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SC 538 The Dance Foundation v AA09

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**THE DANCE FOUNDATION**

**v.**

**ASSESSOR OF AREA 09 - VANCOUVER**

SUPREME COURT OF BRITISH COLUMBIA (L060156) Vancouver Registry

Before the HONOURABLE MR. JUSTICE DAVIES

Date and Place of Hearing: May 14, 2010, Vancouver, B.C.

Harley J. Harris for the Appellant  
John A. McLachlan for the Respondent

**ORDER**

THIS STATED CASE filed by the Property Assessment Appeal Board of British Columbia coming on for hearing at Vancouver, British Columbia on the 14th day of May, 2010, and on hearing Harley J. Harris, counsel for The Dance Foundation, and John A. McLachlan, counsel for the Assessor of Area #09 - Vancouver, and BY CONSENT.

THIS COURT ORDERS that

1. The appeal from the decision of the Property Assessment Appeal Board of British Columbia dated February 1, 2006 (referenced as 2006 PAABBC 20052354) is granted.
2. Questions 2, 3, 4, 5, 6, 7 and 8 posed in this Stated Case by the Property Assessment Appeal Board of British Columbia are withdrawn.
3. The answer to Question #1 posed in this Stated Case by the Property Assessment Appeal Board of British Columbia is "Yes".
4. The answer to Question #9, posed in this Stated Case by the Property Assessment Appeal Board of British Columbia, is that the Dance Centre (as that property is defined in the Stated Case) should be assessed for 2005 on a split classification between *Class 8 - Non-Profit Organization* and *Class 6 - Business/Other* as follows:
  - a) The area of the Dance Centre occupied by The Bank of Nova Scotia on the second floor consisting of 378 sq. ft. shall be assessed as Class 6;
  - b) The area of the Dance Centre sub-leased by Vince Walker on the fifth floor consisting of 149 sq. ft. shall be assessed as Class 6;
  - c) The area of the Dance Centre sub-leased by the Pacific Ballet Theatre Society (Ballet British Columbia) on the fourth floor consisting of 3,500 sq. ft. shall be assessed as Class 6; and

d) All other areas of the Dance Centre shall be assessed as Class 8.

5. Each party shall bear their own costs.