

Corporate Report

NO: R223

COUNCIL DATE: October 3,

2005

REGULAR COUNCIL

TO: **Mayor &
Council** DATE: **October
3, 2005**

FROM: **City Clerk** FILE: **1970-04**

SUBJECT: **TAX EXEMPTION BY-LAW No. 15835**
For Properties under Section 220 and 224 (2)
(f) and (h) of the *Community Charter*

RECOMMENDATION

That the report be received; and

That Council consider three readings of the Section 220 and 224 (2) (f) and (h) Tax Exemption By-law No. 15835, pursuant to Sections 220 of the Community Charter SBC 2003 Chap. 26, and Section 224 Section (2) (f) and (h).

BACKGROUND

Tax Exemptions are regulated under the *Community Charter*. Statutory Exemptions for churches, schools, hospitals and some seniors homes built under Provincial Assistance from January 1947 to April 1974, are exempt from taxation under Section 220 of the *Community Charter*, only to the extent of the building and the land on which the building stands.

Under Section 224 (2) (f) and (h), Council may provide additional exemptions for these facilities for an area of land surrounding the building that Council feels is necessary to the exempt building (for instance parking or a church hall).

Although tax exemptions under Section 224 require notice to the public, those exemptions which fall under Sections 220 and 224 (2) (f) and (h) do not. The By-Law must be adopted on or before October 31, and does not require a 2/3 majority vote.

Each year, tax exemption application forms are sent to organizations previously granted tax exemption, and to any new organizations that wish to apply for a tax exemption. New applications may involve any of the following verifications - discussions with the applicant, a tax inquiry, title search, building file review, site visit, discussion with the local B.C. Assessment office. Re-applications are reviewed by looking at previous applications from the organization. Discrepancies are resolved using the same methods as for new applications.

All recommended tax exemptions in Schedule A to By-law 15835 fall under Sections 220 and 224 (2) (f) and (h) of the *Community Charter SBC 2003 Chap. 26*.

DISCUSSION

12 new applications were received, 9 of which have been included in the By-Law. In each case, the application has been reviewed and certain verifications conducted to ensure the properties meet the criteria for the legislation.

The following are the changes to tax exemptions for the 2006 year:

New Applications:

- (1) Pacific Academy, 10238 – 168 Street (Schedule A, Item 39) the Academy has purchased property to the southwest, which has been consolidated with the school property. The property has now been rezoned and will be used for instructional purposes. The property is included in the by-law for Council consideration.
- (2) Surrey Christian Alliance Church, 15421 – 110 Avenue (Schedule A, Item 156) – this is a newly constructed church which has been included in the by-law for Council consideration.
- (3) Gobind Marg Charitable Trust Society – 8820 – 168 Street (Schedule A, Item 157) – this is a private school/preaching centre on the former Tynehead School property. The Society has agreed to register a Restrictive Covenant on title to protect the west wing of the existing building, which is listed on the Heritage Register. The application has been included in the by-law for Council consideration.
- (4) Tynehead Park Congregation of Jehovah's Witnesses, 10446 – 157 Street (Schedule A – Item 158 – this is a newly constructed religious facility and is included on the by-law for Council consideration.
- (5) Shri Durga Bhamashwari Durga Madir Society, 210 and 211 – 7750 – 128 Street (Schedule A, Item 153) – this is a Hindu Religious Temple and included in the by-law for Council consideration.
- (6) The Vancouver Global Mission Church 110 and 111 – 14914 – 104 Avenue (Schedule A, Item 159) – this is a Korean Presbyterian Church, which also leases space in Bear Creek Community Church as part of its religious outreach. The properties are included in the by-law for Council consideration.
- (7) Tong Do Sa Buddhist Temple Chogye Order Korea, 8425 – 196 Avenue (Schedule A, Item 160) – this is a Buddhist temple on a large property. Only that portion of the property used for religious purposes is included in the by-law, in accordance with Council policy.
- (8) Jesus Christ, the Name Above Every Name Inc. – 13055 Old Yale Road (Schedule A – Item 161) – this property was formerly owned by the Whalley Congregation Of Jehovah Witnesses. The property will continue to be used as a place of worship and is included in the by-law for Council consideration.
- (9) Church of Pentecost Canada, Units 1 and 3, 12318 – 84 Avenue (Schedule A – Item 162) this is a newly purchased property which will be used as a religious facility and is included on the by-law for Council consideration.

Not Recommended:

- (1) Gurdwara Sahib Dasmesh Darbar Society, 12895 – 85 Avenue – this Society owns 9 units in adjoining property. The new property will be developed for a youth centre, gymnasium, library, prayer hall. At this stage the building is designated industrial and still under construction with several outstanding issues. If the building is completed and in operation in 2006, they will be able to apply for a change of use and tax exemption in 2007. The property currently in use by the Society (12885 – 85 Avenue) has been included in the by-law for Council consideration.
- (2) Vancouver Chinese Zion Church 13551 King George Highway - this is a restaurant being converted to a church with ancillary parking at 13546 Bentley Road. A building permit has been issued, but is not substantially completed. If the building is completed in 2006 and final inspection granted, they will be able to apply for a tax exemption in 2007.

- (3) Surrey Pentecostal Assembly, 8008 – 168th Street and 16825 Fraser Highway – the church currently occupies at 15290 – 103A Avenue. The property requested for exemption is in the process of consolidation. A building permit has not yet been issued. If the property is completed in 2006, they will be able to apply for tax exemption for 2007. Their current property is included in the properties which qualify for tax exemption under Section 224 (2) (g).

Changes:

- (1) Gurdwara Nanaksar Satsang Sabha Society, 5988 – 184 Street (Schedule A, Item 117) – this is a Sikh Gurdwara Religious facility which has 3 priests in residence. The portion of the building used as a residence is not exempt and has been removed from the exemption for Council consideration.
- (2) Guru Nanak Sikh Gurdwara Society, 7050 – 120 Street (Schedule A, Item 83) – this is the Sikh Temple on Scott Road. An Additional portion of the property is now zoned CD and used for Temple purposes. The property is included with the tax exempt portion shown on the sketch attached to the By-law and included for Council consideration.
- (3) Surrey Covenant Reformed Church 17400 – 60 Avenue (Schedule A, Item 109) – this is the former Cloverdale Evangelical Church property, which has been purchased by the Surrey Covenant Reformed Church. The exempt portion of the property is shown on the sketch attached to the By-law and included for Council consideration.
- (4) Living Hope Christian Fellowship 12246 – 100 Avenue and 12265 – 99A Avenue (Schedule A, Items 25 and 26) – this is the former Cedar Hills Mennonite Church, which has undergone a change of name.
- (5) Kwanglim Methodist Church, 15688 – 106A Avenue (Schedule A, Item 21) – this property is recommended for total tax exemption, except for that portion used as a manse. The property has a Trans Mountain Pipe line right-of-way, which makes the unused portion undevelopable. This recommended exemption is in keeping with Council policy.

CONCLUSION

The total number of properties included in By-Law 15835 is 161. The majority of the properties are places of public worship, and some are for other uses permitted under Section 220 and 224 (2) (f) and (h) of the *Community Charter*, such as seniors' housing and private schools.

In order for the listed properties to receive tax exemption in 2006, Council must pass this By-Law before October 31, 2005.

Margaret Jones
City Clerk

Attachments can be viewed

at City Hall in Legislative Services