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ASSESSMENT COMMISSIONER

v.

CIRCLE W HIHIUM FISHING CAMP LTD.

Supreme Court of British Columbia (A833128) Vancouver Registry

Before: CHIEF JUSTICE ALLAN McEACHERN

Vancouver, November 14, 1983

Julian K. Greenwood for the Appellant
Raymond E. Drabik for the Respondent

The following questions were asked of the Court, and the answers given are indicated.

(1) Did the Board err in law in taking into account, for valuation purposes, restrictions on use and on assignment of the properties found in the Crown lease of the properties?

(2) Did the Board err in law in taking into account, for valuation purposes, certain policies of the Crown with respect to assignment of the lease?

(3) Was there any evidence to support the nominal values applied to both the lands and improvements?

(4) Was the Board's decision bad in law as being arbitrary?

(5) Did the Board err in law by failing to value the properties according to their highest and best use as defined by the applicable zoning?

The answers to the above questions are:

- (1) Yes
- (2) Yes
- (3) No
- (4) Yes
- (5) Yes