

Jillings, Duncan FIN:EX

From: Hawkshaw, Steve FIN:EX
Sent: Tuesday, January 13, 2015 11:30 AM
To: Jillings, Duncan FIN:EX
Subject: RE: Forfeiture Remission - Howard Horning

Updated with a short blurb in the options section.

s.15

From: Jillings, Duncan FIN:EX
Sent: Tuesday, January 13, 2015 10:51 AM
To: Hawkshaw, Steve FIN:EX
Subject: RE: Forfeiture Remission - Howard Horning

Please write the paragraph for Tax Policy to go into the note and I will look at it.
Thanks

Duncan Jillings
Director, Property Taxation
Tax Policy Branch
Ministry of Finance
(250) 387-7324
cell: (250) 208-4205

From: Hawkshaw, Steve FIN:EX
Sent: Tuesday, January 13, 2015 10:37 AM
To: Jillings, Duncan FIN:EX
Subject: RE: Forfeiture Remission - Howard Horning

s.13,s.22

I worked with Deborah a bit, the second draft of the BN is located here:

s.15

From: Jillings, Duncan FIN:EX
Sent: Wednesday, January 7, 2015 1:11 PM
To: Hawkshaw, Steve FIN:EX
Subject: FW: Forfeiture Remission - Howard Horning

Over to you
For filing and for recommendations to me

Duncan Jillings
Director, Property Taxation
Tax Policy Branch
Ministry of Finance
(250) 387-7324
cell: (250) 208-4205

From: Brouwer, Deborah FIN:EX
Sent: Wednesday, January 7, 2015 1:00 PM
To: Jillings, Duncan FIN:EX
Cc: Sykora, Ed FIN:EX
Subject: Forfeiture Remission - Howard Horning

Hi Duncan,
Would you mind having a look at this forfeiture remission for Howard Horning? We are still calculating the outstanding taxes but they are about \$3,500.

I am also attaching the briefing note for the remission that I am trying to distinguish s.22
s.13

s.13

Thanks,
Deborah

Deborah Brouwer
Policy and Legislation Analyst
Property Taxation Branch
Ministry of Finance
Phone: 250 387-2884
Gov.bc.ca/propertytaxes

Jillings, Duncan FIN:EX

From: Jillings, Duncan FIN:EX
Sent: Tuesday, January 13, 2015 12:56 PM
To: Brouwer, Deborah FIN:EX
Cc: Sykora, Ed FIN:EX; Hawkshaw, Steve FIN:EX
Subject: RE: Forfeiture Remission - Howard Horning

Thanks Deborah.
Please include the following.

s.13

Duncan Jillings
Director, Property Taxation
Tax Policy Branch
Ministry of Finance
(250) 387-7324
cell: (250) 208-4205

From: Brouwer, Deborah FIN:EX
Sent: Wednesday, January 7, 2015 1:00 PM
To: Jillings, Duncan FIN:EX
Cc: Sykora, Ed FIN:EX
Subject: Forfeiture Remission - Howard Horning

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I am also attaching the briefing note for the remission that I am trying to distinguish s.22
s.22

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Policy and Legislation Analyst
Property Taxation Branch
Ministry of Finance
Phone: 250 387-2884
Gov.bc.ca/propertytaxes

Page 05 to/à Page 12

Withheld pursuant to/removed as

s.13

Page 13 to/à Page 16

Withheld pursuant to/removed as

s.12;s.22;s.13

Brouwer, Deborah FIN:EX

From: Brouwer, Deborah FIN:EX
Sent: Wednesday, October 28, 2015 5:13 PM
To: Sykora, Ed FIN:EX
Cc: Harley, Hilary M FIN:EX
Subject: FOI - Briefing Note 342485
Attachments: FOI - BN 342485 - suggested redaction.docx; 316-2015.pdf

Hi Ed,

Attached is how I would edit the briefing note to protect the personal information of third parties and cabinet confidences.

s.13

Deborah Brouwer
Policy and Legislation Analyst
Property Taxation Branch
Ministry of Finance
Phone: 250 387-2884
Gov.bc.ca/propertytaxes

Ministry of Finance
BRIEFING DOCUMENT

To: Honourable Michael de Jong, Q.C. **Date Requested:** N/A
Minister of Finance **Date Required:** N/A

Initiated by: Elan Symes **Date Prepared:** April 9, 2015
Assistant Deputy Minister
Revenue Division

Ministry Contact: Steven Emery **Phone Number:** 250 387-0532
Executive Director **Email:** Steven.Emery@gov.bc.ca
Property Taxation Branch **Cliff #:** 342485

TITLE: Remission of Forfeiture of Rural Property Formerly Owned by Howard Horning

PURPOSE:
(X) DECISION REQUIRED

Executive Director approval: _____ ADM approval: _____ DM approval: _____

DATE PREPARED: April 9, 2015

TITLE: Remission of Forfeiture of Rural Property Formerly Owned by Howard Horning

ISSUE: Whether to recommend that cabinet grant remission of forfeiture.

BACKGROUND:

The property subject to this remission request is s.22 located in rural Chetwynd, British Columbia. The Property is approximately six acres in size with a rudimentary residential dwelling. The Property has an assessed value of \$86,100 (land: \$43,600; improvements \$42,500). It forfeited to the Crown on December 1, 2010 for three years of unpaid property taxes under section 39 of the *Taxation (Rural Area) Act* (the Act). The current balance of taxes, penalties, interest and fees is \$3,663.39.

Before it forfeited to the Crown, the registered owner of the Property was Howard Horning. s.22 since his death no property taxes have been paid on the Property. However, s.22 has continued to occupy the Property.

s.22

The Property is not serviced by door-to-door mail delivery from Canada Post. Instead, mail must be sent to a postal box. After s.22 was unable to access the property's postal box because s.22 s.22 Consequently, s.22 states that s.22 did not receive the tax notices, overdue notices, forfeiture notice and other communications from the Property Taxation Branch (PTB) regarding s.22 right to redeem or revert the Property. PTB does have a record of mail being returned as undeliverable from this property.

In 2012, s.22 contacted PTB inquiring about the right to redeem the Property, but once the s.22 learned that the Property could only be returned to the original owner, the s.22 no longer pursued the redemption.

On December 1, 2013, the right to redeem or revert the Property expired. In early 2014, the Compliance and Enforcement Branch of the Ministry of Forest, Lands and Natural Resource Operations visited the Property to advise s.22 that s.22 was illegally occupying the Property. Consequently, s.22 requested remission of the forfeiture on behalf of s.22 is the s.22 and has offered to pay the outstanding amounts plus future taxes. s.22 has explained that s.22 s.22

DISCUSSION:

Under section 19 of the *Financial Administration Act*, the Lieutenant Governor in Council may provide a remission of tax imposed by an enactment where great public inconvenience, great injustice or great hardship to a person has occurred or is likely to occur, and it considers that it is in the public interest to do so.

Cabinet has agreed to remissions of forfeiture in the past, particularly where the forfeiture resulted from the owner's poverty, mental or physical illness, lack of ability to understand the implications of the forfeiture process, or it involved the owner's home.

s.22

Given s.22

s.22

the forfeiture of s. home

would result in a great hardship. Since s.22 has assumed an advocacy roll on behalf of s.22 and appears willing and able to pay the outstanding and future taxes on s.22 behalf the public interest would also be served by a remission.

If the remission order is granted, the property would be returned into the name of the previous owner, Howard Horning, even though he is deceased. The Land Title and Survey Authority has confirmed that there is no impediment to putting a property back into the name of a deceased person. If an estate administrator is appointed in the future, it would then be for the estate administrator to transfer the property into his or her own name for the purpose of administering the estate.

OPTIONS:

Option 1: Recommend that Cabinet provide remission of the forfeiture.

Option 2: Do not recommend remission of forfeiture to Cabinet.

RECOMMENDATION:

s.13

APPROVED / NOT APPROVED

Michael de Jong, Q.C.
Minister

Date



COPY

July 27, 2015

REMISSION
HORNING

Land Title & Survey Authority of British Columbia
Victoria Land Title Office
200-1321 Blanshard St
Victoria BC V8W 9J3

Attention: Registrar

Dear Sir/Madam:

RE: Remission - Order in Council #316 approved and ordered June 08, 2015
PID 006 038 051

Enclosed for registration is an Order in Council with respect to the return of a property to the former owner.

If you require more information, please contact me directly at 250 387-0576.

Yours truly,

Catherine McGill
Taxation Operations Supervisor
Surveyor of Taxes, Property Taxation Branch

cc: BC Assessment – Peace River

Nerdev Johal
Integrated Resource Operations Division
Ministry of Forests, Lands and Natural Resource Operations

APPLICATION

NOTE: Before submitting this application for interests under (1) and (2), applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a municipality and Improvement, Water and Irrigation Districts.

NATURE OF INTEREST:

.....
(1) FEE SIMPLE [] MARKET VALUE: \$86,100
.....

2) CHARGE [] NATURE OF CHARGE
NATURE OF CHARGE
.....

(3) CANCELLATION OF CHARGE [] NATURE AND NUMBER OF CHARGE
CANCELLED
NATURE AND NUMBER OF CHARGE
CANCELLED

HEREWITH FEES OF: \$NIL

As to (1) and (2) NAME AND ADDRESS of persons entitled to be registered as owner, if different than shown in instrument:

HOWARD HORNING, DECEASED
s.22

As to (3) FULL NAME of person entitled to cancellation who or on whose behalf the application is made:

PARCEL IDENTIFIER NO(S): 006 038 051

LEGAL DESCRIPTION, if not shown in instrument being submitted with this application:

LOT A DISTRICT LOT 766 PEACE RIVER DISTRICT PLAN 30087

FULL NAME, ADDRESS, TELEPHONE NUMBER of person presenting application:

Catherine McGill 250 387-0576

SURVEYOR OF TAXES OFFICE
PROPERTY TAXATION BRANCH
PO BOX 9446 STN PROV GOVT
VICTORIA BC V8W 9V6

.....


SIGNATURE OF APPLICANT OR
SOLICITOR OR AUTHORIZED AGENT

Page 24 to/à Page 25

Withheld pursuant to/removed as

s.22

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 316

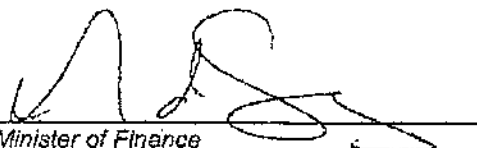
Approved and Ordered June 08, 2015



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) authorization is given for the remission of the forfeiture to the Crown by or on behalf of Howard Horning (deceased) or his estate of property described as Parcel Identifier: 006-028-051, Lot A, District Lot 766, Peace River District, Plan 30087 ("the property"), and
- (b) the remission authorized under paragraph (a) is conditional on
 - (i) the payment of \$3 663.39, by or on behalf of Howard Horning (deceased) or his estate, to the Minister of Finance at the Office of the Surveyor of Taxes within 45 days of the making of this order, and
 - (ii) the reinstatement, in the priority that existed immediately prior to the date of the forfeiture, of any charges against the property that were cleared under section 39 (2) of the *Taxation (Rural Area) Act*.


Minister of Finance


Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Financial Administration Act, R.S.B.C. 1996, c. 138, s. 19

Other: _____

March 10, 2015

page 1 of 1

O/164/2015/33

Page 27 to/à Page 31

Withheld pursuant to/removed as

s.22

Brouwer, Deborah FIN:EX

From: Hunter, Lindsay FIN:EX
Sent: Monday, June 15, 2015 2:04 PM
To: Brouwer, Deborah FIN:EX
Subject: FW: Horning Remission Notification
Attachments: 342485_OIC approval letter20150615.pdf

Hey Deb, signed letter attached. I have mailed both letter and OIC today, updated it in the cliff log and put a copy in Howard Horning remission file on O drive.

Hope that's good!

Cheers
Lindsay

From: Brouwer, Deborah FIN:EX
Sent: Monday, June 15, 2015 10:21 AM
To: Hunter, Lindsay FIN:EX
Subject: Horning Remission Notification

Hi Lindsay – When you have a moment, could you check the formatting of the attached letter for Steven's signature? It is time sensitive so it would be good if we could send it today or tomorrow.

Thanks,

Deborah Brouwer
Policy and Legislation Analyst
Property Taxation Branch
Ministry of Finance
Phone: 250 387-2884
Gov.bc.ca/propertytaxes

Page 33 to/à Page 35

Withheld pursuant to/removed as

s.22

Brouwer, Deborah FIN:EX

From: Brouwer, Deborah FIN:EX
Sent: Monday, August 24, 2015 11:42 AM
To: Mercanti, Charles D FLNR:EX
Cc: McGill, Catherine M FIN:EX
Subject: RE: Horning Remission - Land file 8015723
Attachments: Title Transfer.pdf

Hi Chuck – An update: S.22
S.22

Deborah Brouwer
Policy and Legislation Analyst
Property Taxation Branch
Ministry of Finance
Phone: 250 387-2884
Gov.bc.ca/propertytaxes

From: Brouwer, Deborah FIN:EX
Sent: Wednesday, July 29, 2015 5:01 PM
To: Mercanti, Charles D FLNR:EX
Cc: McGill, Catherine M FIN:EX
Subject: RE: Horning Remission - Land file 8015723

Hi Chuck – S.22
S.22

I apologize for not updating you sooner on this file and I will keep you in the loop as soon as the title transfers back.

Deborah Brouwer
Policy and Legislation Analyst
Property Taxation Branch
Ministry of Finance
Phone: 250 387-2884
Gov.bc.ca/propertytaxes

From: Mercanti, Charles D FLNR:EX
Sent: Wednesday, July 29, 2015 4:58 PM
To: Brouwer, Deborah FIN:EX
Subject: RE: Horning Remission - Land file 8015723

Hi Deborah, just a quick note looking for an update on this file. Can you let me know where we are at on this one now.

Thanks, look forward to hearing from you.

Charles (Chuck) Mercanti, RFT
Senior Authorizations Officer
Ministry of Forests, Lands and Natural Resource Operations
370-10003-110th Avenue
Fort Saint John, BC V1J 6M7

250-787-3441 Desk
250-787-3219 Fax
email: charles.mercanti@gov.bc.ca

From: Brouwer, Deborah FIN:EX
Sent: Thursday, January 8, 2015 11:07 AM
To: Mercanti, Charles D FLNR:EX
Subject: Horning Remission - Land file 8015723

Hi Chuck – I do have the remission request from the occupant S.22
S.22
S.13, S.22 I will update you as soon as I have a decision – perhaps in a month or so.

Thanks,
Deborah

Deborah Brouwer
Policy and Legislation Analyst
Property Taxation Branch
Ministry of Finance
Phone: 250 387-2884
Gov.bc.ca/propertytaxes

Page 38 to/à Page 41

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DUPLICATE



Ministry of Finance

Office of the
Deputy Minister

MEMORANDUM

To: Honourable Michael de Jong, Q.C.
Minister of Finance

Date: March 17, 2015
CLIFF: 342485

Re: Request for Remission of Forfeiture of Property Owned by Howard Horning

On December 1, 2010, the property located at s.22 Chetwynd, British Columbia, formerly owned by Howard Horning, forfeited to the Crown for three years of unpaid rural property taxes under section 39 of the *Taxation (Rural Area) Act*. The registered owner, Howard Horning, passed away s.22 s.22

s.22

Remissions of forfeiture can be provided in cases of great injustice, great hardship or great public inconvenience and where it is in the public interest. Remissions have been granted in the past where forfeiture resulted from the owner's poverty, mental or physical illness and it involved the owner's home. s.22

s.22

The attached OIC provides remission of the Property forfeiture contingent on the payment of \$3,663.39 in outstanding taxes, penalties, interest and fees being paid within 45 days. If you concur with the remission, please return the signed package to the Office of the Deputy Minister for the appropriate distribution.

Peter Milburn
Deputy Minister

Attachments

Page 43 to/à Page 47

Withheld pursuant to/removed as

s.12

Brouwer, Deborah FIN:EX

From: Brouwer, Deborah FIN:EX
Sent: Monday, March 23, 2015 3:36 PM
To: Hunter, Lindsay FIN:EX
Subject: Cliff 342485 - Howard Horning

Hi Lindsay – Here are the links for the blue folder... I think that's everything.

Remission Request
s.15

Briefing Note:
s.15

DM Memo:
s.15

Tagged OIC
s.15

Deborah Brouwer
Policy and Legislation Analyst
Property Taxation Branch
Ministry of Finance
Phone: 350 387-2884
Gov.bc.ca/propertytaxes

From: Hunter, Lindsay FIN:EX
Sent: Monday, March 16, 2015 4:03 PM
To: Brouwer, Deborah FIN:EX
Subject: RE: New Cliff - Howard Horning

Thanks! Your new cliff number is 342485

Cheers☺

From: Brouwer, Deborah FIN:EX
Sent: Monday, March 16, 2015 10:16 AM
To: Hunter, Lindsay FIN:EX
Subject: New Cliff - Howard Horning

Hi Lindsay – Could I please get a new cliff number for a remission OIC?

For: Ed Sykora
Title: Director, Real Property Taxation

Issue: Order in Council

Subject: Remission of forfeiture for unpaid taxes of land formerly owned by Howard Horning.

Type: Order in Council

Action: Briefing Note and OIC

Deborah Brouwer
Policy and Legislation Analyst
Property Taxation Branch
Ministry of Finance
Phone: 250 387-2884
Gov.bc.ca/propertytaxes

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Withheld pursuant to/removed as

s.14

Brouwer, Deborah FIN:EX

From: Brouwer, Deborah FIN:EX
Sent: Thursday, February 12, 2015 10:48 AM
To: McGill, Catherine M FIN:EX
Cc: Gudgeon, Kevin FIN:EX; Sykora, Ed FIN:EX
Subject: RE: Horning remission - 2015 taxes

Hi Catherine,
S.13

When you have a moment, do you want to have a quick discussion about this?

Deborah Brouwer
Policy and Legislation Analyst
Property Taxation Branch
Ministry of Finance
Phone: 250 387-2884
Gov.bc.ca/propertytaxes

From: McGill, Catherine M FIN:EX
Sent: Thursday, February 5, 2015 1:11 PM
To: Brouwer, Deborah FIN:EX
Cc: Schley, Bill E FIN:EX; Gudgeon, Kevin FIN:EX; Sykora, Ed FIN:EX
Subject: RE: Horning remission - 2015 taxes

See below response in red.

Catherine McGill
Taxation Operations Supervisor
Surveyor of Taxes
Property Taxation Branch

250 387-0576
fax 250 387-2210

From: Brouwer, Deborah FIN:EX
Sent: Thursday, February 5, 2015 11:07 AM
To: McGill, Catherine M FIN:EX; Sykora, Ed FIN:EX
Cc: Schley, Bill E FIN:EX; Gudgeon, Kevin FIN:EX
Subject: Horning remission - 2015 taxes

Hi Catherine,
s.13,s.22

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Gov.bc.ca/propertytaxes

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Withheld pursuant to/removed as

DUPLICATE

Brouwer, Deborah FIN:EX

From: Brouwer, Deborah FIN:EX
Sent: Thursday, January 8, 2015 1:41 PM
To: Hawkshaw, Steve FIN:EX
Subject: RE: Forfeiture Remission - Howard Horning
Attachments: s.22

s.13,s.22

Thoughts?

Deborah Brouwer
Policy and Legislation Analyst
Property Taxation Branch
Ministry of Finance
Phone: 250 387-2884
Gov.bc.ca/propertytaxes

From: Hawkshaw, Steve FIN:EX
Sent: Wednesday, January 7, 2015 2:15 PM
To: Brouwer, Deborah FIN:EX
Subject: RE: Forfeiture Remission - Howard Horning

Thanks.

s.13,s.22

From: Brouwer, Deborah FIN:EX
Sent: Wednesday, January 7, 2015 1:50 PM
To: Hawkshaw, Steve FIN:EX
Subject: RE: Forfeiture Remission - Howard Horning

s.13,s.22

Deborah Brouwer
Policy and Legislation Analyst

Property Taxation Branch
Ministry of Finance
Phone: 250 387-2884
Gov.bc.ca/propertytaxes

From: Hawkshaw, Steve FIN:EX
Sent: Wednesday, January 7, 2015 1:37 PM
To: Brouwer, Deborah FIN:EX
Subject: RE: Forfeiture Remission - Howard Horning

Hi Deborah,

Quick question.

s.13,s.22

From: Brouwer, Deborah FIN:EX
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Cc: Sykora, Ed FIN:EX
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Gov.bc.ca/propertytaxes

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DUPLICATE

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s.12;s.22;s.13

Page 73 to/à Page 81

Withheld pursuant to/removed as

s.14;s.22

Brouwer, Deborah FIN:EX

From: Brouwer, Deborah FIN:EX
Sent: Thursday, January 8, 2015 10:07 AM
To: Mercanti, Charles D FLNR:EX
Subject: Horning Remission - Land file 8015723

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s.13,s.22
s.13

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Deborah

Deborah Brouwer
Policy and Legislation Analyst
Property Taxation Branch
Ministry of Finance
Phone: 250 387-2884
Gov.bc.ca/propertytaxes

TITLE SEARCH PRINT

2015-03-06, 10:25:52

Declared Value \$N/A

Requestor: DEBORAH BROUWER

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Title Issued Under	SECTION 172 LAND TITLE ACT
Land Title District Land Title Office	PRINCE GEORGE PRINCE GEORGE
Title Number From Title Number	U19076 U19074
Application Received	1984-06-15
Application Entered	1984-06-20
Title Cancelled	2011-02-23
Registered Owner in Fee Simple Registered Owner/Mailing Address:	HOWARD HORNING, s.22 s.22
Taxation Authority	PEACE RIVER ASSESSMENT DISTRICT
Description of Land Parcel Identifier: Legal Description:	006-038-051 268 LOT A DISTRICT LOT 766 PEACE RIVER DISTRICT PLAN 30087
Legal Notations	NONE
Charges, Liens and Interests	NONE
Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers Registration Date: Description:	2011-02-23 ALL BB1935147

March 06, 2015 10:25 AM

Title PG BB1935147 WITHOUT cancelled charges displayed below.

[Show Cancelled Charges](#)[Send to Mailbox](#)[Print](#)[Goto STC](#)**** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ****

Land Title District PRINCE GEORGE

Land Title Office PRINCE GEORGE

Title Number BB1935147

From Title Number U19076

Application Received 2011-02-15

Application Entered 2011-02-23

Registered Owner in Fee Simple

Registered Owner/Mailing Address: THE CROWN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
NO ADDRESS ON FILE FOR THIS OWNER

Interest:

Taxation Authority PEACE RIVER ASSESSMENT DISTRICT

Description of Land

Parcel Identifier: 006-038-051

Legal Description:

LOT A DISTRICT LOT 766 PEACE RIVER DISTRICT PLAN 30087

Legal Notations NONE

Charges, Liens and Interests NONE

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

[Show Cancelled Charges](#)[Send to Mailbox](#)[Print](#)[Goto STC](#)**Help**Title search results are not automatically delivered to your myLTSA Inbox.Click Send to Mailbox to deliver a copy of the title to your myLTSA Inbox.Where can I find my search results?How do I set up automatic forwarding of myLTSA Inbox items to my email?What do the pending number abbreviations mean?[Search Help](#)

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View Title

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s.22