823 - Appendix "A" referred to in Clause 4 of the Report of the Committee on Protection, Parks and Culture dated June 13, 1997

1997 INDOOR ARENA ICE ALLOCATION POLICY REVIEW

	EXISTING POLICY (Adopted June 22, 1994)	RECOMMENDED REVISIONS	RATIONALE
CATEGORY: A. DEFINITION OF TERMS:			
1.	**Casual Rentals:** Generally any group who rents 'on a spot' basis and not on seasonal basis.	No change.	
2.	**City-Wide Applicants:** Refers to applicants living within the City of Winnipeg, who apply for ice time anywhere in the City.	Eliminate.	Prior to New Directions, ice allocation was performed on a District basis, with city-wide applicants designated as a specific category. As a result of New Directions, ice allocation is performed on a city-wide basis, therefore this category is no longer necessary.
3.	**Community Youth Programs:** Ice skate programs for youth, ages 19 years and under*, run by community sport associations, community centres and the School Division High School Hockey League (satisfying definition number 16) conducting sport activities recognized by the Parks and Recreation Department. **Any exception to this age category is subject to approval by the Parks and Recreation Department*.	**Community Youth Programs:** Ice skate programs for youth, ages **20** years and under*, run by community sport associations, community centres and the School Divisions (satisfying definition number 16) conducting sport activities recognized by the Parks and Recreation Department. **Any Exception to this age category is subject to approval by the Parks and Recreation Department.*	- Amendment reflects age maximum for Minor Hockey Juvenile Program. - Amendment now refers to all ice skate programs operated by school divisions.
4.	**Contract Rentals:** Any group, outside of definitions 1 to 3, renting a specific block of time on a contract basis for the duration of the season or concentrated time period.	No change.	
5.	**Community Centre Indoor Arenas:** Any indoor arena (natural or artificial ice) operated by a community centre.	No change.	
6.	**Figure Skating Clubs:** Refers to formally organized community sponsored figure skating clubs recognized by the Canadian Figure Skating Association (Manitoba Section) and/or local area associations conducting Department recognized figure skating programs. Department Recognized Figure Skating Programs: Can Skate, Can Figure Skate, Competitive Figure Skating, Precision Skating, CFSA Test Stream.	No change.	
7.	**Local Community Applicants:** Refers to applicants, living within the Community boundaries as defined by the local Community Committee areas, who apply for ice time in that specific area.	Eliminate.	Following the implementation of New Directions with a centralized booking system, ice allocation is now performed on a city-wide basis.
8.	**Major Hockey:** Formally organized and recognized high-level competitive hockey for participants 18 years and older, which includes, but is not limited to, the following leagues and associations: *Manitoba Major Junior Hockey, Canadian Amateur Hockey Association-Manitoba, Amateur Hockey Association.*	No change.	
9.	**Minor Hockey:** Formally organized and recognized by the Winnipeg Minor Hockey Association and/or local area associations.	No change.	

10.	**Non-Resident Applicants:** Refers to applicants living outside the City of Winnipeg who apply for ice anywhere in the City.	Eliminate.	Not Required. Ice is allocated based on a "Schedule of User Group Priority" and non-resident fees are assessed as per Fees & Charges Policy
11.	**Parks and Recreation Department Programs, Co-sponsored Programs and Sanctioned Special Events**: Any program or special event operated, co-sponsored or sanctioned by the Parks and Recreation Department.	No change.	
12.	**Post-Season:** Generally defined as March 1 to April 30 **Pre-Season:** Generally defined as September 1 to November 30 **Regular Season:** Generally defined as December 1 to February 28 **Summer Season:** Generally defined as May 2 - August 31* *Any exception to these dates is subject to approval by the Parks and Recreation Department.	**Pre-Season:** Generally defined as **September 1 to September 30.** **Regular Season:** Generally defined as **October 1 to February 29**.	Most programs conducted in City of Winnipeg arenas begin regular season activities by October 1.
13.	**Prime Time Ice:** Those hours between 4:30 and 10:00 P.M. Monday through Friday and 7:00 A.M. to 10:00 P.M. Saturday and Sunday, December 1st to February 28th. For the purpose of refining the definition of 'prime time ice,' a booking commencing at 9:55 p.m. or earlier will be considered a prime time booking and will terminate no later than 11:00 p.m.	**Prime Time Ice:** Those hours between 4:30 and 10:00 P.M. Monday through Friday and 7:00 A.M. to 10:00 P.M. Saturday and Sunday, **October 1st** to February 28th. For the purpose of refining the definition of 'prime time ice,' a booking commencing at 9:55 p.m. or earlier will be considered a prime time booking and will terminate no later than 11:00 p.m.	Reflects date changes made in definition of regular season.
14.	**Ringette:** Formally organized and recognized by the Winnipeg Ringette Association and/or local area associations.	No change.	
15.	**School Division High School Ice Skate Programs:** Are duly constituted, regularly scheduled inter-school ice skate programs sanctioned and supported by their respective School Division.	No change.	
16.	**Traditional applicants in Good Standing:** Any applicant who has been granted ice in the previous year and remains in good standing through adherence to the policies, procedures, rules and regulations laid out by the Parks and Recreation Department in all areas of its programs and services.	No change.	
17.		**Speed Skating Programs:** Refers to formally organized speed skating programs recognized by the Manitoba Speed Skating Association.	Speed skating programs use City operated arenas and should be recognized and defined in the Policy.
B.	**SCHEDULE OF USER GROUP PRIORITY:**		
	The following schedule of priorities shall be used on a District basis to determine the allocation of prime time ice along the guidelines set out in the latter sections of this Policy. Once the needs of each District are satisfied to the extent possible utilizing the ice available within that given District, any ice time remaining will be pooled and distributed on a City-wide basis, again pursuant to the priorities and allocation guidelines.	The following schedule of priorities shall be used on a **city-wide** basis to determine the allocation of prime time ice along the guidelines set out in the latter sections of this policy.	With the advent of the centralized booking system, ice allocation is now performed on a city-wide basis.
	(PRIORITY NO.#):		
1.	Department Programs, Co-sponsored Programs and Sanctioned Special Events	No change.	
2.	Community Youth Programs	No change.	
3.	Major Hockey Team Games	No change.	
4.	Major Hockey Team Practices (excluding Senior/Intermediate Major Hockey Teams)	No change.	
5.	High School Hockey (first year entry teams sanctioned by their School Division)	No change.	

6.	Contract Rentals -***Adult Programs***	No change.	
7.	Minor Hockey and Ringette Practices	Eliminate.	Not Required. Ringette and Minor Hockey practices are included under Priority #2 - Community Youth Programs.
8.	Major Hockey Team Practices, Seniors/Intermediate Hockey Teams	No change.	
9.	Contract Rentals - ***Youth Programs***	No change.	
10.	Casual Rentals	No change.	
C.	**ALLOCATION GUIDELINES:**		
1.	Sufficient time shall be allocated to the operation of Parks and Recreation Department programs and sanctioned special events as determined by the Community Parks and Recreation Branches.	Area Parks and Recreation offices, in consultation with the Central Booking Office, shall be allocated sufficient time for the conducting of their Learn to Skate Programs, public skating and sanctioned special events.	Reflects changes in Department's centralized booking operation and coincides with removal of Allocation Guideline #2 (below) specific to public skating .
2.	Community Parks and Recreation Branches maintain a minimum of five **(5)** hours and a maximum of eighteen **(18)** hours of prime time ice per week per District for public skating, and an annual review be undertaken to delete or switch time slots averaging less than 30 users per hour.	Eliminate.	Allocations for public skating are referenced in #1 (above). As with the Learn to Skate Program, area operations will apply standard program planning criteria to determine the number of hours of public skating per week per arena.
3.1	The Community Parks and Recreation Branches shall allocate ice time on 'block basis' to local area associations that govern the individual community youth programs according to the number of teams registered in the previous year. The block will be determined by allocating 30 minutes of ice time per week for each minor hockey team, ringette team, and sanctioned high school hockey team. ***This calculation (i.e. 30 minutes per team) may be modified without notice should the Department's available inventory of ice time be reduced as the result of the loss of one or more arenas under its jurisdiction.*** The local area associations and high school leagues(s) shall be charged with the responsibility of further breakdown and distribution of ice time.	The **Central Booking Office** shall allocate ice time on a 'block basis' to local area associations that govern the individual community youth programs according to the number of teams registered in the previous year. The block will be determined by allocating 30 minutes of ice time per week for each minor hockey team, ringette team, and sanctioned high school hockey team. ***This calculation (i.e. 30 minutes per team) may be modified without notice should the Department's available inventory of ice time be reduced as the result of the loss of one or more arenas under its jurisdiction.*** The local area associations and high school leagues(s) shall be charged with the responsibility of further breakdown and distribution of ice time for purpose of games, practices, clinics, etc.	Reflects changes in Department operation and coincides with removal of allocation Guideline #5.
3.2	For the purpose of this 'block calculation,' all minor hockey and ringette teams registered with a community centre which operates a community centre indoor arena, will not be included in the overall 'block ice calculation' to local minor hockey and ringette associations.	No change.	

3.3	All community centre arenas be required to provide a minimum of ***thirty (30)*** minutes of ice time per week (to the appropriate minor hockey and ringette associations) for every team in their community centre in those associations with the intention that the community centre teams utilize that specific ice time. All community centres may, at their own discretion, allocate more than the required minimum ice time to their respective minor hockey and ringette associations. Community centres that operate indoor arenas with natural ice will be included in the 'block' ice calculation between ***December 15th and February 15th***. At that time they will be subject to the Indoor Arena Ice Allocation Policy guidelines.	No change.	
3.4	A maximum allocation of 55% of all prime time ice available in all City operated arenas will apply as the upper limit for minor hockey, ringette and sanctioned school division high school hockey combined.	No change.	
3.5	The Community Parks and Recreation Branches will require an official listing of all minor hockey teams, ringette teams, sanctioned school division high school hockey teams, figure skaters and speed skaters to be submitted to the respective Branch not later than ***January 15th*** for use in the formula.	The **Central Booking Office** will require an official listing of all minor hockey teams, ringette teams, sanctioned school division high school hockey teams, figure skaters and speed skaters to be submitted not later than ***January 15th*** for use in the formula.	Reflects change in Department's allocation process.
3.6	The sanctioned school division high school ice skate programs will be allocated ice time weekdays prior to 6:00 p.m.	No change.	
3.7	Should a community youth program lose any 'prime time' ice under this Policy, the Parks and Recreation Department shall, in consultation with users, determine which hours will be lost and reapportion the ice in a fair and equitable manner to the appropriate user groups.	No change.	
4.	Community figure skating clubs shall be allocated a 'block' based on ***thirty (30)*** minutes of prime time ice per week for each six (6) skaters registered and participating in Department recognized figure skating programs.	Community figure skating clubs shall be allocated a 'block' based on ***thirty (30)*** minutes of prime time ice per week for each six (6) skaters registered and participating in Department recognized figure skating programs. ***This calculation (i.e. 30 minutes per team) may be modified without notice should the Department's available inventory of ice time be reduced as the result of the loss of one or more arenas under its jurisdiction.***	If the numbers of arenas decrease due to the shutdown or contracting out of sites to private groups, available ice time would be reduced proportionately.
5.	Practices for minor hockey and ringette will be allowed between 4:30 and 5:30 P.M. Monday through Friday, from December 1st to February 28th and during the Christmas school break when ice becomes available. Skill development programs will be allowed during any of the hours allocated to minor hockey and ringette. Both practice and skill development time shall be counted as part of the block of ice calculated according to the formula.	Eliminate.	Eliminating this guideline gives minor hockey and ringette greater flexibility in the use of their allocated ice.
6.	The Winnipeg Minor Hockey Association and the Winnipeg Ringette League shall be requested to assign complete divisional play-offs to individual indoor arenas.	No change.	
7.	Each major team shall be allocated sufficient indoor ice time for pre-season use.	No change.	
8.	From September 25 - March 5, each major team shall be allocated three hour time slots for game purposes to a maximum of 26 home game dates per season.	No change.	
9.	During the regular season, each major team shall be allocated a maximum of one hour of prime time ice and one hour of non-prime time ice per week for practice purposes.	No change.	

10.	During the play-offs, each major team shall be allocated a sufficient number of time slots to complete their home play-off games.	No change.	
11.1	No limits shall be placed on the number of minor teams (Manitoba Amateur Hockey Association, Canadian Amateur Hockey Association, Winnipeg Minor Hockey Association, Winnipeg Ringette League, Manitoba Ringette League, and High School Hockey Leagues) entitled to use the City's arenas.	No change.	
11.2	New applicants requesting major hockey status will require approval from the respective Community Committee.	New applicants requesting major hockey status will require approval from the Committee on Protection, Parks, and Culture.	As ice allocation is now performed on a city-wide basis, requests of this nature should be directed to the respective Standing Committee.
12.	Contract rentals shall be coordinated on a **Branch** basis according to the following priorities: ***1. Traditional prime time contracts within that community*** ***2. Displaced prime time contracts from other communities*** ***3. Traditional non-prime contracts within that community*** ***4. New applicants.***	Contract rentals shall be co-ordinated on a **city-wide** basis according to the following priorities: ***1. Traditional prime time contracts*** ***2. Displaced prime-time contracts*** ***3. Traditional non-prime time applicants.*** ***4. New Applicants***	Reflects change in Department operation.
13.	Parks and Recreation Branches shall, ***at the earliest possible date*****,** identify the times available to contract rental users. ***Applicants will be advised that consideration of applications for contract ice will begin on June 1st of each year.***	The **Central Booking Office** shall at the earliest possible date, identify the times available to contract rental users. Applicants will be advised that consideration of applications for contract ice will begin on June 1st of each year.	Reflects change in Department operation.
14.	That a review of the Indoor Arena Ice Allocation Policy be done every three (3) years by the Parks and Recreation Department in consultation with the indoor ice user groups as identified in the Policy.	No change.	
15.	The Parks and Recreation Department shall be authorized, with the intent and priorities established within this Policy, to utilize such administrative procedures and criteria as are necessary to optimize use of all arenas. In the event of any dispute between a Community Committee and the respective Community Branch of the Parks and Recreation Department with respect to the allocation of ice time under this Policy, it shall be directed to the Committee on Protection, Parks and Culture whose decision shall be final.	The Parks and Recreation Department shall be authorized, with the intent and priorities established within this Policy, to utilize such administrative procedures and criteria as are necessary to optimize use of all arenas. In the event of any dispute between a Community Committee and the **Central Booking Office** with respect to the allocation of ice time under this Policy, it shall be directed to the Committee on Protection, Parks and Culture whose decision shall be final.	Reflects change in Department operation.
16.	Any newly constructed or acquired indoor arena supported in part or in whole by the City of Winnipeg will be subject to the Indoor Arena Ice Allocation Policy.	No change.	
17.	That the Proper officers of the City do all things necessary to implement the foregoing.	No change.	

824 - Exhibit "A" referred to in Clause 1 of the Report of the Committee on Finance and Administration dated June 2, 1997

Report of the Executive Policy Committee dated June 8, 1994

Gratuitous Payments for Private Sewer Auguring File GL-3 (Vol. 4)

2. On February 10, 1993, an Administrative Committee (Tree Roots Committee) was set up to examine the existing programs of making gratuitous payments for private sewer auguring and the Major Maintenance of Sewer Connections (M.M.S.C.) Programs, with a mandate of finding ways to reduce the costs of these programs.

On July 22, 1993, the Tree Roots Committee submitted a report wherein the following was recommended:

- *It is felt that the City should continue to make some form of gratuitous payment on tree root claims, therefore the Tree Roots Committee recommends that the City cost share on a 50 - 50 basis (up to a maximum of $50.00) with property owners, for the costs of removing tree root obstructions from private drains where it would appear that a City tree(s) is causing the obstruction.*

- *That the current policy adopted by City Council on August 17, 1983 (M.M.S.C. Program), whereby the City makes payment on an ex gratia basis for repaid costs that are in excess of $500.00 for private sewer connections that are made within the public street (i.e. from the common sewer to the property line), be monitored by the Operations Department on an annual basis, and if costs for the M.M.S.C. Program escalate due to changes in the tree root policy, that consideration be given to increasing the portion paid by the homeowner from $500.00 to perhaps $1,000.00.*

On November 22, 1993, the Tree Roots Committee made a brief presentation to the Committee on Finance and Administration and the Finance Committee referred the matter to the Committee on Works and Operations.

On January 11, 1994, the Tree Roots Committee made a presentation to the Committee on Works and Operations and they have requested a report on the feasibility of establishing an optional payment plan for coverage of the cost of auguring tree roots from private sewer lines, wherein the property owners would have an option of paying a fee which would accrue in a fund to pay claims for sewer line blockage from tree roots.

During the 1994 Budget process, the Tree Roots Claims account was reduced by $500,000 on the assumption that a voluntary insurance program could be developed to solve the tree root problem.

The Tree Roots Committee, drawing upon the resources of the City's external Insurance Consortium, has examined the feasibility of setting up a voluntary insurance program and does not believe that this would be a workable alternative for the reasons outlined in Appendix "A".

Exhibit “A” referred to in Clause 1 of the Report of the Committee on Finance and Administration dated June 2, 1997 (continued)

On May 11, 1994, the Executive Policy Committee considered a report detailing three alternatives (the pros, cons and budget implications of each as outlined on Appendix "B") and referred it to the Committee on Finance and Administration for further review. On May 30, 1994 the Committee on Finance and Administration reviewed this matter and recommended that the City amend its present policy whereby the City make payment on an ex-gratia basis to property owners to reimburse the cost of removing tree root obstructions from private sewer lines where it would appear that a City tree(s) is causing the obstruction, to a maximum payment of $50.00.

After considering all aspects of this matter, the Executive Policy Committee recommends:

I. That City Council reconsider the decision that it made during the 1994 budget process whereby the Tree Roots Claims account (01-558201-000402) was reduced from $639,200 to $139,200 on the assumption that an optional payment plan could be established for coverage of tree root blockage of sewer lines, wherein the property owners would have the option of paying a fee which would accrue in a fund to pay claims for sewer line blockage from tree roots.

II. That the City's current policy, (the City makes payment on an ex gratia basis to property owners to reimburse 100% the cost of removing tree root obstructions from private sewer lines where it would appear that a City tree(s) is causing the obstruction) cease as soon as possible, and that the City establish a new policy, whereby the City will; -

on an ex gratia basis, reimburse 50% of the actual cost of removing tree root obstructions from private sewer lines where it would appear that a City tree(s) is causing the obstruction, and that such ex gratia payments be subject to a maximum payment of $50.00 and be limited to one every twelve months.

III. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

ADOPTED BY COUNCIL - June 22, 1994

Exhibit "A" referred to in Clause 1 of the Report of the Committee on Finance and Administration dated June 2, 1997 (continued)

Appendix "A" referred to in Clause 2 of the Report of the Executive Policy Committee dated June 8, 1994

Voluntary Insurance Program

- *From an insurance industry standpoint, tree root claims are not a good candidate for an insurance program as the amount of each claim is relatively small (1993 average = $88), the number of claims is relatively large (almost 6,000 claims in 1993) and there is reasonably good predictability of who will have problems with tree roots and who will not have problems with tree roots. Generally speaking, an insurance program is appropriate to provide protection for large, infrequent losses where there is little or no predictability of who will suffer a loss, and when the loss will be suffered.*

- *The administrative costs to establish and monitor such a program would be significant (advertising, printing, computer programming, accounting, postage, etc.)*

- *It is very difficult to predict how many people would opt to join the plan. It is likely that only people who have had problems with tree roots or at best have mature boulevard trees fronting their property, will join the plan and thus the annual premiums would be high. In many cases, the premium cost would exceed the cost of sewer auguring. Given the premise that this insurance program will likely just transfer the cost of tree root auguring back to the homeowners who are having trouble with tree roots, it would be much more desirable to select Proposal "A" as outlined in Appendix "B", of this report, where this happens without all of the administrative costs of collecting premiums and then returning this same money to the same people who submitted it.*

- *Given the fact that it would be very difficult to estimate how many people would join the plan, it would be extremely difficult to determine how much each property owner should pay in premium each year. A rough estimate is outlined on Appendix "C".*

- *Citizens who did not sign up for the voluntary program may want their claims honoured because they believe that the City is responsible.*

- *The Law Department advises that in their opinion this program would constitute the carrying on of an insurance business and would be contrary to The Insurance Act of Manitoba, as the City of Winnipeg is not licensed to carry on such a business.*

Exhibit "A" referred to in Clause 1 of the Report of the Committee on Finance and Administration dated June 2, 1997 (continued)

Appendix "B" referred to in Clause 2 of the Report of the Executive Policy Committee dated June 8, 1994

Proposal A - Stop Making Gratuitous Payments for Private Sewer Auguring

A. *That the current policy as adopted by the new Uni-City Council in 1972, and last reconfirmed by City Council on January 18, 1984, whereby the City makes payment on an ex gratia basis to property owners to reimburse 100% the cost of removing tree root obstructions from private sewer lines where it would appear that a City tree(s) is causing the obstruction, cease as soon as possible. (i.e. The City would no longer make gratuitous payments on tree root claims.)*

Pros

- *Eliminate a steadily increasing cost item for the City ($516,000 paid out in 1993)*
- *Eliminate the administrative costs of processing 6,000 tree root claims per year*

Cons

- *Some members of the public will be upset at the discontinuance of a program they have become use to. Some homeowners will likely pursue their claims in small claims court, but the Law Department believes that the City does not have a legal responsibility to make these ex gratia payments.*

Budget Implications

- *The 1994 Budget for Tree Root Claims is $139,200. As of March 24, 1994, $102,130 has been paid in tree root claims. If the City changes its policy and stops making gratuitous tree root claim payments by May 1, 1994, the City will not have a budgetary problem relating to tree roots.*

Proposal B - Cost Share on a 50 - 50 Basis with Homeowners

B. *That the City's current policy, as described in "A" above cease as soon as possible, and that the City establish a new policy, whereby the City will, on an ex gratia basis, cost share on a 50 - 50 basis, with property owners, for the costs of removing tree root obstructions from private sewer lines where it would appear that a City tree(s) is causing the obstruction, and that such ex gratia payments be limited to one every twelve months.*

Pros

- *The City's costs related to tree root claims should decline by at least 50%. The City's cost may decline by more than 50%, because if property owners are paying half of the cost for tree root auguring they will be inclined to get the work done in as cost effective way as possible. Under the current system, as the City is paying the entire cost for sewer auguring when it would appear that a City's tree is causing the obstruction, property owners have no incentive to shop around for the best price and sewer auguring companies have no incentive*

Exhibit "A" referred to in Clause 1 of the Report of the Committee on Finance and Administration dated June 2, 1997 (continued)

to keep their prices as low as possible.

Cons

- *The City will still have a direct cost of $300,000 per year for tree root claims, plus the administrative costs of processing 6,000 tree root claims per year.*

- *Some property owners who believe that the City should be reimbursing them for 100% of their tree root claims will make their views known.*

Budget Implications

- *If the City changed its policy to cost share on a 50 - 50 basis with homeowners by May 1, 1994, the costs for the year would be approximately $400,000 in 1994 and $300,000 in 1995. Given the fact that there is only $139,200 in the 1994 Budget, an additional appropriation of $260,800 is required if Proposal "B" is adopted.*

Proposal C - Continue the Current Policy of Making Ex Gratia Payments on Tree Root Claims

C. *That the City reconfirm its present policy whereby the City makes payment on an ex gratia basis to property owners to reimburse 100% of the cost of removing tree root obstructions from private sewer lines where it would appear that a City tree(s) is causing the obstruction.*

Pros

- *Tree root claimants would be happy.*

Cons

- *The City will be faced with a steadily increasing cost item. As has been outlined in greater detail in previous reports, the number of tree root claims has risen from 500 in 1972 to 5,890 in 1993, and the total payments have increased from $13,000 in 1972 to $516,000 in 1993.*

Budget Implications

- *If City Council decides to continue the current policy of making ex gratia payments on tree root claims, the $500,000 that was removed from the 1994 Budget should be reinstated by means of an additional appropriation.*

Exhibit "A" referred to in Clause 1 of the Report of the Committee on Finance and Administration dated June 2, 1997 (continued)

Appendix "C" referred to in Clause 2 of the Report of the Executive Policy Committee dated June 8, 1994

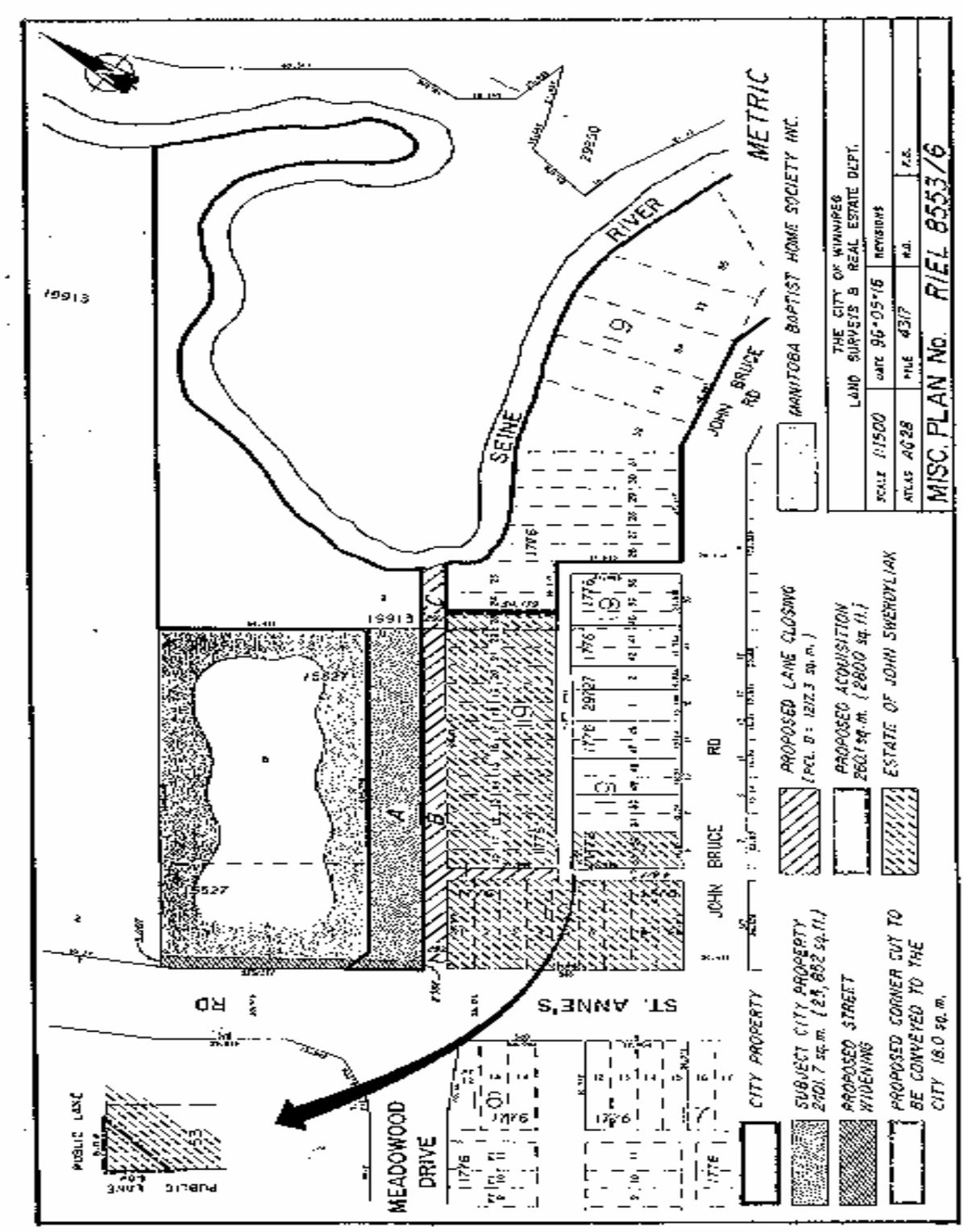
ESTIMATING THE REQUIRED PREMIUM FOR A TREE ROOT INSURANCE PROGRAM

- *There have been approximately 25,000 property owners who have submitted at least one tree root claim over the past ten years.*

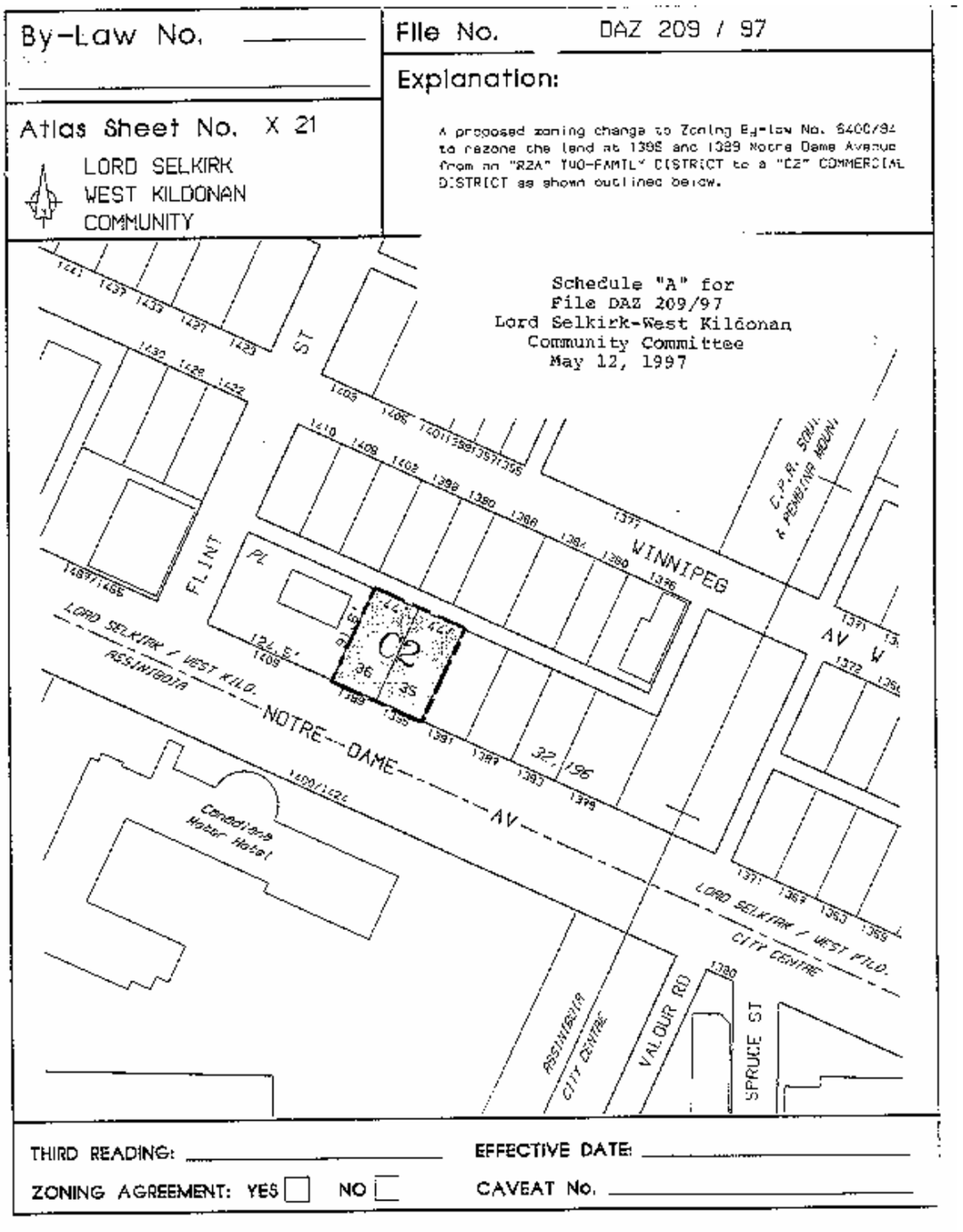
- *If 25% of these homeowners signed up for a voluntary insurance program and paid an annual insurance premium of $100, it would provide sufficient revenues to cover the anticipated tree root claim costs:*

25,000 x 25%	=	*6,250*
6,250 x $100	=	*$625,000*

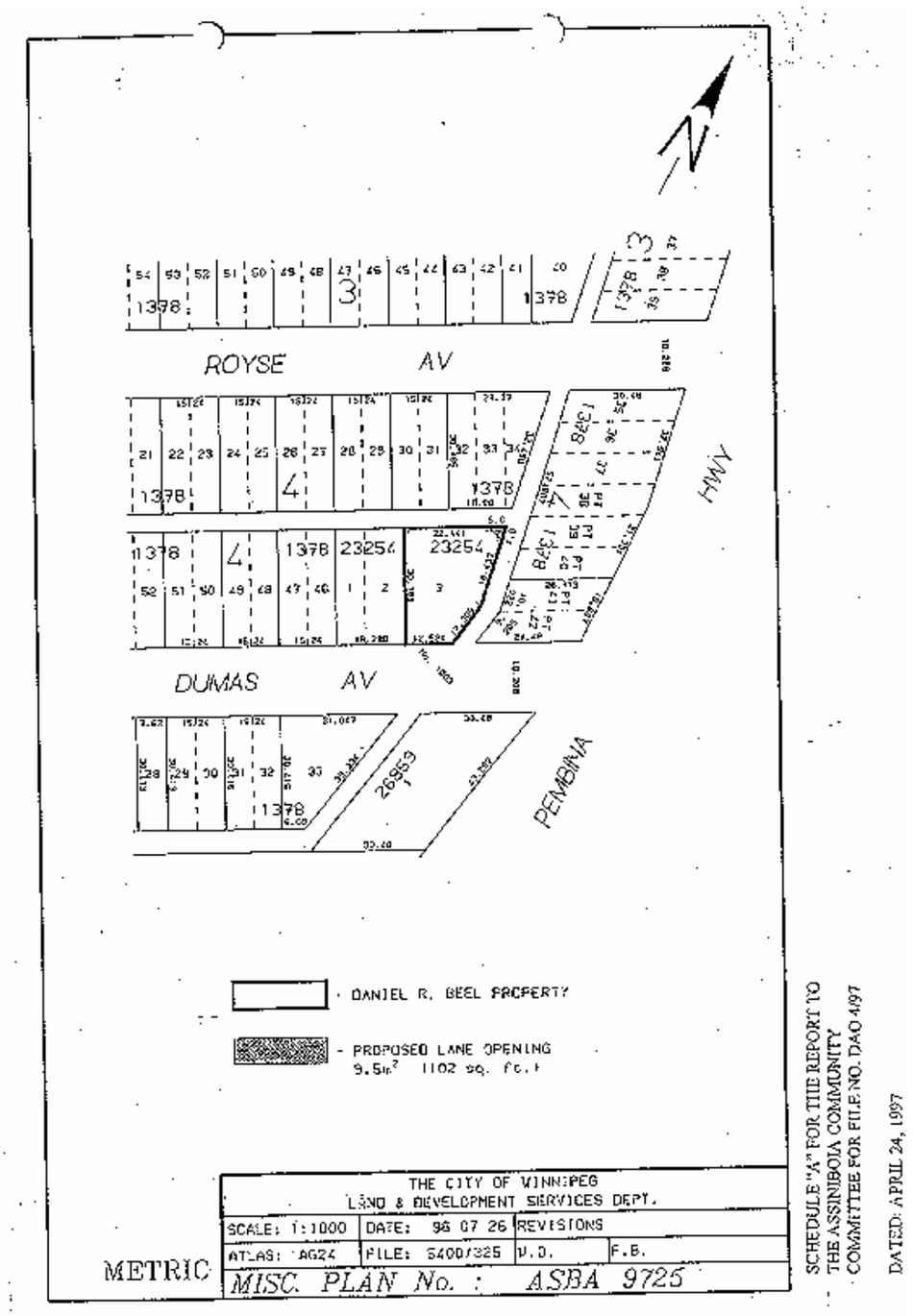
825 - Exhibit "A" referred to in Clause 2 of the Report of the Committee on Finance and Administration dated June 2, 1997



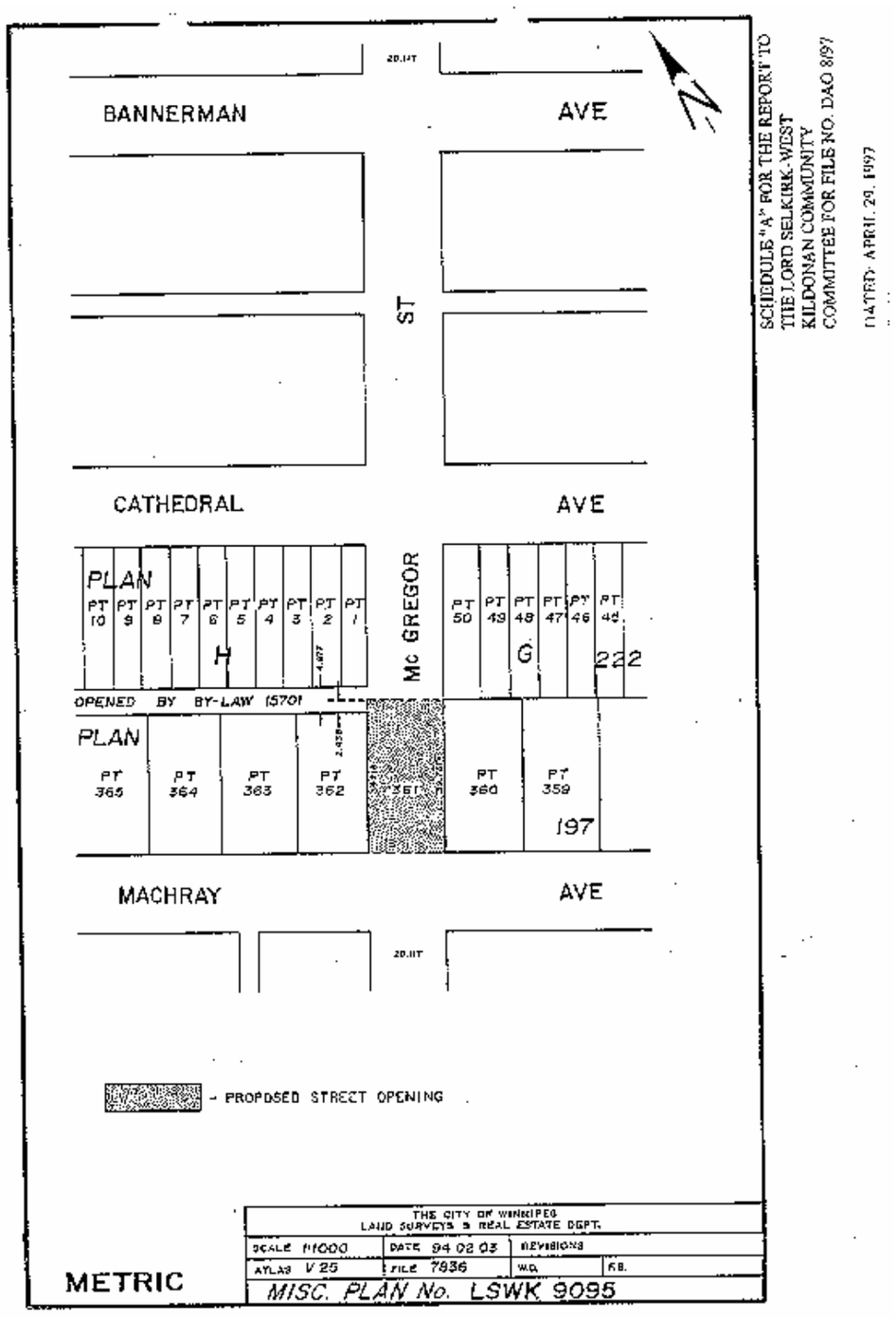
826 - Schedule “A” referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated June 3, 1997



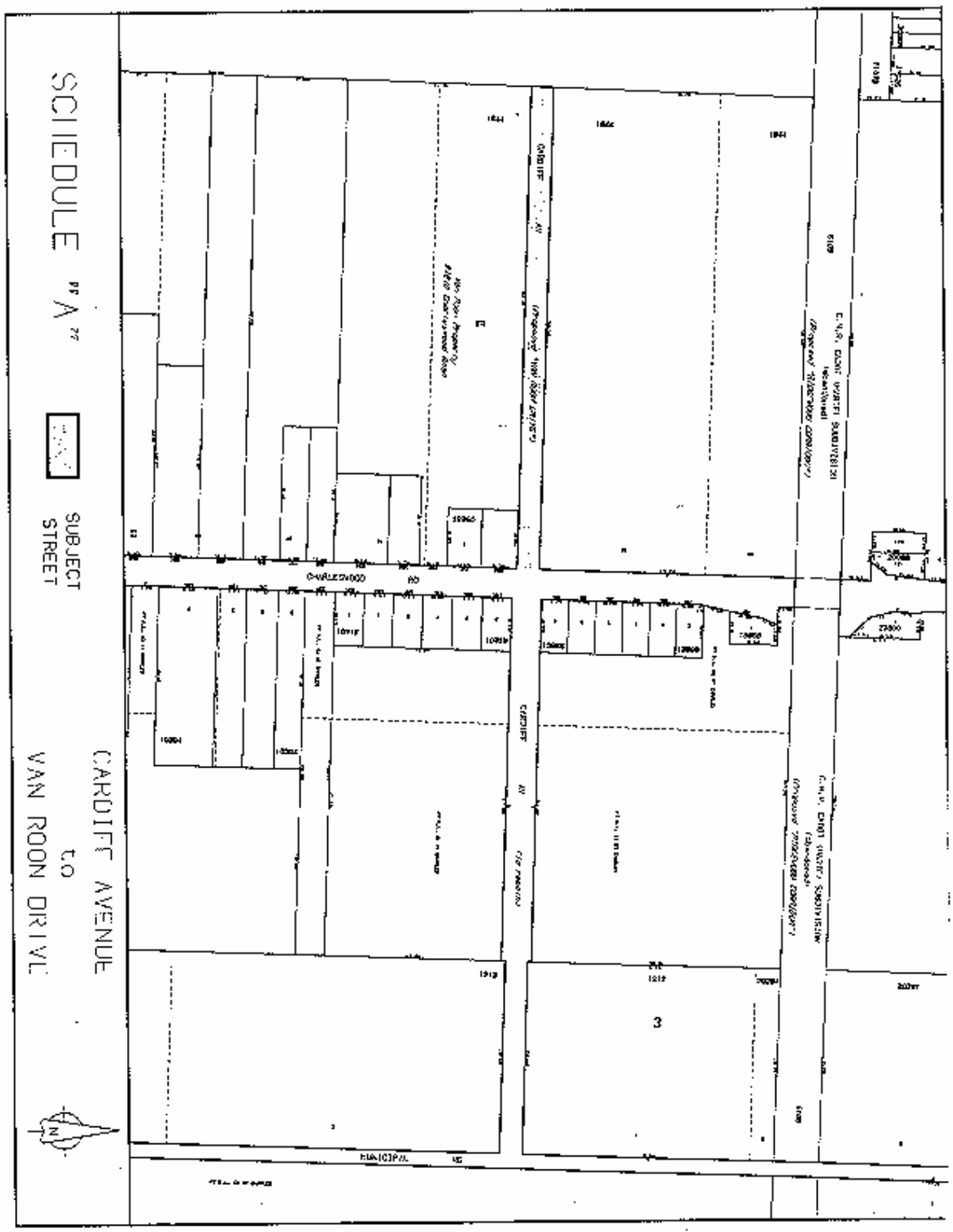
827 - Schedule "A" referred to in Clause 6 of the Report of the Committee on Planning and Community Services dated June 3, 1997



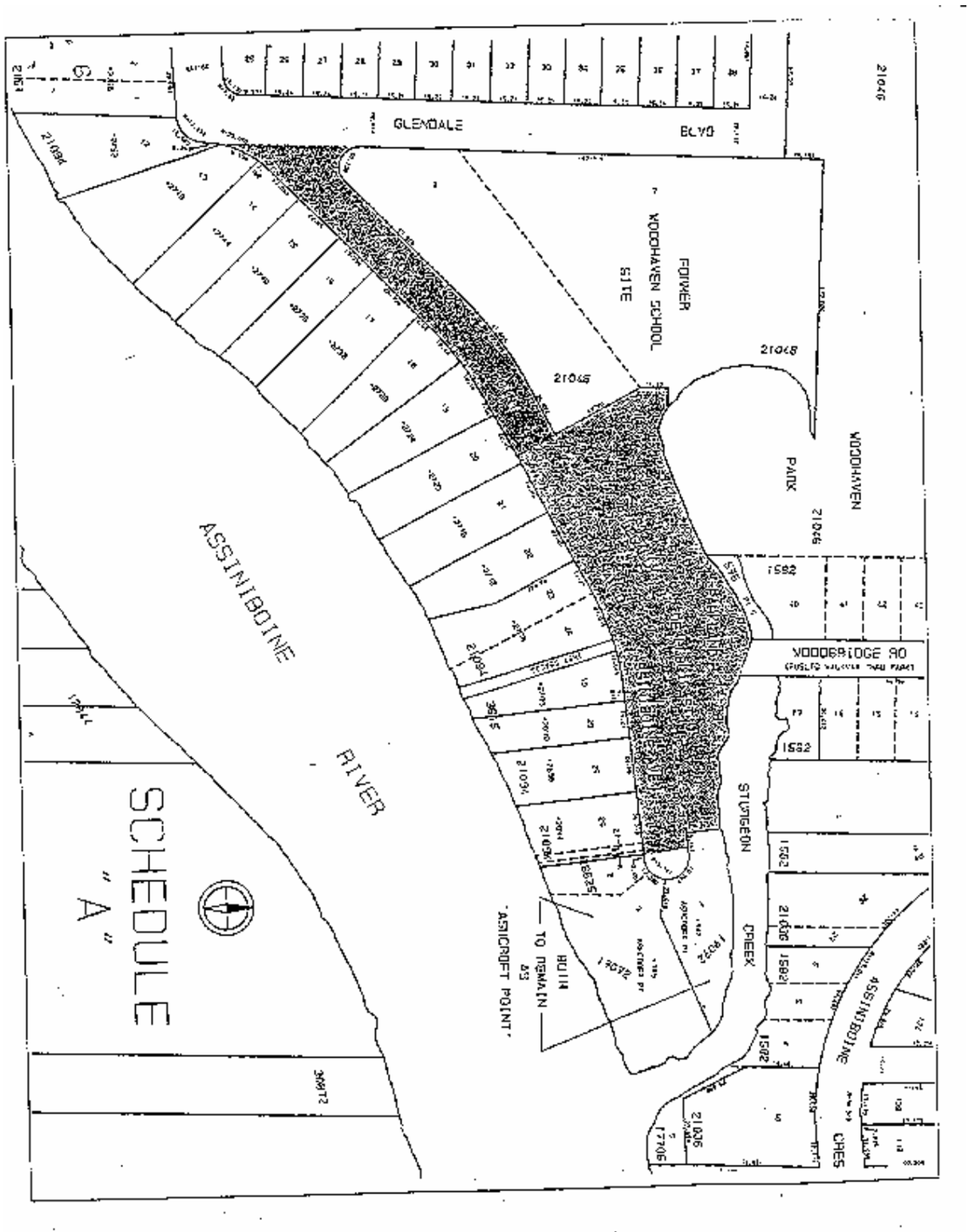
828 - Schedule “A” referred to in Clause 7 of the Report of the Committee on Planning and Community Services dated June 3, 1997



829 - Schedule “A” referred to in Clause 8 of the Report of the Committee on Planning and Community Services dated June 3, 1997



830 - Schedule “A” referred to in Clause 9 of the Report of the Committee on Planning and Community Services dated June 3, 1997



831 - Schedule "A" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated April 8, 1997

Listing of the McGowan Residence - 127 Rupertsland Avenue as a Historic Building
File G-3.1.1 [c/r PR-7(34) (Vol. 1)]

1. The Committee on Planning and Community Services has been advised that on April 13, 1995, the Lord Selkirk-West Kildonan Community Committee recommended that favourable consideration be given to placing the McGowan Residence located at 127 Rupertsland Avenue on the Buildings Conservation List as a Grade III building.

On April 27, 1995, the Committee on Planning and Community Services placed the McGowan Residence, 127 Rupertsland Avenue on the Buildings Conservation List as a Grade III building, following a recommendation from the Historical Buildings Committee for the following reasons:

1. This house with its gambrel roof, front porch and verandas serves as a good example of an early 20th century middle-class home.

2. The building greatly contributes to the existing historical character of the neighbourhood.

3. Designed by Winnipeg architect Cyril Chivers, this building illustrates changes in housing types, ranging from the log vernacular of Seven Oaks House, the 1874 Red River frame Bleak House to an architect designed house, all for descendants of John Inkster.

For the information of Council the Summary of Historic Research is outlined on Schedule "A".

Mrs. McGowan turned over the well-treed, 0.68-hectare (1.68-acre) site to the City of Winnipeg in 1994 for passive park purposes. This donation completed public ownership of the land between Colleen Road and Jones and Mac streets which contains the Seven Oaks Museum and a playground. Along with nearby Bleak House, these holdings form an exceptional collection of successive housing types on their original sites, a collection which not only represents four generations of Inkster family history, but also Winnipeg's evolution from a colonial fur trade and farm settlement to a modern urban centre.

The building has been secured pending finalization of plans for the site and possible integration with the North Winnipeg Riverbank Parkway.

On November 28, 1996, the Commissioners of Planning and Community Services and Protection, Parks and Culture prepared a report (as outlined on Schedule "B") recommending as follows:

- *That the Grade III Historical Designation associated with the dwelling known as McGowan House located at 127 Rupertsland Avenue, be rescinded and the structure demolished.*

- *That, subject to the aforementioned demolition, the associated property bequested to The City of Winnipeg for passive park purposes be formally named "McGowan Park."*

On February 20, 1997, the Historical Buildings Committee reviewed the referenced administrative report recommending the delisting of the building located at 127 Rupertsland Avenue. The Committee recommended that the structure not be delisted since no significant circumstances had changed since the original evaluation of the building.

On March 17, 1997, the Committee on Planning and Community Services heard from a number of groups relative to the proposed delisting of McGowan House. Daria Tittenberger, Board Member, Winnipeg Art Festival Inc., and Bernice Marmel were heard in support of keeping McGowan House listed as a Grade III building and submitted a business proposal in this regard.

Lorne Campbell, Aikins, MacAulay and Thorvaldson, Barristers and Solicitors, representing the estate of the late Mrs. A. McGowan, and Ruth Boyd who submitted a communication dated February 28, 1997, requested the City to carry out the intent of Mrs. McGowan's wishes that the Grade III historical designation of 127 Rupertsland Avenue must be rescinded and the structure demolished immediately.

The Committee on Planning and Community Services reiterates its previous decision of April 27, 1995 and recommends that the structure located at 127 Rupertsland Avenue not be delisted inasmuch as there have been no significant changes since the original evaluation and that the McGowan Residence continue to be listed as a Grade III building on the Buildings Conservation List.

REFERRED BACK TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES BY COUNCIL - Reconvened meeting of March 27, 1997

Schedule "A" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated April 8, 1997 (continued)

Schedule "A" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated March 17, 1997

Summary of Historic Research

The dominant red gambrel roof of 127 Rupertsland Boulevard may first catch the eye, but what really distinguishes the dwelling are its generous grounds in an otherwise densely developed neighbourhood. The setting signals that this is an extraordinary place, part of a river lot retained by members of the pioneer Inkster family for more than 150 years while adjacent land was subdivided for urban use. The house is one of several built in the area by the Inksters and the third to be donated to public ownership.

The dynasty began with John Inkster (1799-1874), a native of Scotland's Orkney Islands who came to British North America in 1821 with the Hudson's Bay Company (HBC), gained independent status a few years later, and began farming on an uncle's land in the Red River Settlement. In 1826, he married Mary Sinclair (1804-1892), daughter of an HBC official.

The couple settled on, and in 1839 acquired, what became Lot 6 in the Parish of Kildonan near the site of the 1816 Battle of Seven Oaks between Lord Selkirk's colonists and supporters of the rival North West Company. Inkster engaged in freighting and trading, and operated a mill, store and post office on his homestead. He also was a local magistrate, justice of the peace, member of the Council of Assiniboia, and rector's warden of St. John's Cathedral.

His second Kildonan house, now 115 Rupertsland, was a two-storey, nine-room log structure built in 1851-53. It was donated to the municipality in 1915, but remained in residential use until the early 1950's. It was restored and opened in 1958 as the Seven Oaks House Museum.

Three of the nine Inkster children stayed on the river lot. Colin (1843-1934) farmed part of the land while also serving as a provincial court official from 1876 to 1928. His Bleak House at 1637 Main Street, another log structure with wood siding, was built in 1874-75, occupied by his daughter Sibyl until the early 1970's, then converted to a senior citizens' centre. Mary Inkster (1833-1912) lived in Seven Oaks House until her death, while Harriet (c.1846-1922) was in a dwelling erected in the 1870's to the west of the family home.

Harriet was the second wife of William McMurray who was born in the North-West to an HBC chief trader, educated at the Red River Academy and apprenticed as an HBC postmaster. He later became inspecting chief factor for the company's northern district and was based at Ile-à-la-Crosse (now in Saskatchewan). He died suddenly in 1877 while on a visit to Seven Oaks, leaving his widow to raise five children.

In 1909, Mrs. McMurray replaced her earlier dwelling with a 2 ½-storey frame structure designed by Cyril W.U. Chivers in the Dutch Colonial Revival style characterized by a side gambrel roof, symmetrical front (south) façade, accentuated entrance, shed dormer, and multi-paned, double-hung sash windows in plain surrounds.

The 10-room house, situated at the end of a long driveway off Jones Street, has a rusticated stone foundation, horizontal wood siding on the first floor and large, slightly flared roof shingled in a coursed pattern. The main entrance features Tuscan order wooden columns, a low-pitched hip roof and solid wooden door flanked by sidelights. Basement and ground-floor windows appear on both sides of the porch, while the second storey contains a centre dormer with a small pair of windows and shed roof, plus two end dormers with single rectangular openings beneath hip roofs.

An open veranda extends across the entire east elevation on stone piers between wooden lattice infill. Its Tuscan columns support a balcony complete with a wooden balustrade and an entrance off the second floor.

The eclectic design of the structure's northwest corner includes an overlapping pair of gable dormers and an overhanging sunroom connected by a shed roof to back and side entrances. Windows on the rear (north) façade are variously shaped and placed. The west wall is highlighted by a small bay beneath a shed roof on the main floor and a large fixed opening with side sashes on the upper level.

Architect Chivers (1879-1969) was born in England and came to Winnipeg in 1898 after studies at the London Polytechnic Institute. He worked with S. Frank Peters and George Browne, then was a draughtsman with the Canadian Pacific Railway. He also undertook freelance commissions, mainly in the residential sector, before opening a full-time practice. After being overseas with the First Canadian Mounted Rifles during World War I, he resumed his solo career and in c.1928 went into partnership with another long-standing local practitioner, George W. Northwood (1876-1959).

Their firm was responsible for the Wheat Pool, Canadian General Electric, Dominion Public, and Singer buildings; expansion and façade redevelopment at St. Ignatius Church; the second Assiniboine Park Pavilion; Women's Tribute Memorial Lodge; a St. Vital branch of the Imperial Bank of Canada; the Civic Auditorium (with other architects); Winnipeg General Hospital X-Ray Building; Bank of Toronto at Portage and Notre Dame (with others); and several additions to major commercial and institutional buildings. The partnership operated until the latter 1950s, adding as principals Cyril's son, John A. Chivers, and P.M. Casey.

The McMurray House continued to be owned by female Inkster descendants after Harriet's death. It passed to one of her daughters, Harriet Jane Mermagen (1874-1948), wife of Lieutenant-Colonel Ernest W. Mermagen (1871-1947) who managed the Manitoba Mortgage and Investment Co. and later the British Winnipeg Investment Co. He was with the 27th Battalion during World War I and an official with the Indian Residential School Commission in the 1930's.

The property was transferred to the Mermagens' daughter, Anne Elizabeth (Nancy) McGowan, in 1948. Her husband, Lieutenant-Colonel Clarence L. McGowan (1908-1982), born at Rathwell, Manitoba, was with the Royal Canadian Artillery prior to World War II, then served as a staff officer in Canada and Europe before returning to command the 39th Field Regiment. He later was an engineer with Mumford Medland Ltd., then with the Mathews Conveyor Co. whose local office was at 127 Rupertsland in the 1960's and 1970's.

Schedule "A" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated April 8, 1997 (continued)

Schedule "B" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated March 17, 1997

RE: McGOWAN HOUSE - 127 RUPERTSLAND AVENUE

RECOMMENDATIONS:

1. That the Grade III Historical Designation associated with the dwelling known as McGowan House located at 127 Rupertsland Avenue, be rescinded and the structure demolished.

2. That, subject to the aforementioned demolition, the associated property bequested to The City of Winnipeg for passive park purposes be formally named "McGowan Park."

REASON:

Council approval is required to rescind Historical Designations under the Historical By-Law No. 1474/77 while approval of the Standing Committee on Protection, Parks and Culture is required for all requests for the naming of park sites.

HISTORY:

By legal agreement dated September 22nd, 1992, the owner of 127 Rupertsland Avenue, Mrs. Anne Elizabeth McGowan, entered into an agreement with The City of Winnipeg to convey said dwelling and associated property to the City upon her vacating said lands. In accordance with Clause 3(a) (iii) of the subject agreement, "the City shall be entitled at its sole discretion, to maintain, remove and/or demolish the dwelling located on the said lands."

By legal agreement dated September 13th, 1994, Mrs. McGowan formally vacated the subject lands and requested the City to take immediate possession of the property. However, prior to leaving the residence Mrs. McGowan arranged for the removal of certain fixtures and artifacts from the dwelling and sold same to the Old House Revival Company on Corydon Avenue. Upon receiving the keys to the residence the City discovered that same had occurred became concerned as this action violated the agreement which had been executed by Ms. McGowan. Accordingly, on or about September 13th, 1994, the City made arrangements with the Old House Revival Company to return all fixtures and materials to the subject dwelling for a fee of $5000.00.

At its meeting held on October 11th, 1994, the Lord Selkirk/West Kildonan Community Committee concurred in the recommendation contained within a report dated October 3rd, 1994, from the Director of Parks and Recreation; namely, that the Civic Buildings Department do all things necessary to secure the subject building and to prevent deterioration until such times as the final plans have been completed. The Community Committee also requested a report outlining the costs to secure and maintain the building for the winter season and further instructed that the matter be forwarded to the Historical Buildings Committee to determine whether the property is currently on the Historical Buildings List and, if not, that the property be evaluated for listing.

By letter dated November 14th, 1994, the solicitor for Mrs. McGowan advised the City that she wishes to have the subject dwelling demolished so that the concept of a total passive park around the adjacent Seven Oaks Museum can be accomplished.

By letter dated January 13th, 1995, the Commissioner of Protection, Parks and Culture advised the Grantor's solicitor that "the preservation and restoration of the house for local/historical interpretative purposes is considered as a 'passive use' of the property in accordance with the existing hierarchy of parks and recreation activities. Accordingly, the City does not share the concerns of your client regarding the potential preservation of the House for local historical purposes as being incompatible with the 'passive' park concepts."

By letter dated January 25th, 1995, the solicitor for Ms. McGowan requested that the City of Winnipeg honour Mrs. McGowan's concept of passive and proceed with the demolition of the House.

By letter dated January 30th, 1995, the Commissioner of Protection, Parks and Culture advised the Grantor's solicitor of the aforementioned motion passed by the Lord Selkirk/West Kildonan Community Committee and that the City's Heritage Planner will be submitting a report which may or may not recommend its demolition to the Historical Buildings Committee for its next meeting scheduled for February 9th, 1995.

By letter dated February 3rd, 1995, the solicitor for Ms. McGowan reiterated that his client's position is that the legal document requires the demolition of the House.

At its meeting held on February 9th, 1995, the Historical Buildings Committee recommended that the subject dwelling receive a Class III designation; which means that said structure is identified as having a moderately significant heritage. While alterations to the exterior of the building must be reviewed by the Committee, there are no restrictions on any interior alterations.

At its meeting held on April 11th, 1995, the Lord Selkirk/West Kildonan Community Committee concurred in the aforementioned recommendation of the Historical Buildings Committee.

DISCUSSION:

As indicated on the attached report drawing No. 50-86, the subject property is situated at the termination of Rupertsland Avenue and Jones Street and comprises .68 hectares.

Schedule “A” referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated April 8, 1997 (continued)

Since receiving formal title to the subject property the Civic Buildings Department has expended the following funds to provide minimal heat and security for the structure:

- $2,142.15 (Gas)
- $ 466.11 (Hydro)
- $ 400.11 (Security)

However, after reviewing this issue once again, it is hereby recommended that the Grade III Historical Designation associated with the dwelling known as McGowan House located at 127 Rupertsland Avenue, be rescinded due to the following rationale:

- It could be argued that there is a moral obligation to comply with the former owner’s insistence that this bequest was conditional upon the subject dwelling being demolished to provide for a “passive” park.

- No formal plans for the redevelopment of the subject dwelling have been submitted by any citizen group or organization.

- Neither the Civic Buildings Department nor the Parks and Recreation Department have budgeted for the operation of any subsequent redevelopment of this structure nor have capital funding for future capital repairs and improvements. With regards to operating requirements, it is estimated that funding in the amount of $3,200 to $5,500 would have to be identified by Civic Departments. With regards to capital improvements; it must be noted that there are $20,000 worth of repairs necessary to nearby Bleak House required in the immediate future that have not been budgeted for. Over time, it is anticipated that McGowan House would require similar capital funding.

- A recent site inspection of the structure by appropriate representatives of the Fire Prevention Branch of the Winnipeg Fire Department has confirmed that the house is considered a fire hazard in view of its derelict condition and the storage of building materials scattered throughout the building.

Subject to the demolition of the subject structure, it is further recommended that the well-treed 68 hectare site be named “McGowan Park” because of the family’s spirited public donation and in view of the family’s relation to the historically significant Inkster family. This donation completed public donation of the land between Colleen Road and Jones and Mac Streets which contains the Seven Oaks Museum.

Schedule "B" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated April 8, 1997 (continued)

3161 Grant Ave., -Apt. 313
Charleswood, Man.
R3R 3R1
August 9, 1995.

City of Winnipeg,
Office of the Mayor,

Dear Madam:

I have been advised to write to you for help and advise.

In 1992 I signed an agreement with the City of Winnipeg, donating my property, 1.3 acres of mostly lawn and trees, to be an addition to Seven Oaks Park, which adjoins it, as a "passive park", with the understanding that the house should be demolished. I understand that a "passive park" can have no buildings on it.

Since then I have been informed that my house, built by Mr. George Northwood, a partner of Mr. C.W.D. Chivers is considered a "Heritage House". I have a copy of the report from the Historic Buildings Committee submitted on Feb. 9, 1995, in which there are several errors, which in no way fit in with a "Heritage House".

The "red gambrel roof" only became a red roof in 1947 - previous to that it had been a brown wooden shingle roof.

The "open verandah" was fully screened, with the only entrance being from the house itself.

"The eclectic design of the North West corner" is an addition put on in 1948, containing a stairway to allow covered entrance to the second floor living quarters.

There is no sun-room. I lived in that house from the time I was a small girl until I left there for good in September 1994. I think I would have noticed a sun-room. I was also consulted as to where the additional stairway to the second floor should be placed.

In other words, as it is the second house built on the same foundation by my grandmother, and has had vast reconstruction done to both the interior and the exterior in the last fifty years, it hardly seems to qualify as a "Heritage House".

Will you please help us to get it demolished as requested, so that we can develop our "passive park"?

Yours sincerely,

Nancy M Fowan
(Mrs C.L. M Fowan.)

Copies to:
Councillor Mike O'Shaughnessy
Councillor Harry Lazarenko
Councillor John Prystanski
Mr. Lorne Reynolds
Mr. Giles Bugiliski
Mr. A.Lorne Campbell
Miss Ruth Boyd.
Councillor G. Murray.

Encl. 1.

832 - Appendix "1" referred to in Clause 2 of the Report of the Committee on Works and Operations dated June 10, 1997

APPENDIX 1

Schedule "A" to the City of Winnipeg Parking Meter By-law No 6547/95 be amended by adding the following:

Donald Street between Portage Avenue and Graham Avenue E/S

Donald Street between Portage Avenue and Graham Avenue W/S

Donald Street between Graham Avenue and St. Mary Avenue W/S

Hargrave Avenue between Graham Avenue and Portage Avenue W/S

Hargrave Street between St. Mary Avenue and Graham Avenue E/S

Mill Street between Lombard Avenue and the Thistle Lane W/S

Pioneer Avenue between Westbrook Street and Main Street S/S

Princess Street between James Avenue and William Avenue E/S

Smith Street between Portage Avenue and Graham Avenue W/S

Smith Street between Portage Avenue and Ellice Avenue E/S

Water Avenue between Main Street and Westbrook Street N/S

St. Mary Avenue between Fort Street and Vaughan Street N/S

Note: *Schedule "A" allows one hour parking.*

Appendix “2” referred to in Clause 2 of the Report of the Committee on Works and Operations dated June 10, 1997 (continued)

APPENDIX 2

Schedule “A” to the City of Winnipeg parking Meter By-law No. 6547/95 be amended by deleting the following:

Ellen Street between McDermot Avenue and Notre Dame Avenue W/S

Francis Street between Notre Dame Avenue and McDermot Avenue E/S

Henry Avenue between Main Street and Martha Street S/S

Juno Street between Notre Dame Avenue and McDermot Avenue E/S

Notre Dame Avenue between Balmoral Street and Hargrave Street S/S

Appendix "3" referred to in Clause 2 of the Report of the Committee on Works and Operations dated June 10, 1997 (continued)

APPENDIX 3

Schedule "B" to the City of Winnipeg parking Meter By-law No 6547/95 be amended by adding the following:

Assiniboine Avenue between Garry Street and Main Street S/S

Donald Street between St. Mary Avenue and York Avenue W/S

Garry Street between Broadway and Assiniboine Avenue E/S

Lily Street between Market Avenue and Rupert Avenue E/S

Notre Dame Avenue between Pearl Street and Tecumseh Street (Toronto Street) N/S

Notre Dame Avenue between Victor Street and Pearl Street (McGee) S/S

Notre Dame Avenue between Adelaide Street and Hargrave Street N/S

Vaughan Street between Ellice Avenue and Webb Place W/S

York Avenue between Colony Street and Fort Street N/S

York Avenue between Memorial Boulevard and Main Street S/S

Note: *Schedule "B" allows two hour parking.*

Appendix “4” referred to in Clause 2 of the Report of the Committee on Works and Operations dated June 10, 1997 (continued)

APPENDIX 4

Schedule “B” to the City of Winnipeg parking Meter By-law No 6547/95 be amended by deleting the following:

Elgin Avenue between Adelaide Street and Ellen Street N/S

Hargrave Street between Bannatyne Avenue and William Avenue E/S

Hargrave Street between Notre Dame Avenue and William Avenue W/S

Navy Way between Broadway and Assiniboine Avenue E/S

Navy Way between Broadway and Assiniboine Avenue W/S

York Avenue between Fort Street and Vaughan Street S/S

833 - Appendix "A" referred to in Clause 3 of the Report of the Committee on Works and Operations dated June 10, 1997

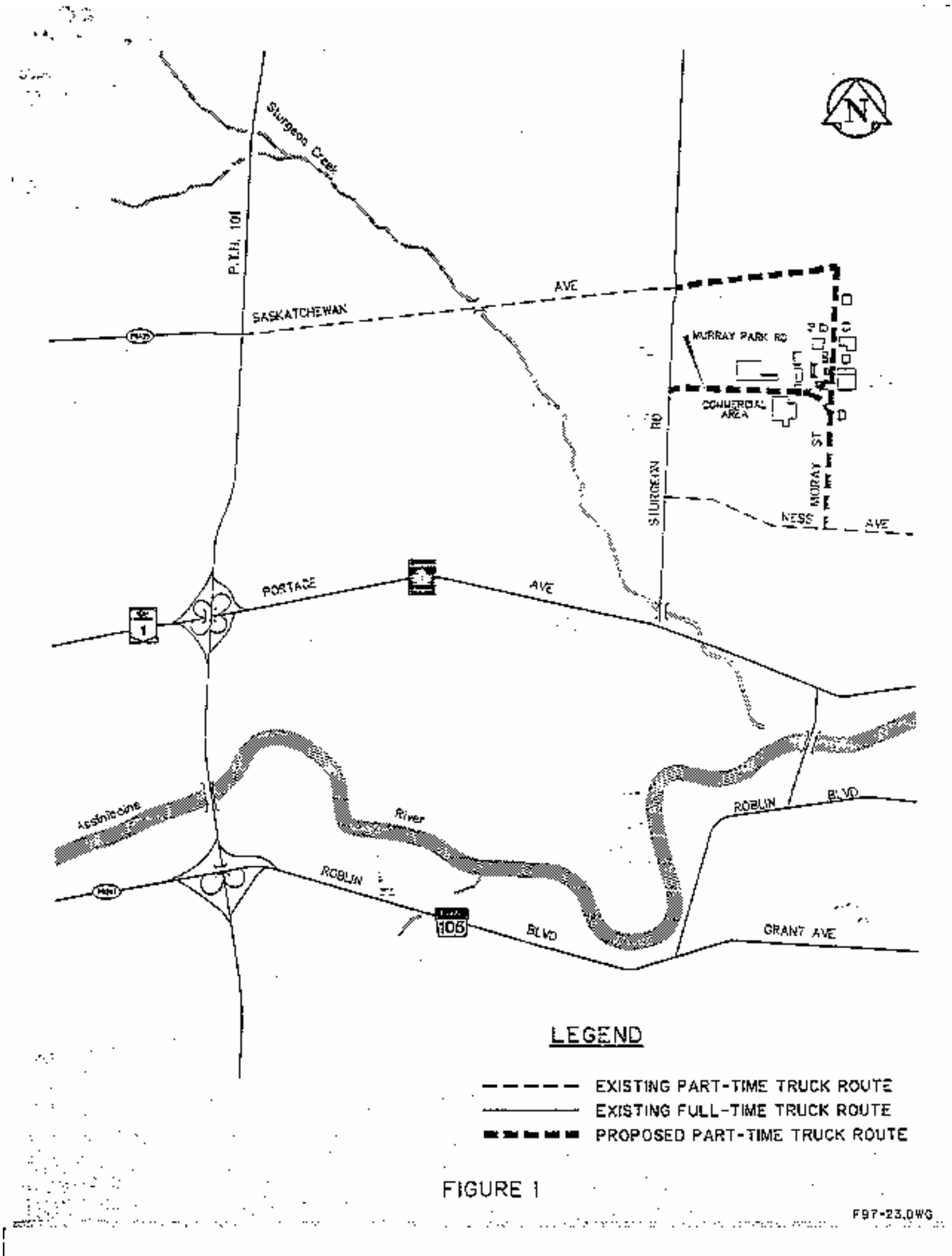


FIGURE 1

F97-23.DWG

834 - Appendix "A" referred to in Clause 5 of the Report of the Committee on Works and Operations dated June 10, 1997

