

# factsheet



## *Occupiers of Crown, Municipal or Otherwise Exempt Land*

BC Assessment

All properties and their owners are identified on the assessment roll. As a general rule, land owned by the Crown or a municipality is exempt from taxation (under the relevant tax statute such as the *Community Charter*, the *Taxation (Rural Area) Act* or the *Vancouver Charter*).

If the property is occupied by someone on behalf of the owner (e.g. a caretaker of a provincial park), the property will remain exempt. But if a person occupies the exempt property for his or her own purposes, the property is assessable and taxable in that person's name.

The assessment is based on the full market value of the property as if it were privately owned, not just on the value of the lease (or other document) that allows the property to be occupied.

However, if the owner (Crown, municipality or exempt owner) imposes restrictions on the use of the property (other than the duration of the tenure), those restrictions must be taken into account in the valuation of the property.

### **Definition of owners and occupiers**

The *Assessment Act* defines an "owner" as:

- the registered owner of an estate in fee simple;
- a registered life tenant;
- the registered holder of the last registered agreement for sale and purchase; and
- the holder or occupier of tax-exempt real property.

The *Assessment Act* defines an "occupier" as:

- a person who is entitled to maintain an action for trespass;
- a person in possession of land and improvements owned by a tax exempt owner (i.e. the Crown or municipality or other exempt owner); and

- a person who is entitled to occupy a water lot.

### **First Nations reserve land**

Reserve land is Crown land specifically set aside for occupation by First Nations people. The area of reserve land occupied by a First Nation (or a member of a First Nation) is tax exempt. If somebody else occupies the land, it will be taxable in the name of that occupier.

### **Paramount occupation**

If a property is occupied by more than one person, it will be assessed in the name of the "paramount" occupier, who is the person who has the best entitlement to occupy that property.

If there is no paramount occupier, the property will be assessed jointly in the names of all the occupiers.

### **For more information, contact:**

#### **Legal Services and Government Relations**

BC Assessment  
1537 Hillside Avenue  
Victoria, BC  
V8T 4Y2  
250 595-6211

