

Owner of \$12.5-million Shaughnessy home goes to court to fight \$128,000 vacancy tax bill

In the fourth court case involving Vancouver's vacancy tax, a Shaughnessy homeowner is going to court in a bid to allow him to lodge a complaint against his \$128,000 tax notice.

KEITH FRASER Updated: July 5, 2019

In the latest court challenge to Vancouver's vacancy tax, the owner of a \$12.5-million Shaughnessy home is seeking to appeal his \$128,000 tax bill.

Sau Po Wong, a retired businessman, says that in February 2018, he completed and submitted to the city his property status declaration form for 2017.

He said that because he had lived at the property, a single-family home Matthews Ave. that he purchased in October 2003, for more than six months, it was his principal residence for that year and he should be exempt from the empty home tax, which amounts to one per cent of assessed value of the property.

In July 2018, the city delivered an audit notification asking him to provide information and evidence in support of his declaration.

Wong responded to the audit letter, but mistakenly uploaded copies of a utility bill, a notice of assessment and government correspondence relating to 2018, not 2017, the year for which he had made the declaration, according to his petition filed in B.C. Supreme Court.

"Consequently, through inadvertence the audit response provided the city with copies of relevant documents, but for the wrong calendar year," reads Wong's petition.

In early September 2018, Wong, who is a Canadian citizen, left Vancouver to travel overseas for several months and did not return until Dec. 18, 2018.

When he got back to Vancouver, he found that the city had delivered to him an audit determination dated Nov. 7, 2018 that found that despite his declaration, he was subject to the tax under the city's bylaw.

He received a vacancy tax notice informing him that \$128,310 was due and payable because the property had been vacant during 2017.

Wong was told that if he did not pay the tax by Dec. 12, 2018, a five-per-cent penalty would apply and the bill would be increased to \$134,725.50.



1138 Matthews Ave. in Vancouver's Shaughnessy neighbourhood has been hit with a \$128,000 vacancy tax bill. Retired businessman Sau Po Wong is trying to quash a decision that denies him the opportunity to appeal the bill. *ARLEN REDEKOP / PNG*

He was advised that if he wanted to submit a notice of complaint, he would have to do so by the due date of Dec. 12, 2018.

Wong's petition says that during his time overseas he did not receive any correspondence from the city with respect to his declaration and as a result did not become aware of either the audit determination or the vacancy tax notice until after the due date.

When his lawyers contacted city staff in March to seek an extension of time from the Tax Review Officer to file a notice of complaint, he was told that the city had concluded the audit.

"Based on the information and documents you submitted, we have determined that your client's property status declaration is non-compliant and your client's property is subject to the Vacancy Tax," says the email from the city.

The stated reason for the non-compliance was "insufficient evidence" provided to the city.

"The city considers that the evidence provided was not sufficient to determine that this property was the principal residence of an occupier, and attempts by the city to request additional evidence were not responded to within the time frame provided."

The city said that the property owner had been given "multiple" opportunities to comply by way of an audit letter, a follow-up phone call and email on Sept. 4, 2018.

Wong says in his petition that he did not receive the follow-up phone call or email referred to by the city.

The petitioner is seeking a court order quashing the decision to deny him an extension to submit a complaint.

No response has been filed to the petition. Wong's case is the fourth lawsuit filed against the city in relation to the empty home tax. The city said in an email Thursday that it did not comment on specific cases.

The vacancy tax was brought in as a measure to return empty or under-used properties to use as long-term rental homes for people who live and work in the city.