

Report to Council



Date: September 20, 2022
To: Council
From: City Manager
Subject: 2023 Permissive Tax Exemption Bylaw No. 12408
Department: Controller

Recommendation:

THAT Council receives, for information, the Report from the Revenue Supervisor dated September 20, 2022 with respect to the 2023 Permissive Tax Exemption Bylaw;

AND THAT Bylaw No. 12408, being the Permissive Tax Exemption Bylaw be forwarded for reading consideration.

Purpose:

To consider a property tax exemption for those organizations that have met the qualifications as outlined in Permissive Tax Exemption Policy #327.

Background:

Section 224 of the Community Charter provides the authority for permissive tax exemptions. Council may exempt land and improvements in their entirety or a portion thereof for a period of up to 10 years. Authority to grant permissive tax exemptions is a policy tool available to Council to promote or achieve specific goals. As a general rule when Council grants a permissive tax exemption on a specific property, that property is automatically exempted from municipal, school, regional district, hospital and BC Assessment taxes. The permissive tax exemption does not apply to utility fees such as garbage/landfill/recycle charges or to parcel taxes such as the Water Parcel tax.

Permissive Tax Exemption Policy #327 sets out the extent, conditions, and penalties, along with the general process and the eligibility criteria used by the City of Kelowna to determine property eligibility for Permissive Tax Exemptions.

There is no obligation on the part of Council to grant a permissive tax exemption in any year. Permissive tax exemptions that are granted in any year reduce the total value of the tax base for that year and thereby increase the burden of taxation to properties that are not exempt.

Discussion:

The process requires the completion of applications on a five-year basis for places of worship, private schools, and hospitals, with other non-profit organizations reapplying and being reconsidered annually. The year 2023 is the third year in this five-year cycle for places of worship, private schools, and hospitals.

Renewal applications for all currently exempt applicants as well as new applicants were reviewed by staff in relation to Council Policy # 327 and the below recommendations represent the changes to the status of each applicant.

The estimated municipal tax impact related to the 2023 permissive exemptions is \$1.8 million, compared to \$1.7 million in 2022.

The following changes to Schedules A through H of the 2022 Tax Exemption Bylaw No. 12408 for 2023 property tax exemption are placed before Council for consideration:

Schedule A, Public Worship:

FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENT	MUNICIPAL TAX IMPACT
016680	Plan KAP 1303, Lot 17, DL 139	Mennonite Brethren Churches (Metro Community Church)	Removed – property is statutory exempt	(\$463)

Schedule B, Private Schools:

FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENT
03458.033	Lot 1, KAP86356	Aberdeen Hall Preparatory School Society	Name changed from Aberdeen Hall Senior School Society

Schedule C, Hospitals: No Change

Schedule D, Special Need Housing: No Change

Schedule E, Social Services:

FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENT	MUNICIPAL TAX IMPACT
04426.002	Lot B, Plan EPP64039, Sec 16, TWP 26	Kelowna Trinity Baptist Church Legacy Foundation	Addition	\$888

004550	Lot 9, Blk 7, Plan KAP462, DL139	Ki-Low-Na Friendship Society	Addition	\$9,120
026370	Plan KAP3185, Lot 2, DL 138	Resurrection Recovery Resource Society	Addition	\$3,526
10519.958	Lot 4, Plan KAS1717	Childhood Connections- Okanagan Family and Childcare Society	Remove – change in use	(\$3,236)

Schedule F, Public Park or Recreation Ground, Public Athletic or Recreational: No Change

Schedule G, Cultural Organizations:

FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENT	MUNICIPAL TAX IMPACT
075959	Plan KAP37880 LOT 2 District LOT 138	Kelowna Music Society	Removed – property has sold	(\$5,306)
079428	Plan KAS1996, Lot 1, District Lot 136	Chabad Okanagan Society	Addition	\$2,153

Schedule H, Other Non-Profit Societies:

FOLIO	LEGAL DESCRIPTION	ORGANIZATION	COMMENT	MUNICIPAL TAX IMPACT
06200.302	Lot 2, Plan EPS6838	Father DeLestre Columbus (2009) Society	Addition	\$747
028740	Plan KAP3398 LOT 8 DL 14	Kelowna Center for Positive Living Society	Removed – property has sold	(\$2,254)

The attached Appendix B provides a summary of the assessed values and estimated municipal tax impact, related to permissive tax exemptions, per schedule and property class for 2023. Appendix C provides the same summary of information but outlines the assessed values and estimated municipal tax impact for the next three years (2023 – 2025).

Places of Worship, Private Schools, and Hospitals already receive a provincial general statutory exemption for the building and land on which the building stands, per section 220 of the Community Charter. A permissive tax exemption provides an exemption for the land surrounding the exempt building. See Appendix A, which provides the total assessed values and estimated municipal tax impact related to the permissive tax and general statutory exemptions.

Conclusion:

It is recommended that Council approve the changes to Schedules A through H shown in the tables above and approve the complete Schedules A through H in the attached proposed Bylaw No. 12408.

Internal Circulation:

Active Living & Culture
Cultural Services
Partnership and Investments

Considerations applicable to this report:***Legal/Statutory Authority:***

Council may, by bylaw in accordance with sections 220, 224 and 225 of the Community Charter exempt land or improvements, or both, from taxation to the extent, for the period and subject to the conditions provided in the bylaw

Legal/Statutory Procedural Requirements:

Under section 227 of the Community Charter, Council must give notice of a proposed bylaw in accordance with section 94 [public notice must be once a week for 2 consecutive weeks], identifying the property that would be subject to the bylaw, describe the proposed exemption, state the number of years that the exemption may be provided and provide an estimate of the amount of taxes that would be imposed on the property if it were not exempt, for the year in which the proposed bylaw is to take effect and the following 2 years.

Under Division 7 – Permissive Exemptions of the Community Charter a bylaw may only be adopted by an affirmative vote of the majority of Council and does not apply to taxation in a calendar year unless it comes into force on or before October 31 in the preceding year.

Existing Policy:

Permissive Tax Exemption Policy 327

Financial/Budgetary Considerations:

Tax exemptions are not financed through a budgetary line item in the same way as municipal spending, nor do they affect the amount that has to be raised through property taxes. Nevertheless, tax exemptions do impose a cost on taxpayers who are not exempt. Tax exemptions reduce the total value of the tax base (i.e. the taxable value of property). Therefore, tax exemptions transfer the burden of taxation from properties that are exempt to properties that are taxable. An increase in the value of tax exemptions increases the taxes paid by properties that are not tax exempt. Refer to Appendix A, 2023 Tax Exemptions Summary – Municipal Tax Impact related to General Exemption and Permissive Exemption; Appendix B, 2023 Tax Exemptions Summary – Municipal Tax Impact related to Permissive Exemption only; and Appendix C – Municipal Tax impact related to Permissive Tax Exemption for the Years 2023-2025.

Considerations not applicable to this report:

**External Agency/Public Comments:
Communications Comments:**

Submitted by: P. Gramiak, Revenue Supervisor

Approved for inclusion:



J. Shaw, Acting Divisional Director, Financial Services

cc: BC Assessment

Attachments:

PTE 2023 Permissive Tax Exemptions Presentation

Appendix A, 2023 Tax Exemptions Summary –Municipal Tax Impact related to General Exemption and Permissive Exemption

Appendix B, 2023 Tax Exemptions Summary –Municipal Tax Impact related to Permissive Exemption only

Appendix C, Municipal Tax Impact related to Permissive Exemption for the Years 2023-2025

Appendix D, Policy # 327

Appendix E, Tax Exemption Bylaw –Schedules Background