



## **Council Report**

**For the Meeting of October 2, 2018**

---

**To:** Council **Date:** October 1, 2018  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** **Bylaw Amendments: 888 Government Street and 811-813 Wharf Street, and 727-729 Johnson Street**

---

### **RECOMMENDATION**

That Council consider the following in relation to the proposed bylaws for Heritage Tax Incentive Program Application No. 00029 for 888 Government Street and 811-813 Wharf Street, and Heritage Tax Incentive Program Application No. 00028 for 727-729 Johnson Street:

#### **Tax Exemption (888 Government Street and 811-813 Wharf Street) Bylaw No. 18-063**

- a. Rescind third reading that occurred on July 26, 2018, and adoption of Tax Exemption (888 Government Street and 811-813 Wharf Street) Bylaw No. 18-063 that occurred on August 9, 2018.
- b. Amend Contents of Tax Exemption Bylaw (No. 18-063) No. 18-110 by replacing Section 4 "Effective date" with the term "Coming into force."
- c. Amend Tax Exemption Bylaw (No. 18-063) No. 18-110 by amending the tax exemption in Section 3 and effective date in Section 4 to read:

#### **Tax exemption**

- 3 (1) If the conditions of tax agreement #18-0048 are fulfilled, 51.59% of the assessed value of the Land is exempt from property taxes imposed under section 197(1)(a) of the *Community Charter* for a period of 10 consecutive calendar years, beginning either:**
- (a) in the calendar year following the year this Bylaw comes into force on or before October 31; or**
  - (b) in the second calendar year following the year this Bylaw comes into force after October 31.**

#### **Coming into force**

- 4 This Bylaw comes into force on the day the City issues an occupancy permit for the residential portion of the improvements on the Land.**
- d. Give third reading to Tax Exemption Bylaw (No. 18-063) No. 18-110, as amended.

Tax Exemption (727 Johnson Street) Bylaw No. 18-062

- a. Rescind third reading of Tax Exemption (727-729 Johnson Street) Bylaw No. 18-062 that occurred on July 26, 2018.
- b. Amend Contents of Tax Exemption Bylaw (No. 18-062) No. 18-109 by replacing Section 4 "Effective date" with the term "Coming into force."
- c. Amend Tax Exemption Bylaw (No. 18-062) No. 18-109 by amending the tax exemption in Section 3 and effective date in Section 4 to read:

**Tax exemption**

- 3 (1) If the conditions of tax agreement #18-0046 are fulfilled, the Land is exempt from property taxes imposed under section 197(1)(a) of the *Community Charter* for a period of 10 consecutive calendar years, beginning either:**
- (a) in the calendar year following the year this Bylaw comes into force on or before October 31; or**
  - (b) in the second calendar year following the year this Bylaw comes into force after October 31.**

**Coming into force**

- 4 This Bylaw comes into force on the day the City issues an occupancy permit for the residential portion of the improvements on the Land.**

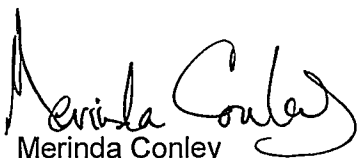
- d. Give third reading to Tax Exemption Bylaw (No. 18-062) No. 18-109, as amended.

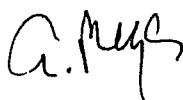
**BACKGROUND**

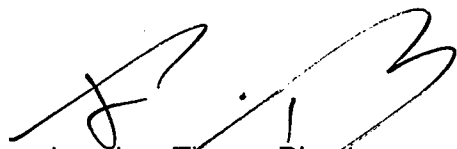
An amendment to the tax exemption bylaws is required to provide clarity as to the start date of the ten (10) year tax exemption and the requirement of the issuance of an occupancy permit. The permit will trigger the Bylaw to come into force and thus activate the start of the tax exemption in the calendar year following the year the Bylaw comes into force on or before BC Assessment's deadline of October 31; or in the second calendar year following the year the comes into force after October 31. To rectify this situation the recommendation will rescind the previous bylaws and provide the necessary language to then introduce and adopt the amended bylaws.

The staff recommendation provided for Council's consideration reflects the amended Tax Exemption (888 Government Street and 811-813 Wharf Street) Bylaw No. 18-110 and Tax Exemption (727-729 Johnson Street) Bylaw No. 18-109, with revised wording shown in bold.

Respectfully submitted,

  
Merinda Conley  
Senior Heritage Planner  
Development Services Division



  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager.

*Carolyn Jenkins*  
Date: Oct 1, 2018

**List of Attachments:**

- Attachment A: Tax Exemption (888 Government Street and 811-813 Wharf Street) Bylaw No. 18-063 (Rescinded)
- Attachment B: Tax Exemption (888 Government Street and 811-813 Wharf Street) Bylaw No. 18-110
- Attachment C: Tax Exemption (727-729 Johnson Street) Bylaw No. 18-062 (Rescinded)
- Attachment D: Tax Exemption (727-729 Johnson Street) Bylaw No. 18-109.

NO. 18-063

**TAX EXEMPTION (888 GOVERNMENT STREET AND 811-813 WHARF STREET)****BYLAW****A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to assist in the preservation and rehabilitation of the heritage building located at 888 Government Street and 811-813 Wharf Street, including the seismic upgrading and residential use of the heritage building, by exempting it from municipal property taxes for 10 years.

**Contents**

- 1 Title
- 2 Definitions
- 3 Tax exemption
- 4 Effective date

Under its statutory powers, including section 225 of the *Community Charter*, the Council of the Corporation of the City of Victoria enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "TAX EXEMPTION (888 GOVERNMENT STREET AND 811-813 WHARF STREET) BYLAW".

**Definitions**

- 2 In this Bylaw,

"improvements"

means all of the Land's improvements that exist at any time during the 10-year period that section 3 is in effect;

"Land"

means the land, including its improvements, located at civic address 816 Government Street and 811-813 Wharf Street in Victoria, British Columbia, and legally described as:

PID: 030-378-974

LOT A SECTION 18 VICTORIA CITY PLAN EPP69462

**Tax exemption**

- 3 (1) Fifty-one decimal fifty-nine percent (51.59%) of the assessed value of the Land is exempt from property taxes, imposed under section 197(1)(a) of the *Community Charter*, for a period of 10 consecutive calendar years, beginning in the year that this section comes into effect.

4 The tax exemption in section 3 comes into effect either:

- MAYOR

NO. 18-110

**TAX EXEMPTION (888 GOVERNMENT STREET AND 811-813 WHARF STREET)****BYLAW****A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to assist in the preservation and rehabilitation of the heritage building located at 888 Government Street and 811-813 Wharf Street, including the seismic upgrading and residential use of the heritage building, by exempting it from municipal property taxes for 10 years.

***Contents***

- 1 Title
- 2 Definitions
- 3 Tax exemption
- 4 Coming into force

Under its statutory powers, including section 225 of the *Community Charter*, the Council of the Corporation of the City of Victoria enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "TAX EXEMPTION (888 GOVERNMENT STREET AND 811-813 WHARF STREET) BYLAW".

**Definitions**

- 2 In this Bylaw,

"improvements"

means all of the Land's improvements that exist at any time during the 10-year period that section 3 is in effect;

"Land"

means the land, including its improvements, located at civic address 816 Government Street and 811-813 Wharf Street in Victoria, British Columbia, and legally described as:

PID: 030-378-974

LOT A SECTION 18 VICTORIA CITY PLAN EPP69462

**Tax exemption**

- 3 (1) If the conditions of tax exemption agreement #18-0048 are fulfilled, 51.59% of the assessed value of the Land is exempt from property taxes imposed under section 197(1)(a) of the *Community Charter* for a period of 10 consecutive calendar years, beginning either:

- (a) in the calendar year following the year this Bylaw comes into force on or before October 31; or
- (b) in the second calendar year following the year this Bylaw comes into force after October 31.

### Coming into force

- 4 This Bylaw comes into force on the day the City issues an occupancy permit for the residential portion of the improvements on the Land.

READ A FIRST TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

ADOPTED by at least 2/3 of all members of the Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

CITY CLERK

MAYOR

NO. 18-062

**TAX EXEMPTION (727-729 JOHNSON STREET) BYLAW****A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to assist in the preservation and rehabilitation of the heritage building located at 727-729 Johnson Street, including the seismic upgrading and residential use of the heritage building, by exempting it from municipal property taxes for 10 years.

***Contents***

- 1 Title
- 2 Definitions
- 3 Tax exemption
- 4 Effective date

Under its statutory powers, including section 225 of the *Community Charter*, the Council of the Corporation of the City of Victoria enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "TAX EXEMPTION (727-729 JOHNSON STREET) BYLAW".

**Definitions**

- 2 In this Bylaw,

"improvements"

means all of the Land's improvements that exist at any time during the 10-year period that section 3 is in effect;

"Land"

means the land, including its improvements, located at civic address 727-729 Johnson Street in Victoria, British Columbia, and legally described as:

PID: 005-137-993  
Lot 33, Victoria City

**Tax exemption**

- 3
  - (1) The Land is exempt from property taxes, imposed under section 197(1)(a) of the *Community Charter*, for a period of 10 consecutive calendar years, beginning in the year that this section comes into effect.
  - (2) The exemption under subsection (1) is subject to the conditions established by tax exemption agreement #18-0046.



- (a) in the calendar year following the year this Bylaw is adopted on or before October 31; or
- (b) in the second calendar year following the year this Bylaw is adopted after October 31.

MAYOR

NO. 18-109

**TAX EXEMPTION (727-729 JOHNSON STREET) BYLAW****A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to assist in the preservation and rehabilitation of the heritage building located at 727-729 Johnson Street, including the seismic upgrading and residential use of the heritage building, by exempting it from municipal property taxes for 10 years.

**Contents**

- 1 Title
- 2 Definitions
- 3 Tax exemption
- 4 Coming into force

Under its statutory powers, including section 225 of the *Community Charter*, the Council of the Corporation of the City of Victoria enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "TAX EXEMPTION (727-729 JOHNSON STREET) BYLAW".

**Definitions**

- 2 In this Bylaw,

"improvements"

means all of the Land's improvements that exist at any time during the 10-year period that section 3 is in effect;

"Land"

means the land, including its improvements, located at civic address 727-729 Johnson Street in Victoria, British Columbia, and legally described as:

PID: 005-137-993  
Lot 33, Victoria City

**Tax exemption**

- 3 (1) If the conditions established by tax exemption agreement #18-0046 are fulfilled, the Land is exempt from property taxes imposed under section 197(1)(a) of the *Community Charter* for a period of 10 consecutive calendar years beginning either:
  - (a) in the calendar year following the year this Bylaw comes into force on or before October 31; or

- (b) in the second calendar year following the year this Bylaw comes into force after October 31.

**Coming into force**

- 4 This Bylaw comes into force on the day the City issues an occupancy permit for the residential portion of the improvements on the Land.

READ A FIRST TIME the day of 2018.

READ A SECOND TIME the day of 2018.

READ A THIRD TIME the day of 2018.

ADOPTED by at least 2/3 of all members of the Council on the day of 2018.

CITY CLERK

MAYOR