



# Corporate

NO: R214

# Report

COUNCIL DATE: October 15, 2001

<b>REGULAR COUNCIL</b>			
TO:	<b>Mayor &amp; Council</b>	DATE:	<b>October 10, 2001</b>
FROM:	<b>A/City Clerk</b>	FILE:	<b>0580-001</b>
SUBJECT:	<b>SECTION 339 TAX EXEMPTION BY-LAW For Properties under Section 339 and 340 of the <i>Local Government Act Gurdawara Sahib Dashmesh Darbar – Additional Property</i></b>		

## RECOMMENDATION

We do not recommend Council grant a permissive tax exemption for the approximately 6-9 acres adjacent to the Gurdawara Sahib Dashmesh Darbar.

## BACKGROUND

The following report was omitted in error from Corporate Report R208, which was presented to Council on October 1, 2001.

The exemptions included in the Section 339 Tax Exemption By-law are those pursuant to Sections 339 and 340 of the *Local Government Act*, R.S.B.C. 1996, Chap. 323.

Each year, forms to apply for tax exemption are sent to organizations in the current year's by-law. Once the application is returned, the information is compared to the facts in that by-law. Any discrepancies are resolved by one or more of the following methods: a tax inquiry, title search, building file review, site visit, or telephone call to the

applicant or to the local B.C. Assessment office. Most of these methods of review were utilized this year in order to determine the appropriateness of including the property in the Section 339 Tax Exemption By-law.

## DISCUSSION

Included in the Bylaw for Section 339 tax exemption for 2002 is an application from the Gurdawara Sahib Dashmesh Darbar, [Bylaw Item #56], for eight strata units in an industrial warehouse at 12885 85 Avenue, that have been combined to form a place of worship. This application was approved for a tax exemption beginning in the taxation year 2000, again in the 2001 taxation year, and is included again in the current bylaw for the 2002 taxation year. It appears to meet the criteria for church exemption in Section 339 (1)(g) of the Act.

The Gurdawara has also requested tax exemption for an additional property, approximately 6-9 acres in size, which they own on a separate title adjacent to the Gurdawara and are using for parking.

After careful consideration and much discussion between my office, the Planning & Development Department and representatives of the Gurdawara, we have concluded that we cannot support a recommendation for this additional property to be granted tax exemption for the following reasons:

1] The Gurdawara is approved under IL zoning, which allows churches as “accessory uses” provided that:

“(i) the church does not exceed a total floor area of 700 square metres (7,500 sq. ft.);

(ii) the church accommodates a maximum of 300 seats; and

(iii) there is not more than one church on a lot.”

The Gurdawara is currently 20,000 square feet, well in excess of the floor area allowable within this zoning.

2] The Gurdawara was approved by the City (Building Permit #95955) based on the parking stalls available – 66 stalls. There was no consideration by the City with regard to use of the adjacent property for parking at time of issuance of the building permit. There is no requirement by the City now that the adjacent property be used for parking for the Gurdawara.

3] Granting a tax exemption for this additional property would set a precedent for the City. There are a number of other churches that own additional property adjacent or near their place of worship that is not approved for tax exemption. A good example would be the Seaview Pentecostal Church, [Bylaw Item #91] in South Surrey, which owns a separate lot immediately east and adjacent to the church property on 16<sup>th</sup> Avenue that is not given tax exemption, although they have requested it in the past. The empty lot is used as a play area.

4] Past practice in the City of Surrey has been to grant tax exemption only for that portion of the property that is being used or contributing to the place of worship. An example of this would be Surrey Free Methodist Church, [Bylaw Item #21], which is recommended for exemption only for the church and necessary parking areas, with the eastern portion of their property [27.43 meters by 98.47 meters] subject to taxation. The portion not exempt is grass and trees.

Margaret Jones  
A/City Clerk