



Corporate

NO: R047

Report

COUNCIL DATE: March 12, 2001_

REGULAR COUNCIL

TO:	Mayor & Council	DATE:	February 23, 2001
FROM:	Acting General Manager, Finance, Technology & HR	FILE:	0580-029
SUBJECT:	Section 248 Request for Write-off of Property Taxes on Leased Lands held by Indian bands		

RECOMMENDATION

That Council pass a resolution requesting the Minister of Municipal Affairs issue an order pursuant to Section 248 of the Municipal Act for authorization to write off uncollectible property taxes levied on leased land held in trust by the Crown for a band of Indians.

BACKGROUND

In accordance with Section 339(1)(e) of the Local Government Act (the 'Act'), the City collects property taxes on land and improvements held by Indian bands if the land or improvement is leased by a person who is not a member of the band.

The City has levied these property taxes in accordance with the Act throughout the years. The City has not been very successful in collecting the taxes due to property taxes being associated with the lessee and not the property. The Act gives the City no direction or authority should the taxpayer refuse to pay.

To levy the taxes, the City relies on information received from the British Columbia Assessment Authority ('BCAA'). BCAA receives the information from the Indian bands. The information from the bands is not always reliable due to lack of communication regarding changes to the leases.

DISCUSSION

Through review of information from BCAA and corresponding information from the Ministry of Indian Affairs, city staff have listed leased Indian band lands which no longer have lessees. The cost in collecting the outstanding taxes on these leased lands is often more than the taxes owing if the City is able to collect at all. These properties are listed in the attached Appendix.

CONCLUSION

With unreliable data and questionable collectibility, we request Council issue an order to write-off the uncollectible taxes as listed in the attached Appendix.

Mindy Smith, CA Vivienne Wilke, CGA, MBA

City Collector Acting General Manager, Finance, Technology & HR

k:\tax\c_report\2000\section 248\corporate report - indian band lands.doc

MBS 3/14/01 12:01 PM