

Residents win this round

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A recent BC Supreme Court decision could change the watery fate of some Central Saanich residents. For more than a decade, homeowners on Senanus Drive have had to haul in bottled water or pay a private company to truck in potable water because the aquifer level dropped so low that Saanich Inlet seeped into their wells along with unpalatable levels of other minerals.

During the first part of this century, they unsuccessfully begged the municipal hall for help in the form of an application for a provincial/federal infrastructure grant that would pay half the cost of a waterline to hook up the houses with the municipal pipeline. The residents would have made up the balance themselves. The District of Central Saanich refused; different councils had different reasons, said current mayor Allison Habkirk, but one reason was that providing piped water would open up the area to more development. Other reasons included a task force report that suggested finding other solutions such as a community well.

So the residents have taken another tack. For the past four years they've been appealing their property taxes on the grounds that they've been stigmatized by the lack of decent water. The re-sale value of their homes has been significantly compromised by the problem, according to the Property Assessment Appeal Board.

"In the owner's view," said the Appeal Board's January 2004 decision, "chronic problems with the quality and quantity of potable water so impacts the property value that the assessed value should be frozen at their 2002 levels until such time that the municipality of Central Saanich has a solution in place. The owner asks that the 2003 assessed value be reduced to the 2002 assessed level."

The BC Assessment Authority assessor agreed that there was a "real or apparent" problem with the water and that the market recognizes it as a negative factor. However, the assessor believed that the 2003 assessed value was below market value.

The assessor, with homeowner Heather Berrang, took the issue to the Appeal Board, which dismissed them both. So then the assessor took the matter further, stating that the Board erred in law when it failed to find a reasonable and equitable assessed value for the house.

Mr Justice WG Parrett agreed. In his decision, handed down on July 30, Parrett wrote that 15 per cent, or about \$255,000, should be deducted from the \$1.7 million value of the house. The Appeal Board had apparently accepted the 15 per

cent stigma adjustment for the other 14 houses on Senanus, but not for Berrang's.

If both the BC Assessment Authority and Heather Berrang agree with the Supreme Court decision, that's the end of that round in the Senanus Drive battle. However if they don't, the matter goes back to the Appeal Board.

Gordon Denford, a spokesman for the Senanus residents, said he's very unhappy with the decision. Berrang wanted her 2003 assessment frozen at the 2002 value of \$1,197,000; the difference between \$1.2 million and \$1.445 million will have an impact on her property taxes which, like her neighbours', runs into five figures every year.

After last year's decision was appealed, Denford still paid \$20,000 in property taxes in 2003.

The Senanus neighbours have appealed their 2004 taxes, too. Denford declared, "We're not going to go away without a fight."

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