

Repealed
By-law No. 5894/92 was repealed by By-law No. 107/2022 on July 21, 2022.
Therefore, this amending by-law is also deemed to be repealed.

THE CITY OF WINNIPEG

BY-LAW NO. 6919/96

**A By-law of THE CITY OF WINNIPEG to enact
amendments to its By-law No. 5894/92
being the Board of Adjustment By-law.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. By-Law No. 5894/92 of The City of Winnipeg is amended by this by-law.
2. Section 2 is repealed and the following is substituted:

"2 Effective January 1, 1998, the board shall be made up of 5 members appointed by resolution of Council including a chairperson and vice-chairperson and no member may hold a provincial or municipal office by appointment or election while a member of the board."
3. Section 3 is amended by adding subsection (4):

"(4) The Chairperson shall provide a performance evaluation on each of the board members to Selection Committee prior to its consideration of applications for re-appointment of citizen members to the board, and recommendation to Council at its first meeting in January in the year following the November Organization Meeting, in accordance with the selection process."
4. Section 6 is amended by adding the words "who hear an application" before the words "shall be paid".
5. Section 11 is amended as follows:
 - (a) by renumbering Section 11 as Subsection 11(1) and by adding the words "by audio tape" after the words "attend, record".
 - (b) by adding Subsection (2):

"11(2) The audio tape referred to in (1) shall be retained by the Secretary of the Board until such time as the period in which to appeal the Order of the Board has expired, or until the matter has been considered and resolved by the Appeal Committee."

6. Section 15.1 is added:

"15.1 All members of a panel hearing an application shall vote on the application."

7. Section 16 is amended by adding the word "revised" before the words "Schedule "A"".

8. Section 19 is added:

"19(1) Every person is entitled to use either official language in a proceeding of or before the Board of Adjustment with respect to a matter and, where notice is given, the proceeding with respect to that matter shall be conducted or simultaneously interpreted in both official languages.

19(2) The Notice referred to in subsection (1) shall be in writing, shall specify the matter and the proceeding and shall be given to the secretary of the board not less than 2 working days before the proceeding."

9. Schedule "A" of By-Law No. 5894/92 is repealed and replaced with the revised Schedule "A" attached hereto.

DONE AND PASSED in Council assembled, this 28th day May, 1997.

SCHEDULE "A"

TO BY-LAW NO. 6919/96

**AMENDMENT TO THE BOARD OF ADJUSTMENT
BY-LAW NO. 5894/92**

RULES OF PRACTICE AND PROCEDURE

1. In the absence of the chairperson, a panel of the board conducting a public hearing shall be chaired by the vice-chairperson, and in the absence of both, by a panel member chosen by majority vote of the panel.
2. If a panel member is absent, another member of the board may be named to sit by the chairperson, or in his absence, by the vice-chairperson, or in the absence of both, by the secretary of the board.
3. At the commencement of each public hearing, the chairperson shall require the secretary to record the names and addresses of all persons intending to make representations, including the applicant, in order that they may receive notice of the decision and of their right to appeal.
4. At a public hearing the board shall receive representations from any person, on his or her own behalf or on behalf of another person.

C.W. Act section 638(1)

5. Unless otherwise directed by the board, the applicant, or any person speaking on his/her behalf, shall make representations first, followed by those in support and those opposed. The applicant, or his/her designate, shall then have the opportunity to speak in rebuttal to comments made, but shall not introduce new evidence.
6. The board may restrict the nature and length of representations at a public hearing.

C.W. Act section 640(2)

7. The board may question persons making representations at a public hearing, and shall allow the applicant the opportunity to speak in rebuttal, as provided for in Rule 5, but the board shall not permit cross-examination.