

ITEM	18
MANAGER'S REPORT NO.	23
COUNCIL MEETING	1981 05 25

RE: LETTER FROM MR. DAVID B. FAIREY WHICH APPEARED ON THE AGENDA FOR THE
1981 MAY 04 MEETING OF COUNCIL (ITEM 5n)
ASSESSMENTS

The following report from the Municipal Treasurer is in response to a letter which Council has received from Mr. David B. Fairey.

Regarding the references in the report to what is in fact Provincial Legislation, the Mayor has indicated to the Municipal Manager that he will be reviewing the merits of possible amendments with the Burnaby MLA's.

As a point of further clarification, staff have not questioned or challenged assessments in the past because:

- (a) The B.C.A.A., as an independent authority, is mandated to carry out its responsibilities fairly and equitably;
- (b) The valuation methods used are set out in the Assessment Act;
- (c) Some Assessments are highly complex and can be dealt with only by persons who have specialized training and knowledge; and
- (d) Some information that would be required is not accessible to municipal employees.

RECOMMENDATION:

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

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1981 May 20

TO: MUNICIPAL MANAGER

File: A73-1

FROM: MUNICIPAL TREASURER

RE: CORRESPONDENCE - DAVID B. FAIREY -
1981 MAY 04, ITEM 5(n); and
PETITIONS RE MONITORING ASSESSED VALUES - 1981 APRIL 21
(ITEM 5, REPORT NO. 13, 1981 FEBRUARY 23)

RECOMMENDATIONS

1. THAT, for the present, no further action be taken on the petitions; and
2. THAT a copy of this report be forwarded to Mr. David B. Fairey.

REPORT

SUMMARY

The British Columbia Assessment Authority was set up as an independent authority (with concurrence of the U.B.C.M. and the All-Party Legislative Committee) to serve all property owners in B.C. in a fair and equitable manner, and to carry out the duties of Assessor in accordance with the Assessment Act. To do the things covered by the petitions would require changes in the Assessment Act. The B.C.A.A. has been asked to undertake an audit of its assessments of refineries, tank farms and distribution centres in Burnaby. Until the results of the audit are known, it is recommended that no further action be taken on the petitions.

BACKGROUND

The petitions presented by Mr. Fairey basically address the following issues:

- Petition 1 - That the Municipality monitor more closely the assessed values of large industrial commercial properties, using the Legal/Lands Department as a resource.

Petition 2 - That the Municipality support and participate in appeals against the assessed values of oil refineries.

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Petition 3 addresses two issues:

Issue 1 - That the Municipality urge the Provincial Government to enact legislative changes regarding assessed values.

Issue 2 - That the Municipality support the Greater Vancouver Regional District in its appeal to the Provincial Government regarding sharing of school taxes.

PETITION 1

The B.C.A.A. is an independent authority established to serve all property owners in British Columbia in a fair and equitable manner.

Prior to 1974, Municipal leaders for a number of years had requested that the assessment function be placed in the hands of an independent body free from the possibility of both Provincial and Municipal political influence.

The U.B.C.M. Passed resolutions and in early 1974 presented a report to the All-Party Legislative Committee, recommending the establishment of an independent assessment authority. The Legislature gave unanimous support to this recommendation, and the British Columbia Assessment Authority came into existence on 1974 July 02.

Whether or not there is merit in monitoring the assessment figures prepared by the B.C.A.A., I can't say. One would have to be able to measure value for money spent. The Solicitor has informed me that he does not have the staff available to do the work suggested. Therefore, we would have to retain consultants or hire additional staff. Considering the independence of the B.C.A.A., and the statutory guidelines on valuation with which it must comply, hiring of additional staff does not appear to be justifiable.

Also, there is the problem of access to information. Under the Assessment Act, the Assessor (B.C.A.A.) has the authority to enter onto and examine property. He may also examine the owner's books. The Municipality does not have this authority. Lack of such authority hinders monitoring of assessments. To overcome this problem, the Assessment Act would need to be amended.

PETITION 2

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. As pointed out in my report of 1981 February 18, it is too late for Burnaby to appeal assessments in 1981. To be able to do so, we would have had to make an appeal to the Court of Revision as a prerequisite. Complaints to the Court of Revision must be delivered to the Assessor not later than January 20. Also, only the complainant to the Court of Revision can appeal to the Appeal Board.

PETITION 3

Issue 1 - It is the responsibility of the B.C.A.A. to determine the actual assessed value (market value) of properties throughout the Province on a fair and equitable basis. If the method of determining the actual assessed value is to be altered, legislation is required to amend the Assessment Act.

Issue 2 - Council on 1981 January 26 passed a motion to send a letter of support of the Greater Vancouver Regional District position in reference to Greater Vancouver school taxes, to the Minister of Education, the Minister of Finance, and to the Burnaby members of the Legislative Assembly.

CORRESPONDENCE 1981 MAY 04 (Item 5(n))

In his letter, Mr. Fairey requests that the Municipality seek permission from the Provincial Government to make public the results of the B.C.A.A. refinery assessment audit. The Audit Division of the Assessment Authority reports directly to the Assessment Commissioner and the audit report is the property of the Assessment Commission. The Assessment Act protects the confidentiality of the taxpayer and forbids the communication of information to persons not legally entitled thereto. As pointed out in my report of February 18, Council will not receive a copy of the report, but a summary thereof on a confidential basis.


Howard Karras
MUNICIPAL TREASURER

cc: Municipal Solicitor
Area Assessor

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