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**Court slaps down BC Assessment tactics**[Business Examiner](#). (South Island ed.). Victoria, B.C.: [Sep 8, 2004](#). pg. 2**Other available formats:** [Abstract](#)**Find more documents like this:****People:**

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The waterfront houses on **Senanus** Drive have no potable water either from their wells, which are subject to saltwater intrusions, or from municipal water lines, which do not extend to the street. The problem arose more than a dozen years ago, according to Gordon Denford, who has lived on the street for 35 years. He said that increased demands on the aquifer from farms and other residential areas lowered the water table and resulted in salt water intrusions into the heavily mineralized water. He has four wells on his property, and like the other residents must truck water in.

While Justice Parrett decided that the [Heather Berrang] property is actually worth \$1.7 million minus 15 per cent for the bad water, taking the taxable value down to \$1.445 million, local owners aren't happy with that, either. The 2002 assessed value was \$1,197,000; that difference could make a big difference to Heather Berrang's property taxes, which, like her neighbours', runs into five figures every year.

Justice Parrett's decision to strike down the Appeal Board's last decision doesn't necessarily end the matter. According the Cheryl Vickers, the chairwoman of the Property Assessment Appeal Board, if the homeowner and the assessors agree with the court's direction, they can settle the matter now. If not - and Denford indicated he at least is not happy with the outcome - the matter will have to be heard again.

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The B.C. Supreme Court has thrown a bucket of cold water on provincial property assessment methods.

A July 30 ruling by Justice Parrett at the Victoria Courthouse found that the Property Assessment Appeal Board (a one-person panel in this situation) erred in law when it failed to determine a reasonable and equitable assessed value for a group of houses in Central Saanich.

The waterfront houses on **Senanus** Drive have no potable water either from their wells, which are subject to saltwater intrusions, or from municipal water lines, which do not extend to the street. The problem arose more than a dozen years ago, according to Gordon Denford, who has lived on the street for 35 years. He said that increased demands on the aquifer from farms and other residential areas lowered the water table and resulted in salt water intrusions

into the heavily mineralized water. He has four wells on his property, and like the other residents must truck water in.

In 2003, Heather Berrang argued that the lack of water quality and quantity diminished the value of her home and asked that the assessed value be dropped to its 2002 level and frozen there until the water problem was rectified. The other owners on **Senanus** Drive want the same thing.

The BC Assessment Authority assessor wasn't happy, either, and wanted the 2003 assessment increased, stating that it wasn't equitable with other similar properties.

While Justice Parrett decided that the Berrang property is actually worth \$1.7 million minus 15 per cent for the bad water, taking the taxable value down to \$1.445 million, local owners aren't happy with that, either. The 2002 assessed value was \$1,197,000; that difference could make a big difference to Heather Berrang's property taxes, which, like her neighbours', runs into five figures every year.

Denford pointed out that he and the other owners have won every appeal from the Review Panel for the past four years. However, regardless of the outcome of their appeals and of the recent Supreme Court decision, the method of assessment in BC won't change.

Markets in different parts of the province treat the issue of potable water differently, explained Gerry Marolla, deputy area assessor for the BCAA. And every assessment is based on market-driven factors. He pointed out that some cases come up every year, like the people who complain that their houses are located on busy streets.

"Well, yeah," he said. That does affect market value, which then affects the assessed value.

Other factors like living near a forest, which could increase the risk of fire, or next to a park with noxious weeds would only affect the assessed value as they affect market value. The "stigma" would have to be individually determined.

One of the problems assessors have when they try to put a value on the **Senanus** Drive properties is that they come up for sale so seldom. The Berrangs bought their house five years ago. Denford and many of the others have been there for thirty years and more.

And while the Berrang house was taken as the test case, to provide an example to be followed for the other 14 homes, the neighbours were reluctant to participate in the suit, because they consider every house to be unique. According to Denford, they range from large new houses to modest 1960s homes.

Justice Parrett's decision to strike down the Appeal Board's last decision doesn't necessarily end the matter. According to Cheryl Vickers, the chairwoman of the Property Assessment Appeal Board, if the homeowner and the assessors agree with the court's direction, they can settle the matter now. If not - and Denford indicated he at least is not happy with the outcome - the matter will have to be heard again.

Although his is not the property named in the case, he is the front man representing the **Senanus** neighbours, who have joined together in this matter. They contributed money to hire a lawyer for the first time this year, and they don't intend to stop now. They want water and until they get it, they want their property taxes to reflect its lack.

"We're not going to go away without a fight," Denford promised.

By Rachel Goldsworthy

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