

ITEM 12
MANAGER'S REPORT NO. 53
COUNCIL MEETING 1981 11 02

RE: LETTER FROM MR. DAVID B. FAIREY WHICH APPEARED ON THE AGENDA FOR THE
1981 OCTOBER 26 MEETING OF COUNCIL (ITEM 3b)
PROPERTY ASSESSMENT AND TAXATION
(ITEM 18, REPORT NO. 23, 1981 MAY 25)

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Municipal Treasurer be adopted.

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1981 October 28

File: A73-1

TO: MUNICIPAL MANAGER
FROM: MUNICIPAL TREASURER
RE: PROPERTY ASSESSMENT AND TAXATION
DELEGATION - DAVID B. FAIREY
COUNCIL AGENDA 1981 OCTOBER 26 (ITEM 3(b))
(ITEM 18, REPORT NO. 23, 1981 MAY 25)

RECOMMENDATIONS

1. THAT this report be received for information purposes; and
2. THAT a copy of this report be sent to David B. Fairey; and
3. THAT a copy of this report for information purposes be forwarded to Chevron Canada Ltd., Shell Canada Ltd. and Gulf Oil companies.

REPORT

This report deals with the issues raised in Mr. Fairey's presentation to Council on 1981 October 26.

1. My letter to Ald. Lewarne was in reply to questions asked by Ald. Lewarne concerning my report to Council (Item 2, Report No. 16, 1981 March 23) which sought Council's approval to alter the tax roll to reflect assessment changes which had been made to the authenticated assessment roll throughout 1980. His questions were:

1. Mr. Fairey had reported to Council (in 1980 March) that the Shell Oil assessment had been reduced. Why did that reduction not appear in my report?
2. Into how many 1980 tax dollars did that reduction translate?

My reply was:

"David Fairey's appeal of the 1980 Shell Oil assessment to the Court of Revision resulted in a reduced assessment, which reduced taxes by about \$8,000 in 1980.

Mr. Fairey appealed the decision to the Assessment Appeal Board. The Board dismissed the appeal. As a result, the assessment remained unchanged as confirmed by the Court of Revision.

The report on the agenda covers everything after Court of Revision. Since the Appeal Board did not alter the assessment there is no mention of the item in my report."

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I have written to Mr. E.C. Twining, Area Assessor, and requested him to provide an explanation of the circumstances surrounding the reduction in the Shell Oil assessment at the 1980 Assessment Court of Revision. When that information is available it will be reported to Council.

2. Mr. J.T. Gwartney, Assessment Commissioner, in reply to my letter asking for a progress report on the audit of refineries, tank farms and storage plants in Burnaby, stated in a letter dated 1981 June 26:

"Although I am unable to give you a precise date when the audit will be completed, I can assure you that it will be before the end of 1981."

In a telephone conversation with Mr. Gwartney on 1981 October 28, he stated that he still expected to meet that deadline, but that it would definitely not be completed before the last week in 1981 November.

3. According to the Assessment Act, the Lieutenant Governor in Council must fix the percentage of actual value assessments to be taxed in the succeeding year on or before October 21st in each year. For 1981 this date has been extended, and it is now expected that the 1982 rates will be set before 1981 November 01. It is therefore too late for the Municipality to have input on this subject before the Provincial cabinet makes its decision. In any case, before such input could be made, it would be necessary to have available resource information such as the preliminary 1982 assessment roll (which is not yet available) and studies that show what the tax impact of various taxable percentages would be on the different assessment classes.

4. Mr. Fairey has delivered to me the briefs prepared by the Area Assessor concerning Appeal #172 - Assessment Appeal Board, Gulf Oil, Shell Canada Ltd. and Chevron Canada Ltd.

The Solicitor has informed me that he does not have the staff available to work on the appeal briefs. Therefore, if we wished to work on those briefs we would have to retain consultants. I will pursue the availability and cost of such consultants and report when I have information available. Mr. Fairey's appeal is a private matter. It is questionable that Burnaby can spend public money in support of his appeal, other than to provide assessment information from our public records.



Howard Karras
MUNICIPAL TREASURER

cc: Mr. E.C. Twining
Mr. J.T. Gwartney
Municipal Solicitor