

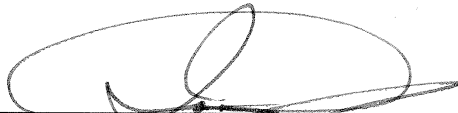
PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

871

, Approved and Ordered

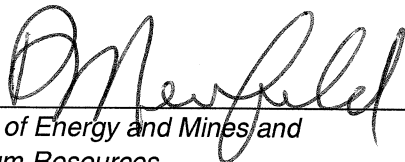
DEC - 8 2005


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) *section 1 of the Applicability Regulation, B.C. Reg. 308/2003, is amended*
- (i) *in subsection (1) (g) by striking out "section 34 (2) and (3)" and substituting "section 34", and*
 - (ii) *in subsection (2) by striking out "section 34 (2)" and substituting "section 34", and*
- (b) *approval is given to the British Columbia Transmission Corporation to make annual grants for the 2006 and subsequent tax years in accordance with the attached Schedule.*


Minister of Energy and Mines and
Petroleum Resources
Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Transmission Corporation Act*, S.B.C. 2003, c. 44, s. 2 (2); *Hydro and Power Authority Act*, R.S.B.C.1996, c. 212, s. 34;

Other (specify):- oic 725/2003

November 1, 2005

979/2005/14

SCHEDULE

Definitions

1 In this order:

“**applicable improvements**” means improvements, as defined in the *Assessment Act*, that are owned by the transmission corporation, but does not include such improvements if used or designed to be used in the transmission of electricity, including, without limiting this, cables, towers, transmission and distribution lines and equipment and appurtenant improvements;

“**land**” means land, as defined in the *Assessment Act*, that is owned by the transmission corporation;

“**local government**” includes an improvement district as defined in the *Local Government Act* and the Islands Trust as described in the *Islands Trust Act*.

Grants in lieu of taxes

2 The transmission corporation may make annual grants,

- (a) in respect of taxes under the provisions referred to in section 3 (a), (b), (c) or (d), to each municipality within the territorial jurisdiction of which
 - (i) land or an applicable improvement or both are located, and
 - (ii) the transmission corporation transmits electrical power or otherwise carries on business,
- (b) in respect of taxes under the provision referred to in section 4 (1), to the Surveyor of Taxes with respect to land or an applicable improvement or both located in a rural area, and
- (c) in respect of taxes under the provisions referred to in section 4 (2) (a) and (b), to the Surveyor of Taxes in relation to each local government within the territorial jurisdiction of which
 - (i) land or an applicable improvement or both are located, and
 - (ii) the transmission corporation transmits electrical power or otherwise carries on business.

Grants to municipalities

3 A grant under section 2 (a) must not in any one year exceed an amount equivalent to the amount that would have been payable to the municipality in the previous year in respect of the land or applicable improvement or both under

- (a) section 197 (1) (a) and Divisions 4 and 5 of Part 7 of the *Community Charter*,
- (b) sections 373 and 459 and Part XXIV of the *Vancouver Charter*,
- (c) sections 805 and 805.1 of the *Local Government Act*, and
- (d) sections 47 (2) (b) and 49 of the *Islands Trust Act*

had the transmission corporation been liable to pay tax in relation to that land or applicable improvement or both in that year under any of those sections.

Grants with respect to a rural area

4 (1) A grant under section 2 (b) must not in any one year exceed an amount equivalent to the amount that would have been payable to the Surveyor of Taxes as tax for

Provincial revenue purposes to which section 5 or 6 of the Taxation (Rural Area) Act Regulation applied in the previous year in respect of the land or applicable improvement or both had the transmission corporation been liable to pay such tax in relation to that land or applicable improvement or both in that year.

- (2) A grant under section 2 (c) must not in any one year exceed an amount equivalent to the amount that would have been payable to the Surveyor of Taxes in the previous year in respect of the land or applicable improvement or both under
- (a) sections 756, 806 and 806.1 of the *Local Government Act*, and
 - (b) sections 47 (2) (a) and 48 of the *Islands Trust Act*
- had the transmission corporation been liable to pay tax in relation to that land or applicable improvement or both in that year under any of those sections.

Notice required

- 5 On or before March 31 in each year, the transmission corporation must advise each municipality and the Surveyor of Taxes of the amount of the grant it intends to pay to them in that year.

When payment is required

- 6 The transmission corporation must pay the grants referred to in section 5 to the municipalities and to the Surveyor of Taxes on or before November 30 in each year.