

THE CORPORATION OF THE DISTRICT OF BURNABY

July 15, 1966

HIS WORSHIP THE REEVE  
AND MEMBERS OF THE COUNCIL

Gentlemen:

Re: U.B.C.M. Resolutions

1. SECTION 434, SUBSECTION (2) OF THE MUNICIPAL ACT

Suggested Resolution -

WHEREAS pursuant to Section 434, Subsection (2) of the Municipal Act, no Council has power to impose a business tax or a licence fee on a person described in Subsection (1) thereof in respect of the operation of a dining-lounge, dining-room, lounge, or public house, as those terms are defined in the Government Liquor Act, or to vary, because of the operation by such persons of a dining-lounge, dining-room, lounge, or public house, the amount or rate of any business tax or licence fee imposed on a person in respect of the operation by him of another business operated in conjunction with the dining-lounge, dining-room, lounge, or public house.

AND NOTWITHSTANDING the provisions of Section 434, Subsection (1) thereof, whereby a municipality may by by-law tax every person the possessor of a licence issued pursuant to the Government Liquor Act for the operation of the said businesses at an amount not exceeding 20% of the annual licence fee or fees which were required to be paid to the Liquor Control Board in the preceding year in respect of the business. Many holders of such licences pay less for the licence issued pursuant to the Government Liquor Act together with the tax aforesaid, than an operator of a comparable business in the same municipality, not fortunate enough to gain such a licence pays in business licences or business taxes.

AND WHEREAS from a taxation point of view this appears discriminatory.

NOW THEREFORE BE IT RESOLVED that the Provincial Government be urged to enact legislation to bring about a more equitable formula for licensing and taxing premises in which the holder possesses a licence under the Government Liquor Act.

2. ARREARS OF BUSINESS TAX - ADDING TO PROPERTY TAX ROLL

Council directed your Municipal Manager to discuss with the Solicitor the matter of a possible Resolution to the U.B.C.M. regarding asking for power to add arrears of Business Tax to the Property Tax roll.

It was agreed that a Resolution of this nature would never be approved by Victoria as Business Tax is a personal tax and is in no way related to real property taxation. It would be inequitable to make an owner liable for the arrears of business tax of his tenant.

Continued --

The following sections of the Municipal Act are perhaps key to the concept of this tax and show that to change the application would require a change in concept.

Subsection 4 of Section 427: "An occupant of property or part thereof or a user of personal property, is not freed from taxation under this section by reason only of the fact that he is or is not the owner of such property."

Subsection 5 of Section 427: "Every person assessed for business tax is liable for the payment of the tax, and the same does not constitute a charge upon the real property, and the provisions of Sections 348 to 360, inclusive, and of subsections (2) and (3) of Section 387 and of section 388 apply mutatis mutandis."

JHS:mc