

TO: MAYOR & COUNCILLORS
FROM: CORPORATE OFFICER
SUBJECT: **CERTIFICATE OF SUFFICIENCY: HASTINGS STREET BUSINESS IMPROVEMENT AREA (BIA) RENEWAL**
PURPOSE: To provide results for the petitions submitted against the proposed Hastings Street Business Improvement Area (BIA) renewal bylaw for a 10-year period from 2024 to 2033.

RECOMMENDATION

THAT as outlined in this report titled “Certificate of Sufficiency: Hastings Street Business Improvement Area (BIA) Renewal” dated April 15, 2024, sufficient petitions against the proposed Heights Merchants Association’s proposed BIA renewal bylaw have not been received;

THAT the Certificate of Sufficiency dated April 15, 2024, certified by the Corporate Officer and included as Attachment 1 to this report, be received; and

THAT a copy of this report and the Certificate of Sufficiency be sent to the President of the Burnaby Heights Merchants’ Association.

1.0 EXECUTIVE SUMMARY

On February 26, 2024, Council directed staff to proceed with the Hastings Street Business Improvement Area (BIA) renewal, which is administered by the Heights Merchants Association (HMA). The process requires a taxation bylaw to be adopted which is a process outlined under Division 5 – Local Service Taxes of the *Community Charter*. The process is called the “*Local Area Service on Council Initiative - Subject to petition against*” which requires 50% of eligible property owners to oppose the BIA renewal to prevent Council from proceeding with adoption of the bylaw. This report provides the final results for the petition process regarding the proposed Hastings Street BIA renewal, and certifies Council to proceed with adoption of the proposed bylaw.

2.0 POLICY SECTION

Section 212 of the *Community Charter* states persons who may petition for a local area service are the owners of parcels that would be subject to the local service tax for the service and that the Corporate Officer must determine the sufficiency and validity of a petition to Council.

Section 213 of the *Community Charter* states that if Council proposes to undertake a local area service on its own initiative, it must give notice of this intention. Council may not proceed with the local area service if it receives a sufficient percentage (50%) of eligible property owners who petition against the service within 30 days after the notice is given.

3.0 BACKGROUND

On February 26, 2024, Council considered and read three times the Burnaby Business Improvement Area (Hastings) Bylaw 2024, Bylaw No. 14638.

The Bylaw defined the boundaries of the Hastings Street BIA and estimated the total local service tax that will be charged based on the current assessed value of land or improvements, or both, that fall within Class 5 (Light Industry) or Class 6 (Business and Other) properties in the BIA boundary.

Before the bylaw can be adopted, staff were required to begin a 30-day petition process to determine opposition for the BIA from all Class 5 and 6 property owners within the BIA’s proposed boundaries. Notices and petition letters were sent to the property owners. Tenants of the subject properties were also sent notification letters. Owner notices and tenant letters contained estimated charges for the Local Area Service Tax based on completed assessment values, boundaries of the BIA, the petition submission deadline, as well as instructions on how to submit petitions and tenant opposition letters to the City.

Of note, is that while every effort is made to provide accurate taxation amounts in the notices to the owners, due to the timing of BIA request, the BIA notice letters sent to owners were estimated values by BC Assessment, as detailed in the notices. In BC, properties are assessed by BC Assessment in accordance with *the Assessment Act*, in which BC Assessment provides three versions of the assessment roll each year between November and late March. The three assessment values are:

- 1. Preview – Early estimates of assessment values;
- 2. Completed – Completed assessment value, open to appeals and subject to review by the Property Assessment Review Panel; and
- 3. Revised Rolls – Final amounts after the decision of the Property Assessment Review Panel.

For Hastings Street BIA Renewal petition process, notices were sent to property owners that required input to be in “opposition” and included an estimate for the BIA annual levy based on the available “Completed Roll” and not the final “Revised Rolls” amounts, as these final assessments were not available at the time of the BIA renewal and petition period in February 2024.

Therefore, in order to give an accurate final figure for the numbers in opposition (owner count and percentage of assessed value), petitions in opposition received from property owners were reviewed against the assessed values contained within the Revised Rolls by staff. The review found that all final assessments were lower than initial estimates.

4.0 GENERAL INFORMATION

Under the *Community Charter*, the City can use one of two mechanisms to confirm support or objection to a BIA:

- Section 212 - Petition “For” a Local Area Service
- Section 213 - Local Area Service on Council Initiative — Petition “Against” a Local Area Service

The process followed by all municipalities across BC for BIAs is the “Local Area Service on Council Initiative — Petition Against” process as per section 213 of the *Community Charter*, despite the proposal for a BIA typically being initiated by the businesses within the BIA or the BIA associations. Burnaby, is no exception barring one recent “in favour” petition which was held at the request of a property owner who wanted to be included in the boundaries of the HMA’s BIA.

For “petitions against” to be deemed sufficient, the petitions against the BIA must be signed by the owners of at least 50% of the parcels that would be subject to the local area tax for the proposed project, and the petitioners must be the owners of parcels that in total represent at least 50% of the assessed value of land and improvements that would be subject to the local service tax.

The Hastings Street BIA petition process has been open between February 29, 2024 and closed on April 2, 2024 at 4:45 p.m. During this time, staff under the direction of the Corporate Officer were collecting opposition petition letters received, from the applicable property owners.

While tenant letters and submissions do not form part of the official count and cannot be certified by the Corporate Officer, these submissions are available to Council and the public for information purposes to allow Council all considerations when making the final decision as to whether to give the BIA Bylaw a final adoption reading.

4.1 Summary of Petitions Submitted by the Property Owners

232 mailed notice letters were sent to owners, with 211 separate folio numbers (due to multiple owners of the same properties). In total, Legislative Services received 29 property owners’ opposition submissions. These submissions included:

- one (1) late submission (received at 8:46 p.m. on April 2, 2024); and
- one (1) submission where the 50% owners requirement was not met.

Therefore, a total of 27 petitions against were accounted and deemed valid by the Corporate Officer.

The table below provides summary of the owner petitions:

Number of Petitions Against	Number of Folios	% of Folios (Property Owners)	Sum of Assessment Value	% of Assessment Value	% Required (for Petition Against to be Sufficient)
Opposed	27	12%	\$92,185,500	15%	50%
Not Returned	204	88%	\$536,203,500	85%	-
Total	232	100%	\$628,389,000	100%	-

As such, the percentage of petitions received against the BIA were 15% are deemed insufficient to meet the 50% requirement for the “petition against” requirements. The certified validation of this is included in the report as “Attachment 1 – Certificate of Sufficiency.”

Upon acceptance and approval of this report, Council may proceed with adoption of the Burnaby Business Improvement Area (Hastings) Bylaw 2024, Bylaw No. 14638.

4.2 Statements in Oppositions from the Tenants

There were 229 unique letters to tenants sent out, made up of a total of 152 folios. In total, Legislative Services received 20 unique tenant letters in opposition, amounting from 10 folios.

3.3. Previous Years Comparison

For historical information on previous HMA BIA renewal petitions compared to the current year, the table below provides comparison to 2006 and 2014:

Member Category	2024 Renewal	2014 Renewal	2006 Renewal
Properties	211	195	186
Property Owners Notified	232	215	205
Owners Opposed	28	26	30
Tenants Notified	229	459	333
Tenants Opposed	20	12	20

5.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

Public notice was provided on the City’s Public Notice page as well as the eNewsletter in accordance with the City’s Public Notice Bylaw.

Received owner petitions and tenant opposition letters were available for public inspection in the Legislative Services department at City Hall for two weeks from April 2, 2024 until April 16, 2024.

As per section 212(5) of the *Community Charter* the certified determination petition of the Corporate Officer is final and conclusive.

6.0 FINANCIAL CONSIDERATIONS

Should Council proceed to adopt the proposed BIA bylaw, collection of the local service tax and remittance of grant funding for the proposed BIA involves the flow through of funds. Apart from miscellaneous administrative costs in setting up the BIA and administering the petition process, and the annual collection and remittance of payments, there is no material impact upon the City's operating budget.

Respectfully submitted,

Nikki Best, Corporate Officer

ATTACHMENTS

Attachment 1 – Certificate of Sufficiency

REPORT CONTRIBUTORS

This report was prepared by Blanka Zeinabova, Sr. Manager Legislative Services, and reviewed by Richard Rowley, Director Finance – Revenue Services, and Nikki Best, Director Legislative Services/Corporate Officer.