



Item.....
Meeting.....2019 Mar 13

PARCEL TAX ROLL REVIEW PANEL

TO: MEMBERS OF THE PARCEL TAX ROLL REVIEW PANEL **DATE:** 2019 March 13

FROM: DIRECTOR FINANCE **FILE:** 43500-20

SUBJECT: 5268 EGLINTON STREET, PROJECT 18-701 - BOULEVARD TREES

PURPOSE: Provide a response to the appeal for Local Area Service project 18-701, for property 5268 Eglinton Street.

RECOMMENDATION:

1. **THAT** the foot frontage 60.99ft be affirmed in respect of the Local Area Service project No. 18-701.

REPORT

1.0 BACKGROUND

Project number 18-701 - Removal and replacement of boulevard trees on Eglinton St, from Royal Oak Ave to East Property Line 5268 Eglinton St/ Gatenby Ave, has been constructed and is now to be billed with taxes for the first time in May 2019. The City has received a Notice of Complaint (appeal) from the owner of 5268 Eglinton Street. This report is intended to provide a response from staff to this appeal.

2.0 POLICY SECTION

The Local Area Service process aligns with the following goals and sub-goals of the Corporate Strategic Plan:

- A Dynamic Community
 - City facilities and infrastructure –
Build and maintain infrastructure that meets the needs of our growing community

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3.0 NOTICE OF COMPLAINT

In accordance with Part 7, Section 205 of the Community Charter, Burnaby City Council will convene a Parcel Tax Roll Review Panel on 2019 March 13 for the purpose of approving new charges for Sewer Parcel and Local Area Service Taxes in 2019.

The Panel is to review all complaints and/or noted corrections, on one or more of the following grounds:

- (a) there is an error or omission respecting a name or address on the parcel tax roll;
- (b) there is an error or omission respecting the inclusion of a parcel;
- (c) there is an error or omission respecting the taxable area or the taxable frontage of a parcel;
- (d) an exemption has been improperly allowed or disallowed.

4.0 FINDINGS

An appeal has been made on the grounds that “an exemption has been improperly disallowed”. The appeal focuses on the potential for “further undue hardship”, raising safety concerns regarding the type of tree that was removed, as in 2015, the same type of tree (*Tilia*) fell near the front of 5268 Eglinton.

Following consultation with the Superintendent of Parks Operations and Assistant Director Engineering – Infrastructure & Development, staff can confirm that the two *Tilia* trees removed in 2018 as part of the Local Area Service project were healthy and not deemed hazardous. Removal of the existing trees and installation of the new trees adheres to the wishes of a majority of property owners making up a majority of assessments subject to the Local Area Service.

The owner of 5268 Eglinton Street is not appealing their calculated frontage, but rather the nature of the project. Support for, or against a project, is heard during the petition process, which in this case was carried out in late 2017. As such, objections to a project are not the subject of the appeal process.

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5.0 RECOMMENDATION

Following a review by staff for the foot frontage assessment of 5268 Eglinton Street, and consultation with the Assistant Director Engineering – Infrastructure and Development, Finance recommends that the foot frontage calculation for this property under project 18-701 remain as per that specified in the Foot Frontage Assessment Notice, at 60.99ft.



Noreen Kassam, CPA, CGA
DIRECTOR FINANCE

NK:EJ:RR /ml

Attachment: 1 – Appeal Letter from 5268 Eglinton Street
2 – Site Map of 5268 Eglinton Street

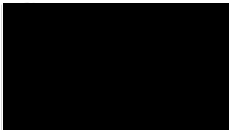
Copied to: City Clerk
Director Engineering

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ATTACHMENT 1 – APPEAL LETTER

March 10, 2019

City of Burnaby
Parcel Tax Roll Review Panel



Dear Sirs:

**RE: 2220-5268-000
5268 EGLINTON STREET
LOT 10 BLK: PI: nwp17723 DIST: 36
GROUP 1**

Please accept this letter as an appeal under section (d) an exemption has been improperly disallowed. I did approach the City of Burnaby regarding an appeal when we were first informed of this issue, however, due to [REDACTED] and unclear direction as to how to appeal I did not proceed.

I would now ask that the Parcel Tax Roll Review Panel exempt my property from the "Local Area Service" tax regarding the removal and replacement of boulevard trees on Eglinton Street from Royal Oak to East property line 5268 Eglinton Street/Gatenby Avenue as I feel it would cause me further undue hardship.

To give you some background as to the hardship I have already endured regarding said boulevard trees: I also once had the same type of boulevard tree. In the late summer of 2015 [REDACTED] took me for groceries. It was a very windy day and when we returned the large tree on my boulevard had fallen across the road in front of my property right where we park and was completely blocking the road.

[REDACTED] and I were in shock realizing that, according to [REDACTED] who witnessed the tree falling, had we arrived home 5 minutes earlier the tree would have fallen on our car and could have severely injured or killed us.

To add to the trauma the City did not remove the tree from the front of our property for four days which was a constant reminder of our near miss.

I felt luck at the time to have survived this event and did not explore this further with the City once the tree was removed. We have since learned that these type of trees are known to be unsafe.

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I have lived at my home at 5268 Eglinton Street for [REDACTED] and I continue to pay my property taxes, at [REDACTED] years of age, even though I could defer them. [REDACTED] has also lived in Burnaby and paid property taxes for over [REDACTED] years. So between us we have paid over [REDACTED] years in property taxes. To be faced with the prospect of paying additional taxes for the removal of boulevard trees does not seem right given the trauma we faced from our near miss.

I would appeal to your sense of fairness in this issue and ask that you exempt my property from this assessment.

Thank you.

Yours truly,

[REDACTED]

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ATTACHMENT 2 – SITE MAP

