



Item
Meeting 2017 March 21

REVIEW PANEL REPORT

TO: MEMBERS OF THE PARCEL TAX REVIEW PANEL **DATE:** 2017 March 16

FROM: DIRECTOR ENGINEERING **FILE:** 34500 03
Reference: *LASP Frontage Rates*

SUBJECT: FOOT FRONTAGE ASSESSMENT – 7693 DOW AVENUE

PURPOSE: Review of Local Area Services foot frontage assessment for Local Area Service Project No. 16-602.

RECOMMENDATIONS:

1. **THAT** the taxable frontage assessment of property at 7693 Dow Avenue be reaffirmed at 20.06 meters (65.81 feet).

REPORT

Cui Jinhua and Cha Li of 7693 Dow Avenue have submitted a written notice of complaint (*attached*) against the taxable foot-frontage assessment in respect of a local area services (LAS) lane paving project on the lane west of Dow Avenue and north of Southwood Street. Work was completed in 2016 and all abutting properties are included in the Frontage Tax Assessment Roll presented to this Panel.

Frontage rules for the purpose of LAS assessments have been established and are incorporated in the *Local Improvement Charges Bylaw 9784* adopted by Council 1992 September 28. Essentially, properties are charged on the actual foot frontage except in cases of corner lots, triangular lots or irregularly shaped parcels of land (cul-de-sacs, etc.) where adjustments are sometimes necessary to provide a more equitable distribution of LAS charges.

This project was initiated by the property owners, and 4 of the 7 abutting properties included in the project supported the work, which met the threshold required to establish a local area service. The City share of overall project cost was estimated at \$91,325 and total property owner share was estimated at \$25,675.

Cui Jinhua and Cha Li of 7693 Dow Avenue would like their portion of the fee waived (\$1,943.23), claiming that 7693 Dow Avenue is not currently serviced by the lane and does not currently or directly benefit from the lane paving project.

To: *Members Of The Parcel Tax Review Panel*
From: *Director Engineering*
Re: *Foot Frontage Assessment – 7693 Dow Avenue*
2017 March 16 Page 2

Despite current lot configuration, 7693 Dow is still subject to the local service tax for the following two reasons:

1. Section 201 (2) of the Community Charter permits a parcel tax to be applied “on parcels that have the opportunity to be provided with the service, whether or not they are in fact being provided with the service”.
2. Council adopted Bylaw 13548 authorized construction of this paved lane and assessment of a parcel tax on “the parcels of land that abut or are deemed to abut on the said works”.

This is a relatively common scenario throughout Burnaby, as properties with lanes are configured to have street only access or lane only access. Over time, through redevelopment, properties can choose to change their access location. 7693 Dow has currently chosen street access, but theoretically could choose to change their access location to the lane. If 7693 Dow requested subdivision, lane servicing for one or both lots would be highly probable.

RECOMMENDATION

It is recommended that the frontage assessment of 7693 Dow Avenue be reaffirmed at 20.06 meters (65.81 feet).



Leon A. Gous, P.Eng., MBA
DIRECTOR ENGINEERING

JWH/ac

Attachment

Copied to: City Manager

Parcel Tax Roll Review Panel
City of Burnaby
4949 Canada Way
Burnaby BC, V5G1M2

Re: Foot Frontage Assessment Notice
5735-7693-0000
Lot: D Pl: NWP4050 Dlot: 157 Dist: 36
Group 1, Except Plan PCL 1 (EP11843) & BL33861
3440-4493

Dear Sir or Madam:

We are the owner of **7693 Dow Ave, Burnaby BC, V5J3X5**. As requested by the Notice of Complaint, we are writing to appeal the Notice regarding to the new charges for the frontage improvement at our neighboring property at **7657 Dow Ave**.

We are appealing the Notice because of the following reasons:

- The frontage surrounds the property at 7657 Dow Ave, and therefore the work mainly impacted the surrounded property, not our property.
- Even though the frontage aligns with our property, it is located at a much higher elevation and is also fenced off. Therefore, it does not provide any access to our property. Our neighbor at 7657 Dow Ave is the only party that is benefited from this improvement.
- At the time when our neighbor initiated the petition, we refused to participate and expressed negatively against the petition.

Based on the reasons stated above, we would like to appeal the decision in the Notice. We do not agree that we should be responsible for works that's only beneficial to our neighbor, and we strongly urge the Parcel Tax Roll Review Panel to review the decision.

If you have any question, please feel free to contact us at 778- [REDACTED] or [REDACTED]. Also, please indicate how we could follow up on this case.

Cui Jinhua & Cha Li

March 13, 2017