REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED JUNE 20, 1995

On motion of Councillor O'Shaughnessy, the Report of the Committee on Planning and Community Services, dated June 20, 1995, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2,3,5,6,7,8,9,10 and 11 be adopted.

Carried.

Her Worship the Mayor and Councillors:

English for Job Finding Program VIII
1995 - 1996 File EH-2.1 (Vol. 9)

921 - 1. The Committee on Planning and Community Services has been advised that the Social Services Department has applied to the Federal government for the provision of 100% of the funding for an English Skills program for people who have recently immigrated to this country.

The program would be delivered in partnership with South Winnipeg Technical Centre and is scheduled to operate between July 17, 1995 and March 29, 1996. Funding in the amount of $65,529 has been requested from the Federal government for this program.

If approved, this program would be the eighth in a series of English language programs which has helped recent immigrants in receipt of financial assistance with the City to access employment or further training. Previous English For Job Finding Purposes programs have been in operation for immigrant clients since 1989.

The program is designed to provide training for 20 participants. Included in the 36-week training sequence are classroom activities focused on acquisition of advanced English language skills, job search skills, interview preparation, goal setting and confidence building. A volunteer placement during the training sequence is used by participants to practice English language skills and to give them exposure to the Canadian work environment. Our past experience has demonstrated that the volunteer placement will often lead to employment for the trainee.

Some examples of placement from the 1994 program include: New Flyer Industries, Astra Credit Union, Royal Bank, University of Manitoba: Animal Sciences Branch, Zeneca Seeds, Hudson Bay Archives, Provincial Land Titles' Offices and the Pan Am Pool.

Presently, the Department is delivering concurrent English For Job Finding Purposes programs by contractual agreement with Human Resources Development Canada and South Winnipeg Technical Centre. The first of these programs for 20 participants began in September 1994 and is scheduled to end on May 17, 1995. It is anticipated that all participants will be hired by their training host companies. A second program for 20 participants began on January 30, 1995 and is scheduled to end November 30, 1995. By continuing to overlap two programs, there are considerable cost savings through administrative overhead costs. Specific savings are:

- reduction of training costs of $661.00 per student
- improvements in the program content, including follow-up services for former participants;
- a 22% reduction in social services' staff time commitment
- significant savings in start-up costs
- utilization of experienced staff and avoiding costs attributable to the learning curve.

Implementation of the concurrent program would add no financial or staff costs to The City of Winnipeg. Funding for the instructor, course costs and training costs will be borne in total by the Federal government.

The Committee on Planning and Community Services recommends:

I. That The City of Winnipeg participate in the English For Job Finding Purposes program contingent upon the Federal government providing total funding.

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II. That the Proper Officers of The City of Winnipeg be authorized to do all things necessary to implement this program including the execution of documents.

Adopted by consent.

Proposed By-law Amendments to Accommodate Reorganization of the Building Inspections Division
File EB (Vol. 2)

922 - 2. The Committee on Planning and Community Services has been advised that in February 1995, the Building Inspections Division became part of the Land and Development Services Department with a number of changes made to titles and job descriptions.

A number of By-laws administered by the Land and Development Services Department assign powers, duties, and responsibilities to the Supervisor of Building Inspections or his designates. As a result of the reorganization, the title of Supervisor of Building Inspections has been changed to the Manager of Building Inspections.

To accurately reflect the title change of Supervisor of Building Inspections to Manager of Building Inspections, other changes brought about by reorganization, and at the same time update minor technical items, corresponding amendments are required as follows:

The Residential Buildings Fire Safety By-law No. 4304/86, as outlined on Schedule "A"
The Winnipeg Building By-law No. 4555/87, as outlined on Schedule "B"
The Winnipeg Maintenance and Occupancy By-law No. 4903/88, as outlined on Schedule "C"
The Winnipeg Electrical By-law No. 6499/94, as outlined on Schedule "D"

The proposed amendments would better serve the public accessing these By-laws by providing up-to-date information and in addition would remove possible ambiguity with respect to the enforcement of the regulations.

The Committee on Planning and Community Services therefore recommends:

I. That the Residential Buildings Fire Safety By-law No. 4304/86 be amended, as outlined on Schedule "A".

II. That the Winnipeg Building By-law No. 4555/87 be amended, as outlined on Schedule "B".

III. That the Maintenance and Occupancy By-law No. 4903/88 be amended, as outlined on Schedule "C".

IV. That the Winnipeg Electrical By-law No. 6499/94 be amended, as outlined on Schedule "D".

V. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 936 for attachments)

The City of Winnipeg Zoning By-law No. 6400/94 - Amendments of minor nature under s.631 of - The City of Winnipeg Act
File DAZ 209/94 (Vol. 2)

923 - 3. On January 26, 1995 Council passed Zoning By-law No. 6400/94, which by-law came into effect on February 1, 1995.

Over the past four months a number of errors and omissions have been discovered as the by-law has been put to practical use.

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The by-law, as outlined in Schedule "A", contains corrections to both the text and maps to reflect the intent of the Committee on Planning and Community Services and Council in passing Zoning By-law No. 6400/94. Said corrections to the by-law, without any public notice or public hearing, will not prejudice the public or any interested person.

The corrections are summarized as follows:

1. Opening page to Appendix "A" to By-law No. 6400/94, Zoning Maps, was inadvertently left out from the final draft. The sections therein contained are necessary to relate the by-law text to the map appendix and to allow for future map amendments.

2. Definition of "owner" was inadvertently left out of Part II and is required for ease of enforcement purposes.

3. Rear yard requirement for PR1 and PR2 districts were inadvertently left out of the Bulk Table in Part V.

4. Site coverage for detached accessory buildings was incorrectly inserted in the table as 50% of rear yard, whereas the city wide standard of 12.5% of lot area which has been in place since 1986 should have been stated.

5. The definition of recreational vehicles excludes travel trailers and motor homes, whereas the intent of the clause for seasonal front yard parking was to allow motor homes and travel trailers as well as recreational vehicles.

6. The intent of the by-law to allow 2 foot eaves into side yards of 4 feet or greater was inadvertently lost in the phrasing of By-law No. 6400/94.

7. The intent of the by-law is to not allow loading and garbage facilities in rear yards abutting residential districts. The existing wording does not clarify this.

8. A typing error resulted in Brewery/Distillery showing as not permitted in the "M1" zoning district whereas the correct designation is "P" permitted.

9. This regulation is intended to protect residential windows from inappropriate placing of automobile parking spaces. The words "to a habitable room" were inadvertently left out in typing.

10. A number of incorrect atlas sheets were included in the Appendix "A" package approved by Council. This was a result of the electronic information provided for the production of the digital sheets not being correctly interpreted. The corrected information has now been entered, the sheets affected being Nos. 62, 65, 72, 76, 85 and 86, copies of which are hereto attached.

The Committee on Planning and Community Services recommends:

I. That the above corrections and omissions be incorporated into the text and maps of Zoning By-law No. 6400/94.

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

Adopted by consent.

Approval of Program Authorizations for the Winnipeg Development Agreement
File FR-3.2 (Vol. 2)

924 - 4. On January 25, 1995, Council adopted Clause 2 of the Report of the Executive Policy Committee, dated January 18, 1995, which outlines the terms and conditions of the Canada-Manitoba-Winnipeg Agreement for the Development of Winnipeg 1995-1999.

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On March 10, 1995, the Canada-Manitoba-Winnipeg Agreement for the Development of Winnipeg was executed on behalf of Canada by the Ministers of Western Economic Diversification, Human Resources Development, Canadian Heritage, and on behalf of Manitoba by the Minister of Finance and Urban Affairs, and on behalf of Winnipeg by the Mayor and the City Clerk, as outlined on Schedule "F".

On June 20, 1995, the Committee on Planning and Community Services considered the Program Authorizations for the Winnipeg Development Agreement for Programs to be implemented by The City of Winnipeg. In accordance with the Winnipeg Development Agreement, City Program Authorizations, as outlined on Schedules "A ", "B", "C", "D" and "E", require the approval of Council prior to signing.

The Committee on Planning and Community Services therefore recommends:

I. Approval of City Program Authorizations, as outlined on Schedules "A ", "B", "C", "D" and "E", subject to removal of the Administrative Program Implementation costs and forwards same to the Executive Policy Committee and Council.

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

The Executive Policy Committee concurs with the recommendation made by the Committee on Protection, Parks and Culture on June 26, 1995, and recommends that the particulars of the Tourism and Neighbourhood Improvement Programs in the Canada-Manitoba-Winnipeg Agreement for the Development of Winnipeg, be approved in principle.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

The Speaker here resumed the Chair.

In amendment,

Moved by Her Worship Mayor Thompson,
That the recommendation of the Executive Policy Committee be adopted.

The amendment proposed by the Executive Policy Committee was put and declared carried.

The motion for the adoption of the clause, as amended, was put and declared carried.

Attachments referred to in the above clause are on file in the office of the City Clerk.

Proposed Subdivision and Rezoning - Land located North of Maginot Street between DeBourmont Avenue and the C.P.R. Railway - Riel Community
File DASZ 16/94

925 - 5. The Committee on Planning and Community Services has been advised that an application has been received from Ladco Company Limited, 159 - 50 Lakewood Boulevard, Winnipeg, Manitoba, R2J 2M7, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "M2" Industrial District to a "PR" Parks and Recreation District; an "R1-4" Single-family District and an "RM-4" Multiple-family District to allow for the construction of single-family dwellings; a multiple family development and considering a special rear yard setback for lots along the C.P.R. right-of-way.

This site of approximately 26 acres was formerly designated "Industrial", and has now been designated Neighbourhood" under the most recent review of Plan Winnipeg. The former designation was totally inappropriate insofar as access can be obtained only from the south (through Windsor Park) because of the transfer track to the north operated by CNR and CPR. These vacant lands lie north of low-density housing on Berkshire Bay, Hampshire Bay, and Wiltshire Bay, and west of the St. Boniface School Division bus depot.

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The following is the surrounding land use and zoning:

North: transfer track and industrial, zoned "M3"

East: industrial, zoned "M2"

West: railway and residential, zoned "R-2"

South: residential, zoned "RM-1"

The initial pattern of subdivision submitted by the applicant included an area at the easterly limit of the lands which could have remained "M2", but only if required by the St. Boniface School Division for expansion of its bus depot. The School Division does not wish to acquire these lands at this time, and therefore the land should be developed in one-family lots zoned "R1-4".

The pattern of subdivision submitted by the applicant does not include the extension of Maginot Street to rue Archibald as recommended on November 29, 1994, by the Committee on Works and Operations. The extension of Maginot Street is considered incompatible with residential development, because of anticipated truck traffic from the industrial area at the east end of Maginot Street, and such traffic is incompatible not only with the proposed housing, but with existing housing on Berkshire, Hampshire, and Wiltshire Bays. The design of the subdivision includes a re-alignment of Maginot Street, east of Drake Boulevard in order to discourage truck traffic.

A portion of Maginot Street, west of Drake Boulevard is proposed to be closed and retained as a buffer to the multiple-family site, and to provide secondary emergency access to lots lying west of that site. Additional depth is provided in lots backing onto the bus depot, and onto the railways to the north and west, for noise attenuation.

Notwithstanding the recommendation of the Committee on Works and Operations, the extension of Maginot Street to rue Archibald is considered incompatible with existing and proposed housing. This would provide a direct route between the industrial area to the east and rue Archibald, and truck traffic must be anticipated. The proposed design attempts to discourage industrial traffic within the residential area.

The proposed multiple-family site may be compatible with adjacent low-density housing if the proposed buffer is maintained, and density and height are limited. The proposed "RM-4" District permits one dwelling unit per 800 square feet of site area, which is consistent with other multiple-family development in Windsor Park. A height limit of 3 storeys is recommended to ensure compatibility with existing and proposed low-density housing.

The additional depth provided in lots abutting industrial lands and the railways allows for the construction of a berm (with fencing) to protect housing from noise, and a special alignment of 17.5 m is recommended from and parallel to the CPR Emerson Subdivision to any dwelling.

A Public Hearing was held before the Riel Community Committee on April 10, 1995.

Three persons appeared in support of the application.

One person appeared for information.

No one appeared in opposition to the application.

The Riel Community Committee recommended that:

1. The proposed subdivision and rezoning be approved for the following reasons:

    A) The area residents are supportive of this application.

    B) The extension of Maginot Street to rue Archibald is incompatible with existing and proposed housing inasmuch as it would provide a direct route between the industrial area to the east and rue Archibald. The proposed design attempts to discourage industrial traffic within the residential area.

2. The proposed subdivision and rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation.

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The Committee on Planning and Community Services concurred in part with the recommendation of the Riel Community Committee for the following reasons:

- The Riel Community Committee approved the following zoning categories as outlined on Schedule "A".

- "PR" Parks and Recreation District, "R1-4" Single-family District and "RM-4" Multiple-family District. Clause 3 (3) of the Riel Community Committee report dated May 5th, 1995, sets out a requirement under the Zoning Agreement covering lands to remain "M2" Industrial District. However, the lands which were to remain "M2" Industrial District are now being rezoned to "R1-4" Single-family District and this clause is now not necessary. Therefore Clause 3 (3) can be deleted from the subject Zoning Agreement.

and therefore recommends:

I. That the plan of subdivision proposed under File DASZ 16/94 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "B" for File DASZ 16/94, dated June 1, 1995, for registration in the Winnipeg Land Titles Office subject to:

   A. That the Developer be required to enter into a Development Agreement with the City, in accordance with the Administrative Coordinating Group report dated April 24, 1995, as outlined on Schedule "C", the terms which were approved by the Committee on Planning and Community Services, and to include a sidewalk continuing on Drake Boulevard to its northerly limit on both sides of Drake Boulevard.

II. That the Director of Land and Development Services be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "B" for File DASZ 16/94, dated June 1, 1995, to a "PR1" Parks and Recreation District, an "R1-4" Single-family District, and an "RM-4" Multiple-family District, subject to the following:

   a) That the Developer be required to enter into a Zoning Agreement with the City pursuant to Section 591 (1) of The City of Winnipeg Act to provide for the following.

      (1) that the "RM-4" site be restricted to a maximum height of 3 storeys;

      (2) that no building or structure (including free-standing signs and fencing), parking or loading area, or landscaping be erected or located on the "RM-4" site except in accordance with plans approved by the Riel Community Committee and the Commissioner of Planning and Community Services;

IV. That By-law 6400/94 be amended to establish a special alignment from the east limit of and parallel to the CPR Emerson Subdivision, providing a depth of 17.5 metres to any dwelling.

V. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

VI. That the plan of subdivision section of the by-law shall come into force and effect upon the execution by The City of Winnipeg of the Development Agreement.

VII. That the zoning section of the by-law shall come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against the lands.

VIII. That the Proper Officers of the City be authorized to execute all necessary agreements.

IX. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 24 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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X. That the City Solicitor be requested to do all things necessary for implementation of the above in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 937 for attachment)

Proposed Subdivision and Rezoning - Land located on the North side of Fraser Road between Red River and St. Mary's Road - Riel Community File DASZ 4/95

926 - 6. The Committee on Planning and Community Services has been advised that an application has been received from Mr. J. W. Phippen, Box 141 St. Germain Post Office, Manitoba, R0G 2A0, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "A.5" Agricultural District to an "RR2" Rural Residential District to permit the establishment of two (2) additional one-family lots.

Existing Land Use and Zoning: "A.5" Agricultural District large lot containing a single-family dwelling

The following is the surrounding land use and zoning:

North: large lot residential, zoned "A.5"

East: large lot residential, zoned "A.5"

West: Red River

South: large lot residential, zoned "A.5"

Proposed Land Use: large lot residential (2 additional lots)

The proposal is consistent with the St. Vital Perimeter South Secondary Plan, which designates the area between St. Mary's road and the Red River for 2 Acre development, and with the "RR-2" Rural Residential District regulations. The proposal is also consistent with previous large lot residential development in the area, and there would appear to be no impediment to approval.

However, the Riel Community Committee adjourned the previous application for large lot residential development under the St. Vital Perimeter South Secondary Plan, pending receipt of the report of the Department of Urban Affairs respecting St. Germain-Vermette, and also requested that the Department of Urban Affairs provide the definitive position of the Province of Manitoba respecting groundwater in the area. The Province is not preparing such a report.

Advice previously provided by Departments of the Provincial Government suggests that the proposed subdivision is in the area of greatest groundwater sensitivity, being close to the boundary between brackish and potable water.

A Public Hearing was held before the Riel Community Committee on April 10, 1995 and May 8, 1995.

Three persons appeared in support of the application.

No one appeared in opposition to the application.

The Riel Community Committee recommended that:

1. The proposed subdivision and rezoning be approved for the following reason:

   A) This application is consistent with the development plan of the area with the two acre lot subdivision.

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2. The proposed subdivision and rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation.

The Committee on Planning and Community Services concurred in the recommendation of the Riel Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 4/95 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A" for File DASZ 4/95, dated June 1, 1995, for registration in the Winnipeg Land Titles Office subject to the following:

A. That the plan be amended to provide for a 1.749 metre widening to the Fraser Road right-of-way;

B. That the Developer pay $20.00 per foot as its share of the cost of oiling the Fraser Road roadway from the east limit of the proposed subdivision to a point westerly as determined by the Commissioner of Works and Operations;

C. That the Developer be required to pay to the City 10% cash dedication in lieu of land dedication to be calculated on the basis of two additional building sites being created;

D. That the Developer be required to enter into a Subdivision Agreement with the City to provide for the following:

(1) The prohibition of any building or structure whatsoever on the land as outlined on Schedule "B", being the Designated Floodway Area as defined in Part 15.1 of the City of Winnipeg Act.

(2) That additional wells be prohibited on the property unless and until the applicant has obtained from the Province of Manitoba's Department of Natural Resources a letter stating that, if a license were required for such additional wells, that the required license would be issued for all additional lots in the subdivision.

II. That the Director of Land and Development Services be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 4/95, dated June 1, 1995 to an "RR2" Rural Residential District.

IV. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

V. That the plan of subdivision section of the by-law shall come into force and effect upon the execution by The City of Winnipeg of the Subdivision Agreement.

VI. That the zoning section of the by-law shall come into force and effect when the plan of subdivision has been registered in the Winnipeg Land Titles Office.

VII. That the Proper Officers of the City be authorized to execute all necessary agreements.

VIII. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 24 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IX. That the City Solicitor be requested to do all things necessary for implementation of the above in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 938 for attachment)

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Proposed Rezoning - Lands located on East and West sides of Pembina Highway between Corydon Avenue and Stafford Street - City Centre Community
File DAZ 237B/94

927 - 7. The Committee on Planning and Community Services has been advised that the Commissioner of Planning and Community Services has initiated an amendment to Zoning By-law 6400/94 by proposing to rezone the "C2" Commercial District lands on the West side of Pembina Highway to a "C1.5" Commercial District and to rezone the "M1" Industrial District lands on East and West sides of Pembina Highway to a "C2" Commercial District as shown below.

On April 4, 1995, the Committee on Planning and Community Services considered DAZ 237/94, an application to rezone commercial and industrial lands located on the east and west sides of Pembina Highway between Corydon Avenue and Stafford Street. The Committee recommended that the rezoning as it applies to the majority of the lands be proceeded with, but laid over consideration of a portion of the application dealing with two individual properties; 625 - 627 Dudley Avenue and 565 Pembina Highway; which are now referred to as DAZ 237B/94.

625 - 627 Dudley Avenue

This property was rezoned to a "C2" Commercial District in 1989 under File DAZ 260/87, and is subject to a zoning agreement which restricts the use of the land and any building or structure thereon to,

a) any "R3" Multiple Family District use but not exceeding a total of 3 residential dwelling units;

b) business or professional offices located on the main floor only.

Both of these uses are allowed under the "C1.5" Commercial District zoning and consequently as there is no loss of rights with respect to permitted land uses, it is recommended that the rezoning as it applies to these lands be proceeded with.

525 Pembina Highway

This property was rezoned from an "R2" Two-Family District to a "C2" Commercial District in 1979 under File DAZ 163/72. (A dedication fee of $2,650.00 was paid to the City in conjunction with this rezoning). The site is presently used predominantly for an automobile repairs and service and automobile sales with some secondary uses such as parts sales, tire sales, sales of other items such as boats and repair of heavy machinery.

Automobile repairs and service is not permitted in "C1.5" and is listed as a Conditional Use in "C2". The remaining use established on this site are permitted uses under the present "C2" District zoning, but are conditional under "C1.5".

It is proposed that any use lawfully in existence which becomes a conditional use under the new by-law shall be deemed to have been approved as a Conditional Use, however, the principal use established on this site would become non-conforming. The property owner, Mr. G. Hanssen, has concerns about loss of this and other potential "C2" uses and the diminishment of development rights resulting from this rezoning.

Uses of particular concern are outlined on Schedule "B".

After considering the uses which are outlined on Schedule "B", the Community Committee determined that each of these uses would be appropriate for the subject site. The two most appropriate potential courses of action were to either (1) leave the subject site zoned "C2" Commercial District, or (2) proceed with the zoning change to "C1.5" and encourage the applicant to apply to rezone the subject site from "C1.5" to "C2. This would enable the execution of a zoning agreement which could limit the intensity of development and require that final plans of any development be subject to approval of the Community Committee.

On the basis that this property is not substantially different than other lands affected by this overall zoning rationalization, and this zoning change is being initiated to provide more protection to adjoining residential properties, it was recommended that this zoning change be proceeded with. It was also recommended that any future development or change of use be dealt with through the appropriate applications at that time.

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Public Hearings were held before the City Centre Community Committee on February 7, March 7, April 11 and May 9, 1995.

One person appeared in support of the application.

One person appeared in opposition to the application.

The City Centre Community Committee recommended that:

1. The proposed rezoning be approved for the following reasons:

   A) Because there are uses under a "C2" zoning that are of concern, it is considered appropriate to rezone the properties to a "C1.5" Commercial District and encourage the owner(s) to apply for a subsequent rezoning to enable the execution of a zoning agreement which could limit the intensity of development and require that final plans of any development are subject to the approval of the Community Committee.

   B) That zoning change was initiated to provide more protection to adjoining residential properties and any future development or change of use can be dealt with through appropriate applications at that time.

2. The proposed rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation:

The Committee on Planning and Community Services concurred in the recommendation of the City Centre Community Committee and recommends:

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 237B/94, dated June 2, 1995, to a "C1.5" Commercial District subject to the following:

   A. That notwithstanding anything elsewhere contained in By-law 6400/94, any use lawfully in existence on the date of enactment of and covered by the rezoning by-law which becomes a conditional use under the new zoning category, shall be deemed to have been approved as a Conditional Use.

II. That in the event this application is not proceeded with expeditiously and the zoning by-law is not enacted within 12 months, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

III. That the City Solicitor be authorized to prepare the necessary rezoning by-law and forward same to Council for all three readings.

IV. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 939 for attachment)

Proposed Rezoning - Land located on the North-East corner of Watt Street and Union Avenue West - East Kildonan-Transcona Community
File No. DAZ 207/95

928 - 8. The Committee on Planning and Community Services has been advised that an application has been received from G.E.M. Holdings Ltd., 229 Watt Street, c/o Mr. E. Gagnon, Winnipeg, Manitoba, R2G 1S6, to amend By-law 6400/94 by proposing to rezone the lands shown below from a "C1" Commercial District and "R1-2.5" Residential District, to a "C1.5" Commercial District to accommodate an expanded range of commercial uses within an existing commercial building located on lands shown outlined below.

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Frontage: Union Avenue West 30.48 metres (100.0 feet)

Depth: 28.28 metres (92.8 feet)

Area: 861.9 square metres (9278.5 square feet)

Existing Zoning: Lots 61,62, 63; C1 Commercial
Lot 60: "R1-2.5" Single-Family residential

Existing Land Use: Lots 61, 62, 63; one-storey (3 unit) Commercial Building
Lot 60; Single-family dwelling (to be demolished)

The following is the surrounding land use and zoning:

north: Apartments and single-family dwellings on south side of Martin Avenue - Zoned "RM-1" and "R1-2.5" residential districts

east: Single family dwellings; zoned "R1-2.5" residential district

west: Watt Street

south: Industrial building; zoned "M1" industrial district

The rezoning of lots 61, 62, 63 is intended to permit an expanded range of commercial uses within the existing 1 storey commercial building on the lands. The expanded range of uses could include office, retail, and service uses over and above the existing range of uses allowed by the present "C1" zoning.

Lot 60, to the east of the existing commercial building, presently contains a vacant one-storey dwelling in very poor condition. The applicant intends to demolish the dwelling and construct a 10 stall accessory parking lot to serve the adjoining subject commercial building.

The Community Planning Division considers the proposed "C1.5" zoning of the lands to be consistent with the intent of by-law 6400/94. By-law 6400/94 states that the "C1.5" Commercial District is intended to regulate commercial development with less of a neighbourhood orientation, and of a type typically found along commercial corridors within existing older neighbourhoods. The proposed rezoning will allow a broader range of commercial uses consistent with Watt Street's location and function, and the expanded range of commercial uses will be supported by the proposed increase in accessory parking for the site. The subject rezoning will not adversely affect residential uses in the neighbourhood. The site faces the rear of an industrial building on the south side of Union Avenue West. The subject dwelling is in extremely poor condition and is vacant.

The proposed rezoning has been reviewed by the Administrative Co-ordinating Group and no objections have been noted. The Parks and Recreation Department has requested that a cash payment be made in lieu of land for open space parks and recreation purposes relative to Lot No. 60, Block 9, Plan 847. The Community Planning Division has recommended that all lots be consolidated into one new lot under a new plan of subdivision. The consolidation will ensure that the most easterly lot, Lot 60 will not be developed independently of the remainder of the site. The development of Lot 60 with a commercial use separate and distinct from the existing adjacent commercial building, would adversely effect the neighbouring dwellings on Union Avenue West.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on April 11, 1995.

One person appeared in support of the application.

No one appeared in opposition to the application.

The East Kildonan-Transcona Community Committee recommended that:

1. The proposed rezoning be approved for the following reasons:

    A. The proposed rezoning will allow a broader range of commercial uses consistent with Watt Street's location and function.

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B. The subject rezoning will not adversely affect residential uses in the neighbourhood.

2. The proposed rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation:

The Committee on Planning and Community Services concurred in the recommendation of the East Kildonan-Transcona Community Committee and recommends:

I. That By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 207/95, dated May 4, 1995, to a "C1.5" Commercial District subject to the following:

A. That a 10 percent dedication be made by payment of a sum of money to the City in lieu of the requirement for land for open space, parks and recreational use based on the increase in market value of the land being Lot 60, Block 9, Plan 847.

II. That the rezoning by-law shall not come into force and effect until the registration in the Winnipeg Land Titles Office of a new plan of subdivision consolidating all Lots 60 to 63, Block 9, Plan 847 inclusive, into one (1) lot.

III. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 18 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IV. That the City Solicitor be authorized to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 940 for attachment)

Proposed closing of the public lane in the block bounded by William and Bannatyne Avenues and Ellen and Dagmar Streets - Lord Selkirk-West Kildonan Community File DAC 2/93

929 - 9. The Committee on Planning and Community Services has been advised that the former Land Surveys and Real Estate Department in reviewing their files in 1993, discovered that By-law 2482, a By-law to open and close public lanes in the block bounded by William and Bannatyne Avenues, and Ellen and Dagmar Streets, passed by Council in 1903 was never registered in the Winnipeg Land Titles Office. It was subsequently determined that the lane opening addressed in By-law 2482 is no longer required and that an additional lane closing was required, that was not addressed in By-law 2482.

In 1993, the Law Department advised that the section of By-law 2482 that deals with the lane opening should be repealed. The amended By-law (2482) together with a second By-law dealing with the additional lane closing could then be registered.

The usual circulation was made to all interested City Departments and Public Agencies in 1993, with no objections received.

It should be noted that this matter was approved by the Lord Selkirk-West Kildonan Community Committee on November 9, 1993, and previously by the Committee on Planning and Community Services on November 23, 1993. The proposed closing request was never completed.

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The Committee on Planning and Community Services approves the proposal and recommends:

I. That the City Solicitor be instructed to prepare the necessary By-law for submission to Council to effect the closing in accordance with Misc. Plan LSWK 8107/92, as outlined on Schedule "A".

II. That the section of By-law 2482 referring to a street opening be repealed.

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

Adopted by consent.

(See Minute No. 941 for attachment)

Proposed closing of public lane between Elmhurst Road and Laxdal Road, South of Parkin Avenue - Assiniboia Community File DAC 1/95

930 - 10. The Committee on Planning and Community Services has been advised that the proposed street closing under file DAC 1/95 forms part of the recommended condition of approval of a subdivision/rezoning application under file DASZ 18/94, as outlined on Schedule "A". The Committee on Planning and Community Services considered the subdivision/rezoning application DASZ 18/94 at its meeting on May 23, 1995, and recommended approval to Council.

The Administrative Co-ordinating Group in its report dated November 17, 1994 to the Assiniboia Community Committee recommended that the City shall transfer to the Developer all that portion of the closed lane right-of-way within the proposed subdivision subject to the approval of the Committee on Finance and Administration or as delegated to the now Director of Land and Development Services. The subject lane closing has been initiated by the City in accordance with Misc. Plan No. ASBA 9393, as outlined on Schedule "B".

The proposed lane closure was circulated to all concerned City Departments and Public Utilities with no objections received from the respondents.

On February 14, 1995, the Assiniboia Community Committee recommended approval of the proposed lane closing in accordance with Misc. Plan No. ASBA 9393.

The Committee on Planning and Community Services approved the proposal and recommends:

I. That the subject lane closing not proceed to By-law stage until Council has adopted in principle the recommendations for approval of Subdivision/Rezoning application under file DASZ 18/94.

II. That the City Solicitor be instructed to prepare the necessary By-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. ASBA 9393, as outlined on Schedule "B".

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

Adopted by consent.

(See Minute No. 942 for attachment)

Report of the Committee on Planning and Community Services dated June 20, 1995

Proposed opening of avenue de la Digue between Pembina Highway and rue Landry - Riel Community
File DAO 1/95

931 - 11. The Committee on Planning and Community Services has been advised that the question of legally opening a portion of what is commonly known as avenue de la Digue (Dyke Avenue) was initially addressed back in 1986 (DAO 9/86). At that time no decision was ever made as to what should be opened, and therefore the matter of the street opening was never resolved. At the request of your Committee and the Assistant District Engineer for the South West District, the Land and Development Services Department have initiated a new opening application based on the present procedure.

The subject street opening forms part of the dyke protecting St. Norbert, and this section of the dyke has physically functioned as a public street for over thirty years, though it has never been legally opened as such. The subject portion of the dyke, between Pembina and rue Landry, has become known as avenue de la Digue, and is signed like a standard street. The former R. M. of Fort Garry legally established the dyke back in 1958, and treated this section of the dyke similar to any public street, and the practice has continued to the present day.

In 1986 (under the former street opening File DAO 9/86) there was discussion as to whether avenue de la Digue should be diverted southward to avenue Lemay, eliminating the Pembina connection. It was also noted that the portion of the dyke abutting the St. Norbert Hotel site (to the south) be sold for an expansion on the hotel site. There was never any concurrence arrived at on the two opening alternatives proposed, in 1986, and consequently the former opening application (DAO 9/86) was never concluded.

The new street opening was circulated to all the applicable City Departments and public utilities with no concerns or objections having been reviewed in response to the opening.

On June 6, 1995, the Riel Community Committee considered the proposed opening under File DAO 1/95 and concurred in the recommendations from the Administration.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street opening in accordance with Misc. Plan APFG 6300, as outlined on Schedule "A".

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

Adopted by consent.

(See Minute No. 943 for attachment)

REPORT "A" OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED JUNE 20, 1995

On motion of Councillor O'Shaughnessy, Report "A" of the Committee on Planning and Community Services, dated June 20, 1995, was considered.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clause 1 be adopted.

Councillor Silva requested that Clause 1 be pulled from the Consent Agenda.

Her Worship the Mayor and Councillors:

Proposed Zoning Text Amendment - to amend the permitted and conditional uses of the "Boulevard Provencher District" under By-Law No. 6400/94
File DAZ 211/95 (c/r DAZ 209/94)

932- 1. The Committee on Planning and Community Services has been advised by Mr. G. Ostir, that the "BP" Boulevard Provencher District under By-Law No. 6400 does not list the use "church, synagogue, or similar place of religious worship". On April 27, 1995, the Committee on Planning and Community Services directed that use regulations under the "BP" District be reviewed and that an amendment be initiated.

The "BP" District applies to the frontage of Boulevard Provencher only between avenue Tache and rue Langevin. Regulations are based on the former "HW" Historic Winnipeg District because the Boulevard Provencher District is primarily a design control district.

A review of uses reveals that:

- there are many uses which could reasonably be added to the District, either as Permitted or Conditional, expanding the range of available uses to assist the revitalization of commercial development on Provencher Boulevard; but

- there are uses now listed as Permitted which should be listed as Conditional, both to protect adjacent neighbourhoods and the Neighbourhood Main Street, particularly one subject to design control such as Boulevard Provencher; and

- there are uses listed as either Permitted or Conditional which are entirely inimical to the character of the Boulevard, and which should be deleted.

For example, drive-in and drive-through restaurants are now Conditional uses in spite of the prohibition of private approaches on Provencher Boulevard under "BP" regulations, and "printing, publishing" is a Permitted use although it is not listed in any Commercial District and can be otherwise located only in Industrial Districts.

The "C1.5" Commercial District was designed to apply to Neighbourhood Main Streets and similar commercial areas, and that District provides a model for expanding the range of uses on Provencher Boulevard. The "C1.5" District not only includes many more uses than does the "BP" Boulevard Provencher District, but the "C1.5" District also lists as Conditional a large number of uses which may have possible adverse effect on adjacent residential areas, some of which uses are now Permitted under "BP" regulations.

The simplest approach to establish the broadest range of uses which is consistent with the character of Provencher Boulevard as a Neighbourhood Main Street, and consistent with its design controls, is to replace the entire use listing under the existing "BP" regulations with the use listing of the "C1.5" District.

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This would effect the following changes:

(1) "amusement devices" would be allowed to a maximum two devices, rather than four;

(2) "carnival, circus, fair" would become a temporary use, limited to operation for not more than 14 days not more than twice per year;

(3) The following uses would become Permitted uses rather than prohibited uses:

(a) "banking/teller machines" where accessory;
(b) "bed and breakfast, accessory to a single-family dwelling";
(c) "bicycle: custom manufacture";
(d) "boarders or roomers, accessory to a dwelling unit, limited to a maximum of two persons";
(e) "care home" subject to separation requirements;
(f) "care home, neighbourhood" subject to separation requirements;
(g) "day care centre, for the children of customers, employees or tenants on the same zoning lot" where accessory;
(h) "day care centre";
(i) "fabric/yarn: sales";
(j) "family day care home, in a single-family dwelling";
(k) "group day care home";
(l) "hardware store";
(m) "laundry, self-service";
(n) "mail order business";
(o) "medical, dental, optical or other precision instruments, prosthetics: custom manufacture";
(p) "musical instruments: custom manufacture";
(q) "neighbourhood rehabilitation home" subject to separation requirements;
(r) "office conversion of a dwelling listed on the Buildings Conservation List";
(s) "office/service building, accessory to a mobile home park or a multiple-family dwelling";
(t) "printing, photocopying, or similar service";
(u) "private home day care, in a dwelling unit with a ground-level entry";
(v) "recycling depot for collection of materials" accessory to schools, community clubs, churches, etc.;
(w) "repair, restoration, refinishing, of household goods";
(x) "shelter house";
(y) "showroom" where accessory;

(4) The following uses would become Conditional uses rather than prohibited uses:

(a) "auction room";
(b) "automobile, including motorcycle, supplies/parts: sales";
(c) "bakery, baked goods sales, limited to 1,000 ft² of production area";
(d) "beer sales";
(e) "bingo parlour";
(f) "boat: sales, service";
(g) "boat docking/launching, boat rental, marina";
(h) "bowling alley";
(i) "bus station";
(j) "butcher";
(k) "church, synagogue, or similar place of religious worship";
(l) "clothing, including hats, shoes, other wearing apparel and accessories: manufacture, needle trades";
(m) "communication equipment, including satellite dishes and radio towers: rental, sale, service";
(n) "contractors' establishment";
(o) "convent, monastery, or similar place of religious retreat";
(p) "dispatch for courier/delivery/express service, cleaning service, key and lock service, security service, taxi, or similar service, excluding terminal";
(q) "dwelling, single-family";
(r) "dwelling, two-family";
(s) "exterminator";

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(t) "farm supplies: sales";
(u) "flea market";
(v) "fuel: sales kiosk";
(w) "funeral chapel or parlour, mortuary";
(x) "general merchandise, retail";
(y) "hospital, or similar treatment centre";
(z) "institution, residential, including nursing home, personal care home, or similar use";
(aa) "parish hall, accessory to a place of religious worship";
(bb) "personal service, not listed, not exceeding a floor area of 5,000 ft² and not first listed as a conditional use in a less restrictive commercial district";
(cc) "public utility or service, excluding garbage incineration, reduction, transfer, or landfill, sewage treatment, or a public works yard";
(dd) "radio or television station";
(ee) "recreation centre, including indoor or outdoor courts, ranges, rinks, tracks, or similar sports or fitness facility";
(ff) "recycling depot for collection of materials";
(gg) "retail sales, not listed, not exceeding a floor area of 5,000 ft² and not first listed as a conditional use in a less restrictive commercial district";
(hh) "signage: manufacture, rental, sales";
(ii) "studio, motion picture";
(jj) "swimming pool, public";
(kk) "tattoo parlour";
(ll) "tire: sales, service";
(mm) "trade school, business college";
(nn) "university, college, technical school";

(5) The following uses would become Permitted uses rather than Conditional uses:

(a) "driving school";
(b) "dry cleaning; pressing; dyeing; including accessory depot; limited to non-inflammable, non-explosive solvents";
(c) "electronic equipment, including audio-video, communication, copying, data processing, security, and similar equipment; excluding satellite dishes and radio towers: custom manufacture";

Replacement of the existing use listing with the "C1.5" District uses would also limit certain uses which are now provided for under the "BP" Boulevard Provencher District regulations:

(6) The following uses would become Conditional uses rather than Permitted uses:

(a) "building materials; hardware; home improvement supplies or equipment: sales";
(b) "catering; commissary";
(c) "club, excluding licensed premises";
(d) "cocktail lounge";
(e) "furnishings, household or office, including carpet and furniture: sales, rental";
(f) "hotel, including motel, limited to guest rooms";
(g) "liquor sales";
(h) "restaurant, exceeding a floor area of 2,500 ft²";
(i) "studio, including dance, martial arts, music, photography; excluding radio, television or motion picture";
(j) "taxidermist";
(k) "theatre; cinema; concert hall";

(7) The following uses would become prohibited uses rather than Conditional uses:

(a) "billiard parlour";
(b) "drive-through facility";
(c) "parking structure, accessory";
(d) "parking structure, non-accessory";
(e) "rental establishment, including household, office, gardening or home improvement equipment, banquet or party supplies";

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(f) "restaurant, drive-in";
(g) "restaurant, drive-through";
(h) "second hand store";

(8) The following uses would become prohibited uses rather than Permitted uses:

(a) "appliances, including major appliances, rental, sale, service";
(b) "cabaret";
(c) "club, including licensed premises";
(d) "department store; supermarket";
(e) "hotel, including a beverage room or any conditional use";
(f) "printing; publishing";

Limits on these uses are entirely consistent with the role of Provencher Boulevard as a Neighbourhood Main Street, and with the design controlled character of the street, including the prohibition of private approaches which requires that parking and loading in the "BP" Provencher Boulevard District take place via residential lanes.

This proposal was reviewed with the Old St. Boniface Residents Association, and with a limited number of persons involved in business on Provencher Boulevard. Generally, the changes were found to be consistent with the goals of expanding the scope of business on the Boulevard, and protecting character and the adjacent neighbourhoods. Specifically, it was determined that "church, synagogue, or similar place of religious worship" should not be listed as a Permitted use because of the requirement for lane access. However, the following changes were suggested to the "C1.5" use listing:

1. that the following uses should be Conditional rather than Permitted:

"recycling depot for collection of materials" accessory to schools, community clubs, churches, etc."

2. that the following uses should be Conditional rather than prohibited:

"appliances, including major appliances, rental, sale, service";
"billiard parlour";
"cabaret";
"club, including licensed premises";
"rental establishment, including household, office, gardening or home improvement equipment, banquet or party supplies";
"second hand store";

and it was noted that a small major appliance store and a billiard parlour exist on the street.

Inconsistencies exist in the "C1.5" Commercial District use list, and the noted uses may not be significantly different in effect from other uses listed as Conditional uses. The "C1.5" District will be reviewed at a later date to recognize uses which are similar to those Conditional uses.

The Committee on Planning and Community Services recommends:

I. That Section 910

"Permitted Uses and Conditional Uses" under Part Nine "Boulevard Provencher District" of By-Law No. 6400/94 be deleted, and replaced with the following:

910 Permitted Uses and Conditional Uses

910(1) No land shall be used or occupied and no structure shall be erected, altered, used or occupied except in accordance with the Permitted and Conditional Use regulations of the "C1.5" Commercial District.

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

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

Carried.

Councillors Angus and Duguid asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

MOTIONS

Moved by Councillor Silva,
Seconded by Councillor O'Shaughnessy,

933 - WHEREAS the revitalization and improvement of existing neighbourhoods is a priority for The City of Winnipeg under Section 5 of Plan Winnipeg (By-law No. 5915/92);

AND WHEREAS the three levels of government have made a financial commitment to the revitalization and improvement of these existing neighbourhoods under the Winnipeg Development Agreement;

AND WHEREAS owner occupied homes provide a stabilizing and revitalizing effect on existing neighbourhoods;

AND WHEREAS potential homeowners are being denied the opportunity to obtain mortgages and insurance necessary for the purchase of homes in these existing neighbourhoods;

AND WHEREAS this policy has a destabilizing effect on existing neighbourhoods which contravenes The City of Winnipeg's main policy document, Plan Winnipeg (By-law No. 5915/92);

THEREFORE BE IT RESOLVED that The Council of The City of Winnipeg request the Government of the Province of Manitoba to address the practices of the Insurance and Mortgage Industries in denying qualified homeowners insurance or mortgages in any area of The City of Winnipeg, in particular, existing older neighbourhoods.

The Speaker ruled automatic referral to the Committee on Planning and Community Services, in accordance with Rule 16.1 of the Procedure By-law.

Moved by Councillor Silva,
That the rule be suspended to allow consideration of the motion at this time.

Carried.

The motion was put and declared carried.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

934 - On motion of Councillor O'Shaughnessy, By-law No. 6660/95, a By-law of The City of Winnipeg to enact amendments of minor nature to its By-law No. 6400/94 being The Winnipeg Zoning By-law, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. DAZ 209/94

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

QUESTION PERIOD

935 - Councillor Murray noted that Councillor O'Shaughnessy had signed the letter of June 23, 1996 which gave budget direction to the Administration relating to areas under the responsibility of the Committee on Planning and Community Services and questioned why instruction had been given to the administration without any direction, reference or tabling motion at the Standing Committee.

Councillor O'Shaughnessy reponded that he believed that Executive Policy Committee had acted in accordance with the provisions of The City of Winnipeg Act, and that there was no requirement in The City of Winnipeg Act for the Standing Committees to cause to be prepared or set down the budget guidelines.

Councillor Murray questioned at what point had Executive Policy passed, approved or tabled the direction to the Administration.

Councillor O'Shaughnessy noted that the guidelines had not been tabled at an official meeting of Executive Policy Committee.

Councillor Murray noted that The City of Winnipeg Act specified that Executive Policy Committee only exists when a meeting with proper notice, a clerk present and proper process is followed, and questioned why this did not happen and why Members of Council were not given copies of the letter.

Councillor O'Shaughnessy replied in the negative but noted that all Members of Council had been sent copies.

Councillor Duguid questioned whether the Chairperson was aware of the fact that Members of Council did not receive a copy until after a week later and that the Civic Unions received copies before Members of Council, and questioned whether this constituted proper protocol, further noting that the direction did not agree with that presented at the Council seminar.

Councillor O'Shaughnessy replied that he was not aware of the claim, and stated that he was not the author of the correpsondence, but provided signature as the Acting Mayor. He further attested to the value of Council seminars and stated that Executive Policy Committee, in its authority to cause the preparation of the budget, had gone beyond requirements to convene Council seminars on the matter, but that certainly Executive Policy Committee was not bound by every word said in such seminars.