

RE: EXEMPTION FROM TAXATION - 1986
AGA KHAN FOUNDATION CENTRE - BURNABY JAMATKHANA
4040 CANADA WAY

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Director Finance be adopted.

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TO: MUNICIPAL MANAGER
FROM: DIRECTOR FINANCE
RE: EXEMPTION FROM TAXATION - 1986
AGA KHAN FOUNDATION CENTRE - BURNABY JAMATKHANA
4040 CANADA WAY

1985 August 08
File: G69-1a

RECOMMENDATIONS

1. THAT a by-law be brought forward to exempt from taxation for 1986 certain lands and improvements of the Aga Khan Foundation church at 4040 Canada Way; and
2. THAT the said by-law be repealed if the property at 4040 Canada Way is not in use for public worship by 1985 September 30.

REPORT

On 1985 June 12 the Aga Khan Foundation applied for a property tax exemption for 1986 of their property at 4040 Canada Way, consisting of a church hall, prayer rooms, administration office, common service areas and surrounding land in support of the church facilities.

The authority for exempting church property is Section 398(h) of the Municipal Act, which states:

Unless otherwise provided in this Act, the following property is exempt from taxation to the extent indicated:

- (h) a building set apart and in use for the public worship of God, a church hall which the council considers is necessary to it, the land on which the building or hall stands and an area of land surrounding the building or hall determined by council,

The basic exemption of the church and the entrance hallway area is a statutory exemption made at the assessment level by the B.C. Assessment Authority. Exemption of the remainder of the property is as determined by Council, and in those instances where only a portion of the entire parcel is exempted, a by-law is required to specifically define the area exempted. Such a by-law must be adopted by two-thirds of the members of Council prior to August 31 for the exemption to apply in the following year.

This application was discussed in detail with representatives of the Aga Khan Foundation and the B.C. Assessment Authority and it was recommended that the area in excess of the actual church facility (the remainder) not be exempt from taxation in 1986. (Item 2, Report No. 46, 1985 July 02)

The reason for this was that the Aga Khan representatives were unable to assure us that the church facilities would be in use for the public worship of God, as required by the Municipal Act.

Subsequently, we received a letter from the Aga Khan Foundation's solicitors dated 1985 August 06 requesting us to review the matter. The church is to be officially opened on 1985 August 23 and the solicitors have assured us that the facilities will be in use for public worship.

In addition, the B.C. Assessment Authority has exempted the church and entrance hallway area from 1986 taxation conditional upon the facility being open for public worship by 1985 September 30.

Consequently, it is now appropriate to recommend that we exempt from taxation in 1986 the area in excess of the actual church facility, as specifically defined in the by-law. This recommendation is conditional upon the church being used for public worship by 1985 September 30.

The B.C. Assessment Authority has advised us that there will be no problem with the adjustment of the 1986 assessment roll if this condition is not satisfied.

H. Behan
for
Howard Karras
DIRECTOR FINANCE

cc: Municipal Solicitor