

Bill M _____

Members' Bill

Third Session, Forty-first Parliament
67 Elizabeth II, 2019
Legislative Assembly of British Columbia

BILL M _____

**ASSESSMENT (SPLIT ASSESSMENT
CLASSIFICATION) AMENDMENT ACT, 2019**

MLA TODD STONE

ASSESSMENT (SPLIT ASSESSMENT CLASSIFICATION) AMENDMENT ACT, 2019

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 19 of the Assessment Act, R.S.B.C. 1996, c. 20, is amended:

(a) in subsection (1) by striking out the period at the end of the definition of “strata accommodation property” and substituting a semicolon, and by adding the following definition:

“unused airspace” is that part of a property which has no improvement and only consists of the empty space located above property with an improvement. ,

(b) in subsection (14.1) by striking out the period at the end of paragraph (e) and substituting a semicolon, and by adding the following paragraph:

(e.1) in relation to unused airspace, respecting

(i) the classification of unused airspace,

(ii) qualifying improvements above which airspace may be deemed to be classified as unused airspace,

(iii) a limit on the tax rate applied to land classified as unused airspace,
and

(iv) a limit on the relationship between the tax rate applied to land classified as unused airspace and another tax rate. , **and**

(c) by adding the following subsection:

(14.6) In prescribing limits under subsections (14.1) (e.1) (iii) or (iv), the maximum tax rate on unused airspace must be lower than the limit that applies to commercial property.

2 Part 1 of the Prescribed Classes of Property Regulation, B.C. Reg. 438/81, is amended:

(d) in section 1 (1) (c) (i) by striking out “Class 9” and substituting “Class 9 or 9.1”, and

(e) by adding the following section:

Class 6.1 – Unused Airspace

6.1 Class 6.1 property shall only include unused airspace that is located immediately above property with an improvement that is included in classes 4, 5, or 6. .

Consequential Amendments

Vancouver Charter

3 Section 2 of the Vancouver Charter, S.B.C. 1953, c. 55, is amended

(a) in section 2 by striking out the period at the end of the definition of “street” and substituting a semicolon, and by adding the following definition:

“unused airspace” has the same meaning as it does in section 19 of the *Assessment Act.* , ***and***

4 Section 374.3 is amended by adding the following subsection:

(4) A regulation made under subsection (1) respecting levy rates on property classified as unused airspace must be in accordance with section 19 (14.6) of the *Assessment Act*.

Community Charter

5 The Community Charter, S.B.C. 2003, c. 26, is amended by adding the following section:

199.1 A regulation made under section 199 respecting tax rates on property classified as unused airspace must be in accordance with section 19 (14.6) of the *Assessment Act.* , ***and***

6 Section 1 of the schedule is amended by adding the following definition:

“unused airspace” has the same meaning as it does in section 19 of the *Assessment Act*.

Commencement

7 This Act comes into force on the date of Royal Assent.