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**CROWN FOREST INDUSTRIES LTD.**

**v.**

**ASSESSOR OF AREA 6 - COURTENAY**

Supreme Court of British Columbia (850835) Vancouver Registry

Before: MR. JUSTICE C.R. LANDER

Vancouver June 28, 1985

Peter D. Feldberg for the Appellant  
Robert S. Gill for the Respondent

**Reasons for Judgment**

July 12, 1985

This appeal by Stated Case coming on for hearing on June 28, 1985 and on hearing Peter D. Feldberg, Esq., counsel for the Appellant, and Robert S. Gill, Esq., counsel for the Respondent.

This Court orders that the question in the Stated Case upon which the opinion of the Supreme Court is sought is answered as follows:

Yes. The Assessment Appeal Board erred in law in its interpretation of section 5 of B.C. Regulation 438/81 as amended and in its application of that section to the subject property. The use made of the subject property does not fall within any of the functions described in section 5 of B.C. Regulation 438/81 and cannot therefore be classified for assessment purposes as Class 5 (Industrial). The proper classification of the property is Class 6 (Business/Other).