

NO: **R184**

COUNCIL DATE: **October 7, 2019**

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **September 26, 2019**
FROM: **General Manager, Corporate Services** FILE: **1970-04**
SUBJECT: **Proposed Permissive Property Tax Exemption for Newton Neighbourhood
Community Dog Park**

RECOMMENDATION

The Corporate Services Department recommend that Council:

1. Receive this report as information; and
2. Authorize the City Clerk to bring forward *Newton Neighbourhood Community Dog Park Tax Exemption Bylaw, 2019, No. 19912* (the "Bylaw"), as documented in Appendix "I", for the required readings.

INTENT

The purpose of this report is to request that Council consider permissive tax exemptions for seven properties, as illustrated in the map attached as Appendix "II", which are being used as for the Newton Neighbourhood Community Dog Park ("Bark Park") pursuant to Section 224(2)(b) of the *Community Charter, S.B.C. 2003, Chap. 26* and in accordance with the City's Tax Exemption Policy.

BACKGROUND

In February 2016, Newton Now Development Inc. leased the City seven parcels of land for use as a community dog park for a period of three years at a cost of \$10.00 for the full term. Council approved and adopted a permissive property tax exemption bylaw for three years to coincide with the lease term, as documented in Corporate Report No. R195; 2016, attached to this report as Appendix "III". The lease was renewed in January 2019 for a further three years. The terms of the lease agreement require that the City assume responsibility for the lands, including the payment of taxes thereof. Given that the City continues to provide a municipal service on the lands, the properties remain eligible under Section 224(2)(b) of the *Community Charter* for a permissive property tax exemption.

DISCUSSION

The seven properties make up a linear park bounded by 135 Street and 70A Avenue in the Newton area and include the following lands: 13510, 13524, 13532, 13538, 13560 and 13570 – 70A Avenue

The City may consider a permissive tax exemption under Section 224(2)(b) of the *Community Charter*, which states that tax exemptions may be considered for land or improvements that:

- i. are owned or held by a municipality, regional district or other local authority, and
- ii. the council considers are used for the purpose of the local authority.

Furthermore, Section 224(4) allows for a term of exemption of up to 10 years. It has been determined that the Bark Park qualifies for permissive exemption under this Section. The proposed Bylaw will have a term of three years to coincide with the lease term. In addition, the Bylaw provides for a supplemental tax assessment to be applied to the lands if the City ceases to occupy the lands prior to the expiration of the property tax exemption period.

Public Notice:

In accordance with Section 227 of the *Community Charter*, public notification of the estimated value of each exemption must be advertised for two consecutive weeks in a local newspaper in advance of the bylaw being forwarded to Council for adoption. The public notification process requires that an estimate of the total value of the property tax exemptions proposed under the bylaw be provided for each of the following three years.

The estimated total value of the exemption, as recommended in the proposed Bylaw, is as follows:

Year	Value of Exemption
2020	\$9,885
2021	\$10,151
2022	\$10,425

SUSTAINABILITY CONSIDERATIONS

The work of the proposed property tax exemptions supports the objectives of the City's Sustainability Charter 2.0. In particular, this project supports the Sustainability Charter 2.0 theme of Inclusion. Specifically, this project supports the following Desired Outcomes ("DO"):

- Community Pride and Engagement DO23: Numerous active local clubs and agencies contribute to the community's well-being; and
- Social Infrastructure and Innovation DO24: Surrey has a strong social infrastructure that supports the needs of its diverse and growing population.

CONCLUSION

Based on the above discussion, it is recommended that Council authorize the City Clerk to bring forward *Newton Neighbourhood Community Dog Park Tax Exemption Bylaw, 2019, No. 19912* for the required readings.

Rob Costanzo
General Manager, Corporate Services

Appendix "I": *Newton Neighbourhood Community Dog Park Tax Exemption Bylaw, 2019, No. 19912*

Appendix "II": Aerial photograph of the subject properties

Appendix "III": Corporate Report No. R195; 2016

CITY OF SURREY

BYLAW NO. 19912

A Bylaw to provide for the exemption from taxation
of certain properties in the City of Surrey pursuant to
Section 224 of the *Community Charter*
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WHEREAS Council may, by authority of Section 224(2)(b) of the *Community Charter*, S.B.C. 2003, Chap. 26, exempt from taxation certain properties;

AND WHEREAS Council deems it expedient to provide exemption from taxation the properties described in this Bylaw;

NOW, THEREFORE, Council of the City of Surrey, ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited as "Newton Neighbourhood Community Dog Park Tax Exemption Bylaw, 2019, No. 19912".

Exemptions

2. The following lands and improvements, leased and occupied by the City of Surrey, are hereby exempt from taxation for Tax Years 2020 to 2022 inclusive, pursuant to Section 224 of the *Community Charter*, subject to the conditions provided for in this Bylaw.

PID: 010-092-161
Lot 5, Section 17, Township 2, NWD Plan 15626

(13570 – 70A Avenue)

PID: 010-092-196
Lot 6, Section 17, Township 2, NWD Plan 15626

(13560 – 70A Avenue)

PID: 010-092-218
Lot 7, Section 17, Township 2, NWD Plan 15626

(13550 – 70A Avenue)

PID: 010-092-226
Lot 8, Section 17, Township 2, NWD Plan 15626

(13538 – 70A Avenue)

PID: 010-092-251
Lot 9, Section 17, Township 2, NWD Plan 15626

(13532 – 70A Avenue)

PID: 002-179-733
Lot 10, Section 17, Township 2, NWD Plan 15626

(13524 – 70A Avenue)

PID: 002-176-041
Lot 11, Section 17, Township 2, NWD Plan 15626

(13510 – 70A Avenue)

(collectively, the "Exempt Property")

Conditions

3. If:
 - (a) the City of Surrey's lease or occupation of the Exempt Property ceases; or
 - (b) the Exempt Property ceases to be used for a purpose which would entitle it to exemption under this Bylaw; or
 - (c) the Exempt Property ceases to meet the conditions necessary to qualify for the exemption including, but not limited to, compliance with City policies and bylaws,

the Exempt Property shall be liable to taxation from the date the lease or occupation ceases, or the date of the change of use or conditions, as the case may be (the "Taxation Date").

4. Where the assessment roll is completed before the cessation of the lease or occupation or before the change of use or conditions described in Section 3 of this Bylaw comes to the attention of the collector:
 - (a) the collector will provide written notice to the person who, but for the exemption, would have been liable to taxation; and

- (b) the person described in (a) shall pay to the City an amount equal to the total taxes that, but for the exemption, would have been payable on the property from the Taxation Date, together with interest compounded annually at the rate described in Section 246 of the *Community Charter*.

Repeal Section

5. "Newton Neighbourhood Community Dog Park Tax Exemption Bylaw, 2016, No. 18750" is hereby repealed.

PASSED FIRST READING on the th day of , 2019.

PASSED SECOND READING on the th day of , 2019.

PASSED THIRD READING on the th day of , 2019.

NOTICE OF INTENTION ADVERTISED in the Surrey Now Leader and Peace Arch Newspapers on the th and th of , 2019.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk and sealed with the Corporate Seal on the th day of , 2019.

_____MAYOR

_____CLERK

AERIAL PHOTOGRAPH OF SITE APPENDIX "II"



Produced by GIS Section: 10-Sep-2019, P205934

Date of Aerial Photograph: March 2019

Scale: 1:2,500 0 20 M



Properties to be included in "Newton Neighbourhood Community Dog Park Tax Exemption Bylaw, 2019, No. 19912"

ENGINEERING
DEPARTMENT

The data provided is compiled from various sources and IS NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, Legal descriptions and encumbrances must be confirmed at the Land Title Office.

Source: G:\MAPPING\GIS\Maps\CorporateReps\Realty\PS_rtyNewtonTaxExemption_API.mxd



CORPORATE REPORT

NO: R195

COUNCIL DATE: September 12, 2016

REGULAR COUNCIL

TO: Mayor & Council

DATE: August 31, 2016

FROM: City Clerk
General Manager, Finance & Technology

FILE: 1970-04

SUBJECT: Newton Neighbourhood Community Dog Park Tax Exemption Bylaw No. 18750

RECOMMENDATION

The Finance Department and the Legislative Services Division recommend that Council:

1. receive this report as information; and
2. authorize the City Clerk to bring forward for the required readings "Newton Neighbourhood Community Dog Park Tax Exemption Bylaw, 2016, No. 18750", which will provide property tax exemption for a 3-year period beginning with the 2017 taxation year.

BACKGROUND

Newton Now Development Inc., has leased to the City of Surrey, seven parcels of land for use as a community dog park, (the "Bark Park") effective February 1, 2016, for a period of three years at a cost of \$10 for the full term. The terms of the lease agreement require that the City assume responsibility for the lands, including the payment of taxes thereof. Given that the City will be providing a municipal service on the lands, the properties are eligible under Section 224(2)(b) of the *Community Charter* for a permissive property tax exemption beginning in 2017.

DISCUSSION

The seven properties make up a linear park bounded by 135 Street and 70A Avenue in the Newton area of Surrey and include the following lands:

13510, 13524, 13532, 13538, 13560 and 13570 – 70A Avenue

The City may consider a permissive tax exemption under Section 224(2)(b) of the *Community Charter*, which states that tax exemptions may be considered for land or improvements that:

- i. are owned or held by a municipality, regional district or other local authority, and
- ii. the council considers are used for the purpose of the local authority.

Furthermore, Section 224(4) allows for a term of exemption of up to 10 years. The Newton Bark Park has been determined to be eligible for permissive property tax exemption under this Section and the proposed exemption Bylaw has a term of 3 years. The Bylaw provides for a supplemental tax assessment to be applied to the lands if the City ceases to occupy the lands prior to the expiration of the property tax exemption period.

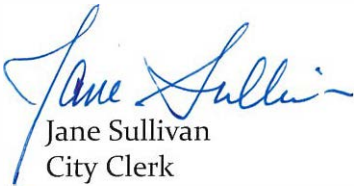
In accordance with Section 227 of the *Community Charter*, public notification of the estimated value of exemption must be advertised for two consecutive weeks in a local newspaper, and must include an estimate of the total Municipal value of the property tax exemption proposed under the Bylaw for each of the following 3 years. The following list includes such projections for the next 3 years:

2017	\$9,512
2018	\$9,883
2019	\$10,268

Legal Services has reviewed this report and the related bylaw and has no concerns.

CONCLUSION

Based on the above discussion, it is recommended that Council approve a permissive property tax exemption under Section 224(2)(b) of the *Community Charter* for period of 3 years for the lands currently leased by the City of Surrey and providing a municipal service as the Newton Bark Park.


Jane Sullivan
City Clerk


Vivienne Wilke
General Manager,
Finance & Technology

Appendix I: Aerial photograph of the subject properties

Appendix II "Newton Neighbourhood Community Dog Park Tax Exemption Bylaw, 2016, No. 18750"

Appendices available upon request