Report - Executive Policy Committee - November 14, 2007

Item No. 10 Good Neighbours Senior Centre Inc. - Millennium Gardens - Amendment to Community Groups Occupying City Facilities By-law No. 89/2005 - Cancellation of Property Taxes in 2005, 2006 and 2007 (North Kildonan Ward)
File FL-2.5

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 14, 2007, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That pursuant to Subsection 11(2.1) of The Municipal Assessment Act, the Community Groups Occupying City Facilities By-law No. 89/2005 be amended by adding the subject occupancy to the Non Profit Community Groups Occupying the City-owned Property List.

2. That a tax cancellation by-law be enacted pursuant to Section 347 of The City of Winnipeg Charter.

3. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-laws for submission to Council.

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

Report - Executive Policy Committee - November 14, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 14, 2007, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 4, 2007, the Executive Policy Committee referred the recommendation of the East Kildonan-Transcona Community Committee regarding the Millennium Garden lands to the Administration for report back to the appropriate Committee of Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 19, 2007, the East Kildonan-Transcona Community Committee recommended to the Executive Policy Committee that the Millennium Garden lands be added to the Community Groups Occupying City-owned Facilities By-law No. 89/2005.

RE: **Good Neighbours Senior Centre Inc. (Millennium Gardens-River East) - Proposed Amendment to By-law 89/2005 and Cancellation of Property Taxes in 2005, 2006 and 2007**
East Kildonan-Transcona Community
North Kildonan Ward

FOR SUBMISSION TO: **Executive Policy Committee**

ORIGINAL REPORT SIGNED BY: **A/Director of Planning, Property and Development**

REPORT DATE: **November 1, 2007**

RECOMMENDATION:

1. **That Council amend By-law 89/2005 by adding the subject occupancy to the Non Profit Community Groups Occupying the City-owned Property List;**

2. **That Council enact a tax cancellation by-law pursuant to Section 347 of the City of Winnipeg Charter;**

3. **That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-laws for submission to Council.**

4. **That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.**

Report Summary

Key Issues:

- The subject property is located on City-owned land under lease to the Good Neighbours Senior Centre Inc. (Millennium Gardens-River East) for the purpose of operating a seniors' recreational area, which is accessible to senior citizens in the area.

- In order to provide equity with other Groups utilizing City-owned lands, the Public Service is supportive of amending By-law No. 89/2005 by adding the Good Neighbours Senior Centre Inc. (Millennium Gardens-River East) to the 'Non Profit Community Groups Occupying City-owned Property List', should Council concur. It should be noted that the Good Neighbours Senior Centre Inc. has a listing under By-law 89/2005 for the City-owned property located at 755 Henderson Highway.

Implications of the Recommendation(s):

General Implications

( ) None

(x) For the organization overall and/or for other departments

(x) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s):

- At its meeting on April 27, 2005, Council enacted By-law No. 89/2005 to exempt non-profit community groups operating community facilities in City-owned properties.

- The existing realty tax treatment of the Good Neighbours Senior Centre Inc. (Millennium Gardens-River East) is not in keeping with the realty tax practice associated with other facilities. As such, this report is attempting to regularize consistent realty tax treatment amongst facilities occupying City-owned facilities.

Policy Implications

(x) No

( ) Yes

Comment(s):

- The By-law No. 89/2005 to exempt non-profit community groups from realty taxes will provide for greater consistency in the tax treatment of non-profit groups.

Regulatory Implications

(x) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s):

Environmental Implications

(x) No

( ) Yes

Comment(s):

Human Resources Implications

(x) No

( ) Yes

Comment(s):

Financial Implications

(x) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):

- By approval of this report and the passing of the by-law as recommended, the 2005 and beyond taxes would be cancelled resulting in the loss of $1,443.95.

Report

REASON FOR THE REPORT:

At its meeting held on April 4, 2007, the Executive Policy Committee referred the March 19, 2007, East Kildonan-Transcona Community Committee recommendation regarding the Millennium Gardens Lands to the Public Service for report back to the appropriate Committee of Council.

With respect to Recommendation No. 1 which states:

> 'That Council amend By-law 89/2005 by adding the subject occupancy to the Non Profit Community Groups Occupying the City-owned Property List'

the Executive Policy Committee must approve the addition of the Good Neighbours Senior Centre Inc. (Millennium Gardens-River East) occupancy to the Non Profit Community Group Occupying City-owned Property by-law list. If approved, the request must be forwarded to Council for its consideration and approval, and the by-law amended by Council.

With respect to Recommendation No. 2, Council must approve the tax cancellation by by-law pursuant to Section 347 of The City of Winnipeg Charter.

HISTORY:

At its meeting held on May 22, 2002, Council approved the proposed terms and conditions for a Lease Agreement with the Good Neighbours Senior Centre Inc. (Millennium Gardens-River East) for the use of City-owned lands within the Chief Peguis Trail right-of-way located east of Henderson Highway, south of Douglas Avenue shown as 'Pcl . B' on the attached Misc. Plan No. 10858/8.

The particulars of the Lease Agreement are as follows:

Owner:	City of Winnipeg
Tenant:	Good Neighbours Senior Centre Inc. (Millennium Gardens-River East)
Location:	East of Henderson Highway, south of Douglas Avenue
Purpose:	The operation of a seniors recreational area
Term:	Annual continuing, commencing May 15th, 2005
Rent:	$1.00 plus annual realty taxes and GST
Termination:	At the City's option

The City and Good Neighbours Senior Centre Inc. (Millennium Gardens-River East) subsequently entered into a Lease Agreement, which is currently in effect.

DISCUSSION:

On March 19, 2007, the East Kildonan-Transcona Community Committee recommended to the Executive Policy Committee that the Millennium Gardens lands be added to the Community Groups Occupying City-owned Facilities By-law No. 89/2005. Good Neighbours Centre Inc. (Millennium Gardens-River East) is a non-profit organization, which occupies City-owned land located with the Chief Peguis Trail right-of-way east of Henderson Highway, south of Douglas Avenue.

There are numerous senior citizens that reside in close proximity to the subject recreational area. The Millennium Gardens provides the seniors with hands on activities that promote both their physical and mental well-being.

The Department supports adding the Good Neighbours Senior Citizen Inc. (Millennium Gardens-River East) to the By-law list as this would be consistent with smaller groups utilizing City-owned facilities.

The City Assessor has confirmed that the occupier and property are eligible for inclusion in By-law 89/2005.

The Planning, Property and Development Department recommend the inclusion of the occupier and property in By-law 89/2005.

Financial Impact Statement Date: October 5, 2007

Project Name:

Good Neighbours Senior Centre Inc. (Millennium Gardens-River East) - Proposed Amendment to By-law 89/2005 and Cancellation of Property Taxes in 2005, 2006 and 2007

COMMENTS:

The recommendations included in this report are that Council amend By-law 89/2005 by adding Good Neighbours Senior Centre Inc. (Millennium Gardens-River East) located within the Chief Peguis Trail right-of-way East of Henderson Highway, South of Douglas Avenue to the Table in section 2 of the By-law, that Council cancel realty taxes, other than local improvements, for which Good Neighbours Senior Centre Inc. (Millennium Gardens River-East) was liable for 2005, 2006 and 2007, that the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-law for submission to Council and that the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

There are no material financial implications associated with these recommendations.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

Corporate Services - Legal Services Division
Property Assessment

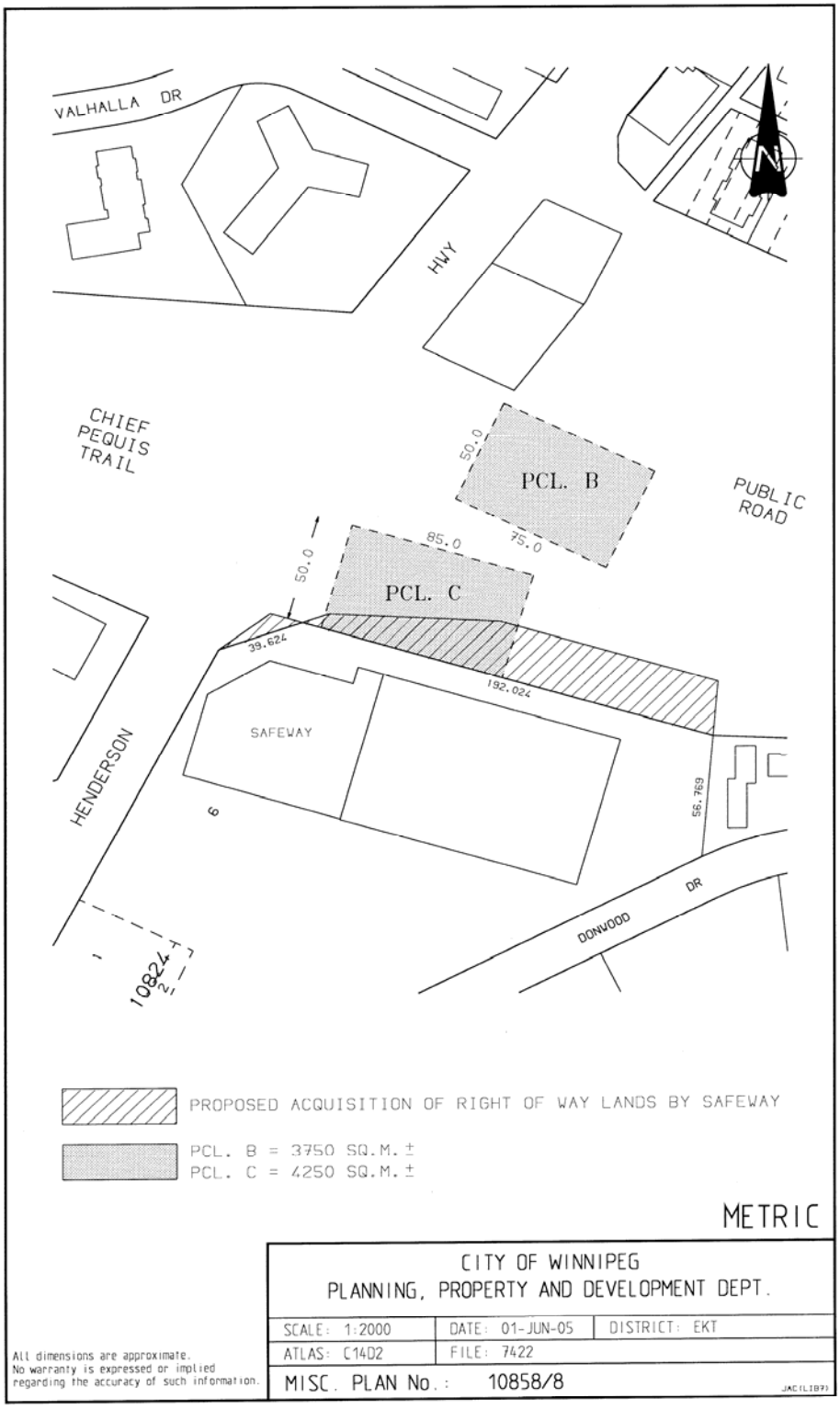
External Consultation With:

N/A

THIS REPORT SUBMITTED BY:

Department	Planning, Property and Development
Division	Real Estate
Prepared by:	Maxine Clayton
PPD File No.	7422 (V4)

O:\Reports Directive\Real Estate\Leasing\(mpc)Addition to By-Law 89-2005.doc


VALHALLA DR
HWY
CHIEF PEQUIS TRAIL
PCL. B
50.0
75.0
PUBLIC ROAD
PCL. C
85.0
50.0
39.624
192.024
SAFEWAY
HENDERSON
56.769
DONWOOD DR
10824
PROPOSED ACQUISITION OF RIGHT OF WAY LANDS BY SAFEWAY
PCL. B = 3750 SQ.M. ±
PCL. C = 4250 SQ.M. ±
METRIC
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
SCALE: 1:2000
DATE: 01-JUN-05
DISTRICT: EKT
ATLAS: C14D2
FILE: 7422
MISC. PLAN No.: 10858/8
All dimensions are approximate.
No warranty is expressed or implied
regarding the accuracy of such information.