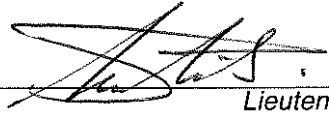


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. L 769 , Approved and Ordered OCT 24 2008

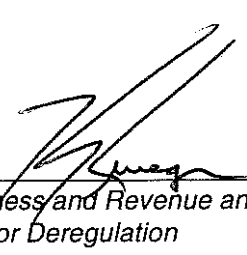


Lieutenant Governor

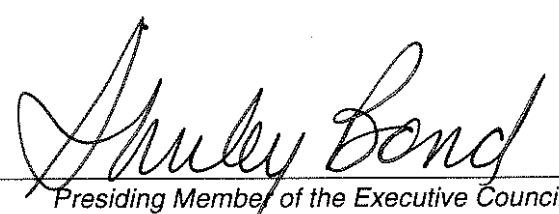
Executive Council Chambers, Victoria

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

- 1 Section 2 (a), insofar as it adds the definitions of “**accommodation unit**”, “**leasehold accommodation property**” and “**leasehold unit**”, of the *Small Business and Revenue Statutes Amendment Act, 2008*, S.B.C. 2008, c. 11, is brought into force.
- 2 Section 2 (b), (c), (e) and (f) of the *Small Business and Revenue Statutes Amendment Act, 2008*, S.B.C. 2008, c. 11, is brought into force.
- 3 The Prescribed Classes of Property Regulation, B.C. Reg. 438/81, is amended as set out in the Schedule.
- 4 Effective January 1, 2009, section 13 of the Prescribed Classes of Property Regulation, B.C. Reg. 438/81, is amended by striking out “November 30” and substituting “August 31”.



Minister of Small Business and Revenue and
Minister Responsible for Deregulation



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:- Small Business and Revenue Statutes Amendment Act, 2008, S.B.C. 2008, c. 11, s. 27
Assessment Act, R.S.B.C. 1996, c. 20, s. 19

Other (specify):- OIC 2198/81

September 24, 2008

Resub R/519/2008/12

SCHEDULE

1 *Section 1 (a) of the Prescribed Classes of Property Regulation, B.C. Reg. 438/81, is amended by striking out "and" at the end of subparagraph (iii.1) and by adding the following subparagraphs:*

(iii.2) a leasehold accommodation property except, subject to subparagraphs (iii.3) and (iii.4), if

(A) in respect of each leasehold unit in the leasehold accommodation property, the lessee of the leasehold unit has the right to use the property for 7 or more days in the 12-month period ending June 30 of the year previous to the taxation year for which the assessment roll is completed,

(B) in respect of more than 50% of the leasehold units in the leasehold accommodation property, the lessees exercise their right to use their property for 7 or more days in the 12-month period ending June 30 of the year previous to the taxation year for which the assessment roll is completed, and

(C) the owner of that property supplies the information as required under section 13 in respect of the property,

the property is included in class 1 but not in respect of that part of a year equal to the number of days, if any, by which the average of the number of days reported under section 13 (c) for accommodation units in the property exceeds 36 days,

(iii.3) a leasehold accommodation property if a lessee and, if the lessee is a corporation, any affiliate of the lessee, lease more than 14 leasehold units in the leasehold accommodation property,

(iii.4) a leasehold accommodation property if the property has more than 15 accommodation units that are not leasehold units, and.

2 *The following sections are added:*

Information required to assess leasehold accommodation property

13 On or before November 30 of each year, the owner of a leasehold accommodation property must supply the following information to the assessment authority:

- (a) the number of leasehold units in the leasehold accommodation property;
- (b) the number of accommodation units in the leasehold accommodation property;
- (c) for the period beginning on July 1 of the previous year and ending on June 30 of the year, the number of days each accommodation unit in the leasehold accommodation property was rented as overnight accommodation as part of a period of rental of less than 28 days;
- (d) in respect of each leasehold unit in the leasehold accommodation property, the number of days, for the period beginning on July 1 of the previous year and ending on June 30 of the year,

- (i) the lessee had the right to use the leasehold unit, and
 - (ii) the lessee used the leasehold unit;
- (e) whether a lessee and, if the lessee is a corporation, any affiliate of the lessee lease more than 14 leasehold units in the leasehold accommodation property.

Leasehold accommodation property — prescribed matters

- 14**
- (1) For the purposes of the definition of “accommodation unit” in section 19 of the *Assessment Act*, the prescribed percentage is 20%.
 - (2) For the purposes of the definition of “leasehold accommodation property” in section 19 of the *Assessment Act*, the prescribed number of leasehold units is 15.
 - (3) For the purposes of the definition of “leasehold unit” in section 19 of the *Assessment Act*, the prescribed number of years is 99.