WESTMINSTER DISTRICT LEASEHOLD STRATA PLAN LMS3443 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1,

due to a manifest error in the proceedings leading to the sale in the 2024 Property Tax Sale and approve the refund to the tax sale purchaser of the upset price plus 6 % interest in accordance with section 445 of the *Vancouver Charter*.

Purpose and Executive Summary

This report recommends that Council cancel the tax sale to the tax sale purchaser of a registered leasehold interest due to a manifest error in the 2024 Tax Sale, which occurred because the tax sale proceeded when the owner was not adequately notified of the impending sale, because she was deceased.

If the tax sale is cancelled, the City must refund to the tax sale purchaser the upset price paid, plus interest, in accordance with section 445 of the *Vancouver Charter*.

Council Authority/Previous Decisions

The resolution is authorized by section 445 of the *Vancouver Charter*.

City Manager's Comments

The City Manager recommends approval of the foregoing.

Context and Background

Part XX of the *Vancouver Charter* requires that real properties with unpaid property taxes that have been delinquent for two years are offered for sale by public auction each year. Successful tax sale purchasers of property are required to pay the upset price, which is the sum of the delinquent taxes, penalty interest, and registration charges payable to the Land Title Office.

Section 445 of the *Vancouver Charter* provides that if the Council is satisfied that a manifest error has occurred in the sale or the proceedings leading to the sale, Council may by resolution cancel the tax sale and provide for the upset price to be returned to the tax sale purchaser with interest at six percent. The declaration must be made during the redemption period, which runs for one year from the tax sale. This process voids the tax sale of the property.

Section 445 of the *Vancouver Charter* is set out in Appendix A.

Discussion

Strategic Analysis

The City last conducted its annual tax sale on November 6, 2024. The tax sale included the auction of leasehold interest in a property owned in fee simple by the Vancouver School Board (the "Owner"), located at 1208 – 1575 West 10th Avenue, Vancouver, BC (the "Property"). The Property is subject to a long-term lease registered on title in the name of Melba Dorothy Hoffman (the "Leasehold Owner"). The Leasehold Owner has been the registered owner of the leasehold interest in the Property (the "Leasehold Interest") since October 16, 2000. The assessed value of the Property as of 2024 was $1,659,000.00. The Leasehold Interest was purchased by the Leasehold Owner in 2000 for $470,000. The bid price of the tax sale purchaser was $271,944.81. The amount paid to the City by the tax sale purchaser (the "upset price") was $91,944.81. The difference between the bid price and the upset price is only payable if the taxes on the Property are not redeemed or the sale is not cancelled.

No one has paid any City taxes on the Property since 2019. The Property was not sold at an earlier tax sale because it was mistakenly understood to be Crown land. The Leasehold Owner is named on the tax roll. The City attempted to deliver various notices and messages to the Leasehold Owner, both leading up to and after the tax sale in November 2024. This includes the attempted delivery of five statutorily required notices under sections 406 and 407 of the *Vancouver Charter*. Those sections are also set out in Appendix A. Notices were successfully provided to the Owner, but not the Leasehold Owner. The City has had no confirmed communication with the Leasehold Owner in many years. The Owner (Vancouver School Board) has recently informed City staff that the Leasehold Owner is deceased and has been deceased since 2016. The City has been provided with a form of death certificate.

The Leasehold Owner's death amounts to a manifest error because the various mandatory notices in advance of the tax sale of the Leasehold Interest could not have been received by the Leasehold Owner, because she was deceased. Failure to provide required notice is a fatal flaw in a process.

The Leasehold Owner has been unresponsive to other tax matters as well. Several liens on the title show the Leasehold Interest has also been subject to BC's Speculation and Vacancy Tax. There is no mortgage on the Property or Leasehold Interest. It is not unusual for a bank or mortgage holder to pay the property taxes owing during the redemption period, but because there is no mortgage, that will not happen here. The Land Title Office title search is attached as Appendix B.

Any declaration or finding of a manifest error must be based on errors arising up to and including the sale of the Leasehold Interest. This failure to notify preceded the tax sale

The tax sale purchaser has been given notice of this proposed Council resolution.

Financial Implications

The City is required to return the upset price ($91,944.81) plus six percent interest. Interest for one year up to November 4, 2025, totals approximately $5,516.69 and funding will be provided from the 2025 operating budget.

Legal Implications

If Council adopts the Recommendation in this report, it will cancel the tax sale of a property because the sale involved a manifest error. This will require a refund to the purchaser in accordance with section 445 of the *Vancouver Charter*. The resolution must be adopted before the redemption date of November 6, 2025.

CONCLUSION

It is recommended that Council cancel the tax sale of the Leasehold Interest by declaring a manifest error in relation to the sale of the Leasehold Interest. Council approval is required to refund the upset price with interest of six percent to the tax sale purchaser.

* * * * * * * * *

APPENDIX A
APPENDIX TITLE

Sections 445, 406 and 407 of the *Vancouver Charter*

Cancellation of sale for manifest error

445. (1)If, during the period of redemption, the Council is satisfied that a manifest error has taken place in the sale or in the proceedings leading to the sale, the Council may, by resolution and after giving notice to the purchaser, cancel the sale to that purchaser.

(2)If a sale is cancelled under subsection (1),

(a)the city shall return to the purchaser the upset price together with interest at the rate of 6% per year, and

(b)the taxes, as they appeared on the real-property tax roll before the sale, shall be restored to the roll as delinquent taxes.

Warning of tax sale

406. If any taxes have been delinquent for a period of one year on real property subject to tax sale, the Collector shall cause a warning to be added to the relevant tax statement to the following effect: —

> Taxes delinquent. This property will be sold for taxes in November of next year unless all taxes now delinquent for a period of one year are sooner paid.

Further warning of tax sale

407. If any taxes have been delinquent for a period of two years on real property subject to tax sale, the Collector shall cause a warning to be added to the relevant tax statement to the following effect: —

> Taxes delinquent. This property will be sold for taxes in November of this year unless all taxes now delinquent for a period of two years are sooner paid.

TITLE SEARCH PRINT 2025-10-24, 15:35:41

File Reference: TSALE Requestor: Chia-Li Yip

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

Title Issued Under STRATA PROPERTY ACT (Section 249)

Land Title District VANCOUVER
Land Title Office VANCOUVER

Title Number CA8982845
From Title Number BM231117

Application Received 2021-05-06

Application Entered 2021-05-14

Registered Owner in Fee Simple
Registered Owner/Mailing Address: THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 39 (VANCOUVER)
1580 WEST BROADWAY
VANCOUVER, BC
V6J 5K8

Taxation Authority Vancouver, City of

Description of Land
Parcel Identifier: 024-230-251
Legal Description:
STRATA LOT 81 DISTRICT LOT 526 GROUP 1 NEW WESTMINSTER DISTRICT
LEASEHOLD STRATA PLAN LMS3443
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1

Legal Notations
NOTICE OF INTEREST, BUILDERS LIEN ACT (S.3(2)), SEE BN86210
FILED 1999-04-09

Charges, Liens and Interests
Nature: COVENANT
Registration Number: BL230582
Registration Date and Time: 1997-06-30 15:23
Registered Owner: CITY OF VANCOUVER
Remarks: INTER ALIA
PART SHOWN AS "C" ON PLAN LMP33769

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	BL230583
Registration Date and Time:	1997-06-30 15:23
Registered Owner:	CITY OF VANCOUVER
Remarks:	INTER ALIA PART SHOWN AS "C" ON PLAN LMP33769

Nature:	EQUITABLE CHARGE
Registration Number:	BL230584
Registration Date and Time:	1997-06-30 15:23
Registered Owner:	CITY OF VANCOUVER
Remarks:	INTER ALIA

Nature:	COVENANT
Registration Number:	BL230588
Registration Date and Time:	1997-06-30 15:24
Registered Owner:	CITY OF VANCOUVER
Remarks:	INTER ALIA

Nature:	LEASE
Registration Number:	BL303314
Registration Date and Time:	1997-09-02 13:06
Registered Owner:	UNITED PROPERTIES (TRITON) LTD. INCORPORATION NO. 530190
Transfer Number:	BL303315
Remarks:	INTER ALIA MODIFIED BY BM231035 "PART 3, CONDOMINIUM ACT" ASSIGNED TO BP246257

Nature:	LEASE
Registration Number:	BM231035
Registration Date and Time:	1998-08-18 11:26
Remarks:	INTER ALIA MODIFICATION OF BL303314

Nature:	LEASE
Registration Number:	BP246257
Registration Date and Time:	2000-10-16 14:40
Registered Owner:	MELBA DOROTHY HOFMANN
Transfer Number:	CA2583905
Remarks:	ASSIGNMENT OF BL303314, SEE BM231035

Nature:	CROWN LIEN
Registration Number:	WX2145294
Registration Date and Time:	2020-04-07 12:43
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks:	OF BP246257, SEE BL303314, BM231035, AND CA2583905

Nature:	CROWN LIEN
Registration Number:	WX2151302
Registration Date and Time:	2020-07-29 10:33
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF BRITISH COLUMBIA
Remarks:	OF BP246257 SPECULATION AND VACANCY TAX ACT

Nature:	CROWN LIEN
Registration Number:	CB432318
Registration Date and Time:	2023-01-16 16:14
Registered Owner:	THE CROWN IN RIGHT OF BRITISH COLUMBIA
Remarks:	SPECULATION AND VACANCY TAX ACT OF BP246257

Nature:	CROWN LIEN
Registration Number:	CB776171
Registration Date and Time:	2023-07-24 15:49
Registered Owner:	THE CROWN IN RIGHT OF BRITISH COLUMBIA
Remarks:	SPECULATION AND VACANCY TAX ACT OF BP246257

Nature:	TAX SALE NOTICE
Registration Number:	CB1718753
Registration Date and Time:	2024-11-19 10:51
Remarks:	OF BP246257

Nature:	CROWN LIEN
Registration Number:	CB1728457
Registration Date and Time:	2024-11-25 11:24
Registered Owner:	THE CROWN IN RIGHT OF BRITISH COLUMBIA
Remarks:	SPECULATION AND VACANCY TAX ACT OF BP246257

Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE

From: Murray, Grant
To: Kennett, Bonnie
Subject: FW: Declaration of Manifest Error – Tax Sale of 1208 – 1575 West 10th Avenue
Date: November 3, 2025 11:47:57 AM

As requested

From: Smit Kamdar [redacted]
Sent: Thursday, October 30, 2025 6:10 PM
To: Murray, Grant [redacted]
Cc: Mann, Mandev [redacted] Knight, Colin [redacted]
Subject: Re: Declaration of Manifest Error – Tax Sale of 1208 – 1575 West 10th Avenue

Hi Grant,

Thank you very much for your detailed and thoughtful response. I sincerely appreciate the time and care you've taken in outlining the City's position and in providing the supporting materials and references.

After reviewing your comments and re-examining the relevant sections of the Vancouver Charter, I would like to share a few respectful observations for consideration.

From my reading, sections 406 and 407 require that "the Collector shall cause a warning to be added to the relevant tax statement." These provisions appear to require the inclusion of a written warning on the tax statement itself, but they do not expressly require the City to provide a separate or personal notice to the registered owner. As such, it seems that the City did meet its statutory obligation by including those warnings in the tax statements sent to the address of record.

While I completely understand that the circumstances of the owner's passing are unfortunate, the Charter's language does not appear to make the validity of those warnings dependent on the owner's personal receipt or continued existence.

I also understand and appreciate the distinction you drew regarding section 435, which requires direct notice to the registered owner after the tax sale. This section clearly forms part of the redemption process, not the "proceedings leading to the sale." As section 445 only authorizes Council to act where a manifest error has occurred "in the sale or in the proceedings leading to the sale," it would seem that any issue arising under section 435-—or after the sale —would not constitute a manifest error within the meaning of section 445.

In that light, it appears that the City complied with its obligations under the Charter as written, and that there may not have been a procedural defect in the sale or the proceedings leading up to it.

In light of the above, I would respectfully ask that the City please reconsider referring this matter to Council at this time. Based on the wording of sections 406, 407, and 435, and the plain interpretation of section 445, this situation may fall outside the intended scope of a “manifest error.” I completely understand and respect the City’s cautious and transparent approach, but I hope this clarification might allow the matter to be resolved administratively without requiring a Council resolution.

However, if the matter must still proceed to Council, I would be deeply grateful if this correspondence could kindly be shared with Council members in advance, so that they may have the benefit of the statutory context and the good-faith efforts made by both sides.

Thank you again for your professionalism, understanding, and courtesy throughout this process. I have great respect for the City’s responsibilities, and I sincerely appreciate your time and assistance.

Warm regards,
Smit Kamdar
[redacted]

On Thu, Oct 30, 2025 at 14:51 Murray, Grant [redacted] wrote:

> Smit:
> Thank you for your email.
> The Council must adopt a manifest error resolution during the redemption period. The redemption period ends on November 6, 2024, so November 4, 2025, is the last regular Council meeting before the redemption period ends. Staff will not recommend a delay in Council’s consideration of this matter – but will inform Council of your request. If you agree, I can seek to arrange that this correspondence be provided to Council before the meeting. Please let me know.
> Your basic position appears to be that the City did not commit a manifest error because it fulfilled its obligations under the Vancouver Charter.
> The City does not agree with this position. The City did not provide proper notice to the registered owner under sections 406 and 407 of the Vancouver Charter because the owner of the leasehold title was dead.
> The death occurred well before either of those statutory notices were given. Those notices were required in “the proceedings leading to the sale” – those notices were not required after the sale.
> We agree that if the City had only failed to provide notice in accordance with section 435 of the Vancouver Charter, that would be different. Section 435 of the Vancouver Charter – set out at the end of this email – is a notice that is provided after the sale. Again, sections 406 and 407 of the Vancouver Charter are required notices “in the proceeding leading to the sale” – as required by section 445 of the Vancouver Charter.
> You should be aware that McCready v. Nanaimo (City), 2005 BCSC 762 is the subject of some legal questioning. Please see the following:

https://civiclegal.ca/wp-content/uploads/2024/06/Legal-Issues-in-Municipal-Tax-Sales-2024.pdf

You should also know that notice provisions in the tax sale process were central to a recent report of the Ombudsperson entitled "A Bid for Fairness: How $10,000 in Property Tax Debt Led to a Vulnerable Person Losing Their Home", linked here:

https://bcombudsperson.ca/wp-content/uploads/2025/08/OMB-TaxReport_Dec7_web.pdf

The report emphasizes the significance of notice provisions. It also lead to statutory reform of the Local Government Act's tax sale provisions.
I hope this is useful. Please let me know if you have any questions.
Grant Murray

Section 435 of the Vancouver Charter

Notice by Collector to interested parties

435. The Collector, within six months after any parcel has been sold, shall cause to be mailed by registered post to every person who at the time of the sale had any registered interest in, or charge upon, the parcel a notice stating

(a)the day on which the sale began at which the parcel was sold;

(b)the purchase price;

(c)the upset price;

(d)the last day for redemption of the parcel;

(e)the name of the owner, or owner under agreement, taken from the real-property tax roll.

The address shown on such tax roll shall be sufficient in the case of owners and owners under agreement. In respect of others, the address appearing on the application for registration of such interest in the land title office shall be sufficient. Such notice shall have printed thereon a copy of sections 437 and 438.

From: Smit Kamdar [redacted]

Sent: Wednesday, October 29, 2025 2:46 PM
To: Murray, Grant [redacted]
Cc: Mann, Mandev [redacted] Knight, Colin [redacted]
Subject: Re: Declaration of Manifest Error – Tax Sale of 1208 – 1575 West 10th Avenue

Hi Grant,

I hope you're doing well.

I wanted to thank you for your time and the information you've shared regarding the 2024 tax sale for **1208–1575 West 10th Avenue**. I truly appreciate the City's efforts to ensure all matters are handled fairly and in good faith.

After carefully reviewing **section 445 of the Vancouver Charter** and recent legal precedents, I wanted to humbly share my understanding that the "manifest error" provision may not apply in this case.

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1. The Vancouver Charter requires an actual procedural error in the sale or its proceedings

Section 445 empowers Council to cancel a tax sale only if it is *"satisfied that a manifest error has taken place in the sale or in the proceedings leading to the sale."*
In this case, all required statutory notices under sections **406** and **407** were mailed to the **registered owner of record**, as per the City's usual process. To my understanding, none of those notices were returned.

Based on that, it appears there was **no procedural defect** in the tax sale or in the proceedings leading to it. The sale was conducted lawfully, and all obligations under the Charter were met.

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2. The owner's death was discovered after the sale — not part of the sale process

As the City's own report notes, the owner's passing was discovered **after** the sale was completed. While this is indeed an unfortunate situation, it does not, in itself, create an error within the sale or its proceedings.

The **BC Supreme Court** addressed a very similar issue in ***McCready v. Nanaimo (City), 2005 BCSC 762***.
In that case, the City of Nanaimo attempted to cancel a completed tax sale after discovering an irregularity. The Court ruled that:

> "A manifest error must be evident on the face of the sale or in the proceedings

leading to it.
It cannot arise from facts or circumstances discovered after the sale."

The Court ultimately reinstated the purchaser's ownership because there was **no clear error at the time of the sale**.

The situation here appears to follow the same principle: at the time of sale, the City had no knowledge that the owner was deceased and had fully complied with the statutory notice provisions.

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3. Respectful request for review before proceeding to Council

With the utmost respect, I would like to kindly request that the City **review this matter internally** before submitting it to Council.
The facts suggest that there was no defect in the sale process and therefore **no valid "manifest error" under section 445**.

If possible, I would also request that the report be **deferred or withdrawn** from the November 4 Council agenda until the legal interpretation can be reconsidered.
Proceeding to Council on this basis might place the City in a difficult position, as the Court has already clarified that a manifest error must exist *within* the sale proceedings themselves — not from a fact discovered afterward.

I want to emphasize that I deeply respect the City's diligence and professionalism in these matters. I am only seeking clarity and fairness under the law and truly appreciate your consideration of this perspective.

Thank you once again for your time, and please don't hesitate to contact me if you would like any additional information from my side.

Warm regards,

Smit Kamdar
[redacted]

On Tue, Oct 28, 2025 at 4:40 PM Murray, Grant [redacted] wrote:

> Thanks for confirming.
> Grant
>
> ---
>
> **From:** Smit Kamdar [redacted]
> **Sent:** Tuesday, October 28, 2025 4:11:02 PM

To: Murray, Grant [redacted]
Cc: Mann, Mandev [redacted]
Subject: Re: Declaration of Manifest Error – Tax Sale of 1208 – 1575 West 10th Avenue

Hi Grant,

Thank you for sending the Council report and resolution. I confirm receipt and plan to attend the November 4 meeting in person to speak to the item.

Best regards,

Smit Kamdar

On Tue, Oct 28, 2025 at 12:20 Murray, Grant [redacted] wrote:

> Smit:
>
> I hope that you are doing well.
>
> Attached is a copy of a Council report including a Council resolution cancelling the tax sale that will be considered by City Council at the Council meeting on November 4, 2025 in Council Chambers at Vancouver City Hall.
>
> You are welcome to attend and speak to it if you wish. If you want, you could also call in by telephone. Please let me know your preference, so I can let the Clerk know.
>
> We are not able to provide a particular time, but the meeting is scheduled to start at 9:30 am.
>
> The report and resolution is being provided to you in accordance with section 445 of the Vancouver Charter. I assume that delivery in this manner is acceptable to you, because of our ongoing correspondence.
>
> Grant Murray