

**FINANCE AND CIVIC DEVELOPMENT COMMITTEE****B**

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

**SUBJECT: ROAD RIGHT-OF-WAY: 9835 GATINEAU PLACE**

**RECOMMENDATIONS:**

1. THAT Council request provincial authorization to obtain special authority to write-off the 2006 property taxes on the road right-of-way designated as 9835 Gatineau Place.
2. THAT a copy of this report, formalizing our request, be sent to the Honourable Ida Chong, Minister of Community Services.

**REPORT**

The Finance and Civic Development Committee, at its meeting held on 2006 November 23, received and adopted the *attached* report seeking authorization to seek additional authority from the Province to write-off the 2006 property taxes on the road right-of-way designated as 9835 Gatineau Place.

Respectfully submitted,

Councillor D. Johnston  
Chair

Councillor N. Volkow  
Vice Chair

Councillor G. Begin  
Member

Copied to:	City Manager Director Planning & Building City Solicitor Director Finance Mr. Dale Wall, Inspector of Municipalities Mr. Colin Smith, Rapid Transit Project 2000 Ltd.
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**TO:** CHAIR AND MEMBERS  
FINANCE AND CIVIC DEVELOPMENT  
COMMITTEE

**DATE:** 2006 November 20

**FROM:** DIRECTOR FINANCE

**FILE:** 7820-1  
*Reference:* RTP 2000

**SUBJECT:** ROAD RIGHT-OF-WAY: 9835 GATNEAU PLACE

**PURPOSE:** To obtain authorization to seek additional authority from the Province.

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#### RECOMMENDATIONS:

1. **THAT** the Province's authorization be sought to obtain special authority to write-off the 2006 property taxes on the road right-of-way designated as 9835 Gatineau Place, and
2. **THAT** a copy of this report, formalizing our request, upon approval of Burnaby City Council, be sent to the Honourable Ida Chong, Minister of Community Services.

#### REPORT

This report constitutes our request under Section 315.3 of the Local Government Act to obtain the authority to write-off the 2006 property taxes billed on:

9835 Gatineau Place  
Road right-of-way  
Lot 101, District lot 2 & 4, Plan 43016  
Land title PID 025-397-036  
Burnaby roll number: 9901-9835-0000

This application is being presented at the request of Rapid Transit Project 2000 Ltd. (RTP 2000 Ltd.) in an effort to relieve B.C. Transit from the property taxes billed on the property which was procured for city road right-of-way, has had a public road constructed on it and has been operating as a public road during the period in question (the 2006 taxation year).

## 1.0 BACKGROUND

RTP 2000 Ltd. was formed to undertake the work of constructing the SkyTrain Millennium line from New Westminster to Broadway station in Vancouver. As part of this work, a station at the intersection of Lougheed Highway and Austin Avenue was constructed, in Burnaby, along with vehicular access to the station as required under the terms of the *Burnaby Access Agreement*. A portion of the work involved the creation of a short section of public road way from property owned by RTP 2000 (see *attached* map – **Figure 1**). The roadway, as with all road rights-of-way, was intended to be dedicated as public road at the completion of the project and upon all parties fulfilling their respective commitments under the project agreement.

The property in question (9835 Gatineau Place) and all other property purchased/owned by RTP 2000 were exempt from property taxation under B.C. Regulation 30-91. In April 2002, in conjunction with the beginning of the project wrap-up phase, RTP 2000 transferred the parcel to B.C. Transit (Victoria), pending the ultimate dedication of it as a public road. An unintended result of the transfer was the loss of property tax exemption status under the B.C. Regulation 30-91.

Since that time, B.C. Assessment, and consequently the City of Burnaby, have been assessing and billing property taxes against the parcel of open and operating public road right-of-way. The Community Charter had not anticipated this scenario; therefore there is no legislative category to allow the granting of permissive exemption from taxation, leaving our only possibility for correcting the unintended taxation of the land, being the write-off of the tax liability through “further power” grantable by the Minister of Community Services under Section 315.3 of the Local Government Act.

## 2.0 2003-2005 TAXES

Council at their regular meeting of 2005 August 15, authorized staff to seek additional authority from the Province to write-off the taxes due in 2005. Council approved the report, the application was made to the Minister of Community Services, the Minister granted the City the additional authority, and the 2005 taxes were written-off.

It should be noted that the amount of tax liability written-off in 2005 was \$60,192.00 inclusive of the 2003 to 2005 tax assessments, penalties, and interest adjustment for the property known as 9835 Gatineau Place, Burnaby, B.C.

The 2005 August 15 Council report anticipated that 9835 Gatineau Place would be dedicated prior to the end of 2005. Unfortunately, this process was more complicated than originally anticipated and a second report to Council was approved at their regular meeting of 2006 March 06 authorizing a two-stage subdivision process to ensure dedication could take place before the end of 2006.

To: Finance and Civic Development Committee  
From: Director Finance  
Re: Road right-of-way: 9835 Gattineau Place  
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**3.0 FUTURE TAXES**

9835 Gattineau Place was dedicated as road right-of-way in 2006 October. Therefore, this property will be exempt from taxation in future.

**4.0 2006 TAXES**

It should be noted that the additional authority granted by the Minister to write-off taxes in 2005 was only and could only be granted for taxes assessed and billed - not taxes going forward. Therefore, a second application for additional authority is required for the taxes assessed and billed in 2006 for 9835 Gattineau Place.

By this report, we are seeking authorization to write-off the tax liability (at time of writing being \$27,205.42 inclusive of the 2006 tax assessment and penalty) for the property known as 9835 Gattineau Place, Burnaby, B.C.



Rick Earle  
DIRECTOR FINANCE

Attachment (1)

dac:re

Copied to: Director Planning  
City Solicitor

Mr. Dale Wall  
Inspector of Municipalities  
PO Box 9490  
Stn Prov Govt  
Victoria, BC  
V8W 9N7

Mr. Colin E Smith, P.Eng.  
President & Project Director  
Rapid Transit Project 2000 Ltd.  
P.O. Box 35  
1900 - 999 West Hastings St.  
Vancouver, B.C.  
V6C 2W2

**Figure 1**  
**9835 Gatineau Place**  
**Road Right-of-way**



