Minutes – Executive Policy Committee – September 8, 2010

PUBLIC HEARINGS

Minute No. 471 Taking Title to Vacant and Derelict Buildings By-law
File EX

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and recommends to Council:

1. That the Taking Title to Vacant and Derelict Buildings By-law No. 89/2010, which would replace Part 2 of the Vacant and Derelict Buildings By-law No. 35/2004, be forwarded to Council for second and third reading.

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

DECISION MAKING HISTORY:

The Winnipeg Public Service advised that all statutory requirements with respect to this application have been complied with.

Moved by Councillor Steeves,
That the report of the Winnipeg Public Service be taken as read.

Carried

Moved by Councillor Steeves,
That the receipt of public representations be concluded.

Carried

Moved by Councillor Steeves,
That the recommendation of the Winnipeg Public Service be concurred in as follows:

1. That the Taking Title to Vacant and Derelict Buildings By-law No. 89/2010, which would replace Part 2 of the Vacant and Derelict Buildings By-law No. 35/2004, be forwarded to Council for second and third reading,

and forwarded to Council.

Carried

Moved by Councillor Steeves,
That the following supporting reasons be provided, namely:

1. The Executive Policy Committee agreed with the administrative comments contained in the Report from the Director of Planning, Property and Development dated July 2, 2010.

2. There is no excuse in our marketplace for how vacant and derelict buildings impact existing neighbourhoods.

3. The subject amendment to the legislation is the direction of Council and will permit further scrutiny of these buildings by the Winnipeg Public Service.

Carried

Moved by Councillor Steeves,
That the public hearing with respect to this application be concluded.

Carried

PUBLIC HEARING SUMMARY

File:	EX
Before:	Executive Policy Committee His Worship Mayor Katz, Chairperson Deputy Mayor Swandel Councillor Fielding Councillor Pagtakhan Councillor Steeves
Public Hearing:	September 8, 2010 West Committee Room Council Building, 510 Main Street
Applicant:	Director of Planning, Property and Development
Subject:	Proposal to Amend the City of Winnipeg Vacant and Derelict Buildings By-law No. 35/2004 to establish a process for taking title to vacant and derelict buildings pursuant to Part 5, Division 4, of The City of Winnipeg Charter.
Exhibits Filed:	1. Council Decision of July 21, 2010; contains report from the Director of Planning, Property and Development dated July 2, 2010 2. First Reading of By-law No. 89/2010 by Council on July 21, 2010 3. Notification of Public Hearing to the Applicant (Director of Planning, Property and Development) dated July 22, 2010 4. Advertising Notice 5. Communication dated August 21, 2010, from Norman Harvey Lavery with respect to the application

REPRESENTATIONS:

In Support:

Mr. D. Joshi, Director of Planning, Property and Development

In Opposition:

Nil

For Information:

Norman Harvey Lavery

For the City:

Mr. H. Dick, Solicitor, Legal Services Department

Minute No. 519
Report - Standing Policy Committee on Property and Development – July 6, 2010

Item No. 1 Vacant and Derelict Buildings – Taking Title to Properties
eFile EX

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the Taking Title to Vacant and Derelict Buildings By-law, contained in the Winnipeg Public Service Report dated July 2, 2010 as "Attachment A", which would replace Part 2 of the Vacant and Derelict Buildings By-law No. 35/2004, be given first reading.

2. That pursuant to subsection 191(2) of The City of Winnipeg Charter, the Executive Policy Committee be directed to conduct a public hearing in respect of the proposed By-law.

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

Report - Standing Policy Committee on Property and Development – July 6, 2010

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 14, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 6, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

Also on July 6, 2010, the Standing Policy Committee on Property and Development received a presentation from Dale Harik, North End Community Renewal Corporation dated July 6, 2010, in support of the matter.

STANDING COMMITTEE RECOMMENDATION:

On June 8, 2010, the Standing Policy Committee on Property and Development granted the Winnipeg Public Services an extension of time to July 6, 2010 to report back with recommendations to accelerate the City's ability to take title of derelict buildings without compensation.

On February 2, 2010, the Standing Policy Committee on Property and Development requested the Winnipeg Public Services to report back within 120 days with recommendations to accelerate the City's ability to take title of derelict buildings without compensation.

Report - Standing Policy Committee on Property and Development – July 6, 2010

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2010, the Lord Selkirk-West Kildonan passed the following motion:

WHEREAS vacant and derelict buildings are a blight and large contributors to the decline of any neighbourhood;

AND WHEREAS there are currently over 600 vacant and derelict buildings in the City of Winnipeg;

AND WHEREAS the Vacant and Derelict Building Bylaw No. 35/2004 came into force and effect July 1, 2004 and there has only been one (1) property seized under The City of Winnipeg Charter since it came into effect:

AND WHEREAS the current process to take title to derelict buildings pursuant to the City of Winnipeg Charter contains numerous steps required by the Department, which can take approximately 450 days;

AND WHEREAS there are vacant and derelict buildings which have been in their present state for several years;

AND WHEREAS no responsible home/building owner needs to be concerned with an aggressive and/or expedited revised Vacant and Derelict Building Bylaw,

THEREFORE BE IT RESOLVED that the Planning, Property and Development Department together with the Legal Services Division, Corporate Support Services, be requested to streamline the process pursuant to The City of Winnipeg Charter and reduce the time to take title to derelict buildings without compensation to 90 days,

and forwarded the matter to the Standing Policy Committee on Property and Development

Report - Standing Policy Committee on Property and Development – July 6, 2010

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

Further, on January 12, 2010 Garry Solkoski, Housing and Existing Buildings Administrator, Planning, Property and Development Department, submitted a document outlining steps and a sequence of events flow chart as it relates to taking title to vacant and derelict buildings.

On December 7, 2009, the Lord Selkirk-West Kildonan Community Committee requested the Housing and Existing Buildings Administrator, Planning, Property and Development Department, to attend the meeting of the Lord Selkirk-West Kildonan Community Committee on January 12, 2010 to address questions related to boarded up buildings located in the north and central areas of Winnipeg.

ADMINISTRATIVE REPORT

Issue: **Taking Title to Vacant And Derelict Buildings By-Law**

Critical Path: Standing Policy Committee on Property and Development – Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Solkoski	D. Joshi	J Ferrier	G Laubenstein

RECOMMENDATIONS

1. That the attached Taking Title to Vacant and Derelict Buildings By-law (Attachment A), which would replace Part 2 of the Vacant and Derelict Buildings By-law No. 35/2004, be given first reading.

2. That, pursuant to subsection 191(2) of *The City of Winnipeg Charter*, Executive Policy Committee be directed to conduct a public hearing in respect of the proposed By-law.

3. That the proper Officers of the City be authorized to do all things necessary in order to implement the intent of the foregoing.

REASON FOR THE REPORT

In order to streamline the process by which the City can take title to vacant and derelict buildings, the Manitoba Legislature recently amended Part 5, Division 4 of *The City of Winnipeg Charter*. It is necessary to enact a new By-law to take advantage of the new process.

Subsection 191(2) of *The City of Winnipeg Charter* requires that, before the City can enact a by-law that implements the process set out in the *Charter* for taking title to vacant and derelict buildings without compensation, a public hearing must be held by Executive Policy Committee.

IMPLICATIONS OF THE RECOMMENDATIONS

Recent amendments to Part 5 Division 4 of *The City of Winnipeg Charter* by the Province were a response to the City's request to streamline the process by which the City took title to vacant and derelict buildings. A time-line setting out the new process with some estimates as to the length of time needed to complete each step is attached (Attachment B).

In order to take title to new vacant and derelict buildings, the City must enact a new By-law that takes advantage of the new streamlined process set out in the *Charter*. The attached By-law:

- authorizes designated employees and the Standing Policy Committee on Property and Development to utilize the new process;
- adopts the minimum time frames permitted by the *Charter* for appeals, for bringing properties into compliance and for other steps in the process as the time frames that will be used by the City in the TTWC process;
- creates forms for Preliminary Derelict Building Notices, Second Notices of a Preliminary Derelict Building Notice and Statutory Declarations that are referred to in the *Charter*.

HISTORY

On April 21, 2004, Council adopted the recommendation of Executive Policy Committee from its public hearing held April 7, 2004, to regulate the condition and maintenance of all vacant buildings. On May 19, 2004, Council enacted the Vacant and Derelict Buildings By-law No. 35/3004, which came into effect on July 1, 2004.

On June 17, 2010, Royal Assent was given to Bill 3, *The City of Winnipeg Charter Amendment and Municipal Amendment Act (Derelict Property)* which amended Part 5, Division 4 of *The City of Winnipeg Charter*.

FINANCIAL IMPACT

Financial Impact Statement Date: June 28, 2010

Project Name:

Taking Title to Vacant And Derelict Buildings By-Law

COMMENTS:

The recommendations contained in this report include that the attached Taking Title to Vacant and Derelict Buildings By-law (Attachment A), which would replace Part 2 of the Vacant and Derelict Buildings By-law No. 35/2004, be given first reading and that, pursuant to subsection 191(2) of The City of Winnipeg Charter, Executive Policy Committee be directed to conduct a public hearing in respect of the proposed By-law.

There are no financial implications associated with these recommendations.

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

CONSULTATION

In preparing this report there was consultation with:

- **By-law Enforcement Services Division, Community Services Department**
- **Legal Services Department**
- **Office of the City Clerk**

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Housing and Existing Buildings Branch
Prepared by:	Garry Solkoski
Date:	July 2, 2010
File No.	o:\reports directive\development and inspections\housing-existing buildings\taking title rpt july 2-10.doc


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timeline taking title june 30 2010 .doc

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to establish a process for taking title to vacant and derelict buildings pursuant to Part 5, Division 4 of *The City of Winnipeg Charter*.

WHEREAS Division 4 of Part 5 of *The City of Winnipeg Charter* provides for a process by which the City of Winnipeg may take title to vacant and derelict buildings;

AND WHEREAS this process was amended by the enactment of *The City of Winnipeg Charter Amendment and Municipal Amendment Act (Derelict Property);*

AND WHEREAS it is necessary to enact a By-law establishing a process for issuing preliminary derelict building orders, second notices and derelict building certificates in respect of derelict properties in order to take advantage of these provisions in *The City of Winnipeg Charter*;

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

Short title
1 This By-law may be cited as the Taking Title to Vacant and Derelict Buildings By-law.

Definitions
2 In this By-law and for the purposes of Part 5 Division 4 of *The City of Winnipeg Charter*

"derelict building by-law" means the Vacant Buildings By-law;

"derelict property" has the same meaning as in section 190 of *The City of Winnipeg Charter*;

"Designated Committee" means the Standing Policy Committee on Property and Development;

"designated employee" means the Chief Administrative Officer of the City and any employee of the City to whom he or she has delegated an authority granted or duty imposed under this By-law.

Designated employee authorized to act
3 A designated employee is hereby authorized to take actions or measures permitted or required to be taken by the City of Winnipeg under Part 5, Division 4 of *The City of Winnipeg Charter* in order for title to be issued vesting a derelict property in the City's name.

Time frames
4 The minimum time frames set out in Part 5, Division 4 of *The City of Winnipeg Charter* are hereby established as the applicable time frames for filing any appeals and for bringing properties into compliance with the Vacant Buildings By-law and for any other purpose referred to in that Division.

Role of Designated Committee
5 The Designated Committee is hereby authorized to hear appeals that are permitted under Part 5, Division 4 of *The City of Winnipeg Charter* and to issue Derelict Building Certificates.

Form and content of PDBO
6(1) A Preliminary Derelict Building Order must be issued in the form set out in Schedule "A" to this By-law and must include:

(a) the legal description of the property;

(b) a statement that the property is a derelict property; and

(c) a statement that it may be transferred to the City of Winnipeg if it is not brought into compliance with the Vacant Buildings By-law.

Form and content of second notice of PDBO
6(2) The second notice of a Preliminary Derelict Building Order must be issued in the form set out in Schedule "B" to this By-law and must include:

(a) the legal description of the property;

(b) a statement that the property continues to be a derelict property; and

(c) a statement that, if it is not brought into compliance with the Vacant Buildings By-law within 60 days, title to the above-noted property may be issued in the name of the City of Winnipeg and the person being served may be forever estopped and debarred from setting up any claim to or in respect of the property.

Application for Derelict Building Certificate
7 When applying for a Derelict Building Certificate, a designated employee must provide to the Standing Policy Committee on Property and Development a completed and sworn or affirmed statutory declaration in the form set out in Schedule "C" to this By-law.

Schedules form part of By-law
8 Schedules A. B and C, attached hereto, form part of this By-law.

Part 2 of Vacant and Derelict Buildings By-law No. 35/2004 repealed
9 Part 2 of Vacant and Derelict Buildings By-law No. 35/2004 is hereby repealed.

DONE AND PASSED, this day of , 2010.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property and Development

Approved as to form:

_____
For City Solicitor/Director of Legal Services

SCHEDULE A
TO THE TAKING TITLE TO VACANT AND DERELICT BUILDINGS BY-LAW

PRELIMINARY DERELICT BUILDING ORDER

RE: (legal description of property)

commonly known as _____ (address) in the City of Winnipeg:

WHEREAS the registered owner of the above-noted property has been found guilty of contravening a derelict building by-law, namely, the Vacant Buildings By-law, on _____ (date);

AND WHEREAS I am satisfied on the basis of the inspection of the above-noted property by an enforcement officer with authority to enforce the Vacant Buildings By-law that the property continues to be contravention of the Vacant Buildings By-law;

THEREFORE, TAKE NOTICE THAT
The above-noted property is a derelict property as defined in *The City of Winnipeg Charter*.

The above-noted property may be transferred to the City of Winnipeg if it is not brought into compliance with the Vacant Buildings By-law within 90 days after this Order has been served on the registered owner.

AND FURTHER TAKE NOTICE THAT

You have a right to appeal this Order to the Standing Policy Committee on Property and Development. Your appeal must be in writing and must be received by the Office of the City Clerk, Council Building, 510 Main Street, Winnipeg, Manitoba, R3B 1B9 within 90 days after this Order has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property into compliance with the Vacant Buildings By-law No. 35/2004, please contact _____ at 986-_____.

_____ _____
Designated Employee Date

SCHEDULE B
TO THE TAKING TITLE TO VACANT AND DERELICT BUILDINGS BY-LAW

SECOND NOTICE OF A PRELIMINARY DERELICT BUILDING ORDER

RE: (legal description of property)

commonly known as _____ (address) in the City of Winnipeg:

WHEREAS a Preliminary Derelict Building Order in respect of the above-noted property was issued on _____ (copy attached);

AND WHEREAS more than 30 days have passed since all the persons required by *The City of Winnipeg Charter* to be served with a copy of the Preliminary Derelict Building Order were served with a copy of the Order;

AND WHEREAS the property continues to remain a derelict property in that it is not in compliance with the Vacant Buildings By-law;

THEREFORE, TAKE NOTICE THAT
Unless the above-noted property brought into compliance with the Vacant Buildings By-law within 60 days after this Second Notice is served on the registered owner of the property and the interested persons on whom it is required to be served

- Title to the above-noted property may be issued in the name of the City of Winnipeg; and
- You may be forever estopped and debarred from setting up any claim to or in respect of the property.

You have a right to appeal the Preliminary Derelict Building Order or the time period set out in it for bringing the property into compliance with the Vacant Buildings By-law No. 35/2004 to the Standing Policy Committee on Property and Development. Your appeal must be in writing and must be received by the Office of the City Clerk, Council Building, 510 Main Street, Winnipeg, Manitoba, R3B 1B9 within 60 days after this Second Notice has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property into compliance with the Vacant Buildings By-law No. 35/2004, please contact _____ at 986-_____.

_____ _____
Designated Employee Date

Attachment: Preliminary Derelict Building Order

SCHEDULE C
TO THE TAKING TITLE TO VACANT AND DERELICT BUILDINGS BY-LAW

STATUTORY DECLARATION

RE: (legal description of property)

commonly known as _____ (address) in the City of Winnipeg,

I, _____, a Designated Employee for the purposes of the Vacant Buildings By-law,

MAKE OATH (OR AFFIRM) AND SAY THAT

A Preliminary Derelict Building Order in respect of the above-noted property was issued on _____ (date) and a Second Notice of a Preliminary Derelict Building Order in respect of the above-above-noted property was issued on _____ (date). Both the Preliminary Derelict Building Order and the Second Notice of a Preliminary Derelict Building Order have been registered at the land titles office and have been served in accordance with Part 5 Division 4 of *The City of Winnipeg Charter.*

The time period for bringing the above-noted property into compliance with the Vacant Buildings By-law provided in the Preliminary Derelict Building Order and the Second Notice of a Preliminary Derelict Building Order has expired.

The time period within which an appeal against the Preliminary Derelict Building Order may be taken has expired or, if an appeal against the Order was taken, the appeal has been decided and the decision either (a) confirmed the Order or (b) varied the Order but the person has not complied with the Order as varied.

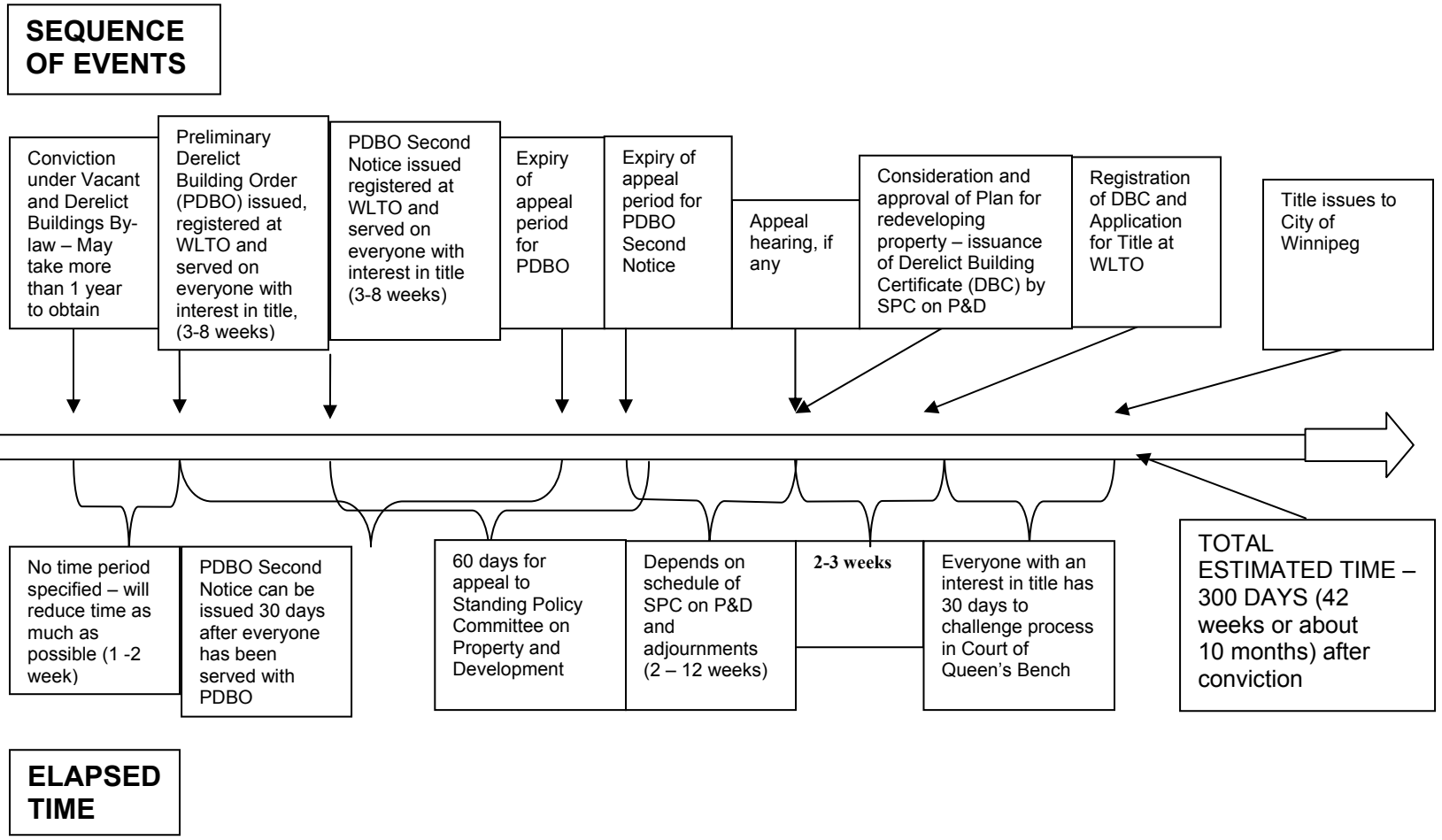
I am satisfied on the basis of inspections carried out by me or by other employees of the City of Winnipeg who are authorized to enforce the Vacant Buildings By-law that the property continues to be in contravention of the By-law.

Sworn or affirmed before me this _____day)
)
of _____ in the year 20___ , in the)
City of Winnipeg in the Province of Manitoba.)
)
)

_____
Signature of Designated Employee

_____
A (Commissioner of Oaths / Notary Public)
in and for the Province of Manitoba.
My commission expires on _____.

NEW TAKING TITLE TO DERELICT BUILDINGS PROCESS PURSUANT TO THE CITY CHARTER



STEPS REQUIRED TO EXERCISE
Taking Title Without Compensation Provision
VACANT AND DERELICT BUILDINGS BY-LAW

PRECONDITIONS: The registered owner of property must have been convicted under the Vacant and Derelict Buildings By-law. (Typically, this will require a conviction for a violation of the securing provisions or Schedule "A" or for failing to comply with an Order issued under the By-law. It will not typically involve a conviction for failing to obtain a boarded building permit.)

STEP 1: **Enforcement officer executes a Statutory Declaration** in the form set out as Schedule "C" to the By-law. Note: Enforcement officers under this By-law are PP&D or WFPS inspectors. *(By-law s. 19(1), Charter s. 190(2))*

STEP 2: **Designated employee issues Preliminary Derelict Building Order** in the form set out as Schedule "D" to the By-law. (Note: Although the CAO, the Chief of the WFPS and the Director of PP&D are all designated employees, only the Director of PP&D will issue Preliminary Derelict Building Orders, at least initially.) *(By-law s. 19(1), Charter s. 190(3))*

STEP 3: **Registration of Preliminary Derelict Building Order.** Preliminary Derelict Building Order must be promptly registered by way of caveat at Winnipeg Land Titles Office (WLTO). Legal Services will assist with this. *(By-law s. 19(2), Charter s. 192)*

STEP 4: **Service of Preliminary Derelict Building Order.** Preliminary Derelict Building Order is served on the registered owner and every person who appears from the records in WLTO to have an interest in the property. Personal service is required unless a substitutional service order made by the district registrar at WLTO permits otherwise. *(By-law s. 19(2), Charter s. 192(1)(b))*

STEP 5: **Appeal period and compliance period.**

- Any person served with the Preliminary Derelict Building Order is entitled to **appeal** the Preliminary Derelict Building Order to the Standing Policy Committee on Property and Development. The appeal must be in writing and filed with the City Clerk within **31 days** of the person having been served. *(By-law s. 19(3), Charter s. 191(3)(a)(iii) and (iv))*
- Any person served with the Preliminary Derelict Building Order has **60 days** after being served to bring the property into **compliance** with the Vacant and Derelict Buildings By-law. *(By-law Sch. D, Charter s. 191(3)(a)(ii))*

STEP 6: **"Satisfactory plan for redeveloping the property" is prepared.** The legislation is not clear what constitutes a "satisfactory plan" – presumably a plan that is acceptable to the SPC on P&D. **Note**: this step could take place after Step 7 or Step 8. *(By-law s. 20(3), Charter s. 193(3))*

STEP 7: **Designated employee applies for Derelict Building Certificate** to the Standing Policy Committee on Property and Development. Note: this step can only be taken:

- 60 days after the Preliminary Derelict Building Order has been served on everyone with an interest in the property;
- if the property has not been brought into compliance; and
- if no appeal has been made or, where an appeal has been made, the appeal has upheld the Preliminary Derelict Building Order or has varied the Order but the varied Order has not been complied with. *(By-law s. 20(1), Charter s. 193(1))*

STEP 8: **Notice of application served on registered owner** in accordance with s. 117 of *The City of Winnipeg Charter*. Personal service is ideal but service can also be accomplished by sending it by registered mail or delivering it to the address maintained by the Taxation Branch for sending the tax bill in respect of the vacant building. The decision by the SPC on P&D (next step) can only be made 14 days after the owner is served *(By-law s. 20(2), Charter s. 114)*

STEP 9: **Standing Policy Committee on P&D issues Derelict Building Certificate.** This is permitted only if the Committee receives evidence that the property continues to be derelict and if there is a satisfactory plan for redeveloping the property (see Step 6). *(By-law s. 20(3), Charter s. 193(3))*

STEP 10: **Derelict Building Certificate is registered at WLTO.** This must be done "promptly". Legal Services will assist in this. *(Charter s. 193(4))*

STEP 11: **City applies for title to property.** This can only be done between 30 and 120 days following the registration of the Derelict Building Certificate. If the City fails to act within this time frame, the Derelict Building Certificate is void. *(Charter s. 195)*

STEP 12: **City notifies the registered owner and everyone who appears to have an interest in the property** that an application to take title has been made. The Notification must allow the recipients a further 90 days to bring the property into compliance and therefore nullify the process. Notification must be by way of personal service or substitutional service as ordered by the WLTO Registrar. *(Charter s. 196)*

STEP 13: **City provides evidence to the WLTO** that service has been accomplished and that, 90 days after service the property is still not in compliance.

STEP 14: **Title issues to the City.**

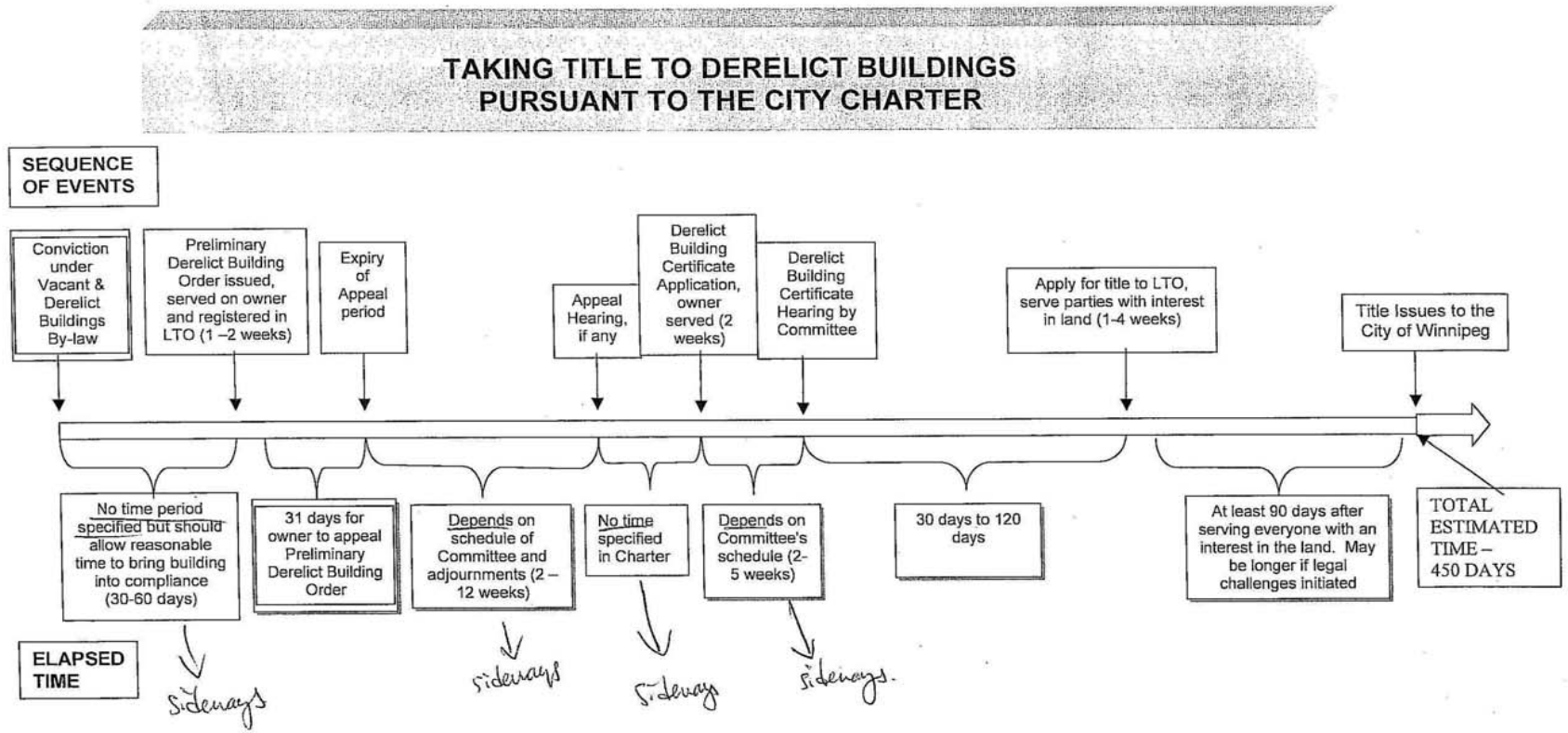

TAKING TITLE TO DERELICT BUILDINGS
PURSUANT TO THE CITY CHARTER
SEQUENCE OF EVENTS
Conviction under Vacant & Derelict Buildings By-law
Preliminary Derelict Building Order issued, served on owner and registered in LTO (1 –2 weeks)
Expiry of Appeal period
Appeal Hearing, if any
Derelict Building Certificate Application, owner served (2 weeks)
Derelict Building Certificate Hearing by Committee
Apply for title to LTO, serve parties with interest in land (1-4 weeks)
Title Issues to the City of Winnipeg
No time period specified but should allow reasonable time to bring building into compliance (30-60 days)
31 days for owner to appeal Preliminary Derelict Building Order
Depends on schedule of Committee and adjournments (2 – 12 weeks)
No time specified in Charter
Depends on Committee's schedule (2-5 weeks)
30 days to 120 days
At least 90 days after serving everyone with an interest in the land. May be longer if legal challenges initiated
TOTAL ESTIMATED TIME – 450 DAYS
ELAPSED TIME
sideways
sideways
sideways
sideways.

Exhibit "2" referred to in File EX

THE CITY OF WINNIPEG

BY-LAW NO. 89/2010

A By-law of THE CITY OF WINNIPEG to establish a process for taking title to vacant and derelict buildings pursuant to Part 5, Division 4 of *The City of Winnipeg Charter*.

WHEREAS Division 4 of Part 5 of *The City of Winnipeg Charter* provides for a process by which the City of Winnipeg may take title to vacant and derelict buildings;

AND WHEREAS this process was amended by the enactment of *The City of Winnipeg Charter Amendment and Municipal Amendment Act (Derelict Property);*

AND WHEREAS it is necessary to enact a By-law establishing a process for issuing preliminary derelict building orders, second notices and derelict building certificates in respect of derelict properties in order to take advantage of these provisions in *The City of Winnipeg Charter*;

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

Short title

1 This By-law may be cited as the Taking Title to Vacant and Derelict Buildings By-law.

Definitions

2 In this By-law and for the purposes of Part 5 Division 4 of *The City of Winnipeg Charter*

"derelict building by-law" means the Vacant Buildings By-law;

"derelict property" has the same meaning as in section 190 of *The City of Winnipeg Charter*;

"Designated Committee" means the Standing Policy Committee on Property and Development;

"designated employee" means the Chief Administrative Officer of the City and any employee of the City to whom he or she has delegated an authority granted or duty imposed under this By-law.

Designated employee authorized to act

3 A designated employee is hereby authorized to take actions or measures permitted or required to be taken by the City of Winnipeg under Part 5, Division 4 of *The City of Winnipeg Charter* in order for title to be issued vesting a derelict property in the City's name.

Time frames
4 The minimum time frames set out in Part 5, Division 4 of *The City of Winnipeg Charter* are hereby established as the applicable time frames for filing any appeals and for bringing properties into compliance with the Vacant Buildings By-law and for any other purpose referred to in that Division.

Role of Designated Committee
5 The Designated Committee is hereby authorized to hear appeals that are permitted under Part 5, Division 4 of *The City of Winnipeg Charter* and to issue Derelict Building Certificates.

Form and content of PDBO
6(1) A Preliminary Derelict Building Order must be issued in the form set out in Schedule “A” to this By-law and must include:

(a) the legal description of the property;

(b) a statement that the property is a derelict property; and

(c) a statement that it may be transferred to the City of Winnipeg if it is not brought into compliance with the Vacant Buildings By-law.

Form and content of second notice of PDBO
6(2) The second notice of a Preliminary Derelict Building Order must be issued in the form set out in Schedule “B” to this By-law and must include:

(a) the legal description of the property;

(b) a statement that the property continues to be a derelict property; and

(c) a statement that, if it is not brought into compliance with the Vacant Buildings By-law within 60 days, title to the above-noted property may be issued in the name of the City of Winnipeg and the person being served may be forever stopped and debarred from setting up any claim to or in respect of the property.

Application for Derelict Building Certificate
7 When applying for a Derelict Building Certificate, a designated employee must provide to the Standing Policy Committee on Property and Development a completed and sworn or affirmed statutory declaration in the form set out in Schedule “C” to this By-law.

Schedules form part of By-law
8 Schedules A, B and C, attached hereto, form part of this By-law.

Part 2 of Vacant and Derelict Buildings By-law No. 35/2004 repealed
9 Part 2 of Vacant and Derelict Buildings By-law No. 35/2004 is hereby repealed.

Exhibit “2” referred to in File EX

RECEIVED FIRST READING on this 21st day of July, 2010.

RECEIVED SECOND READING on this day of , 2010.

RECEIVED THIRD READING on this day of , 2010.

DONE AND PASSED this day of . 2010.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property and Development

Approved as to form:

_____
For Director of Legal Services and City Solicitor

Exhibit "2" referred to in File EX

SCHEDULE A
TO THE TAKING TITLE TO VACANT AND DERELICT BUILDINGS BY-LAW

PRELIMINARY DERELICT BUILDING ORDER

RE: (legal description of property)

commonly known as _____ (address) in the City of Winnipeg:

WHEREAS the registered owner of the above-noted property has been found guilty of contravening a derelict building by-law, namely, the Vacant Buildings By-law, on _____ (date);

AND WHEREAS I am satisfied on the basis of the inspection of the above-noted property by an enforcement officer with authority to enforce the Vacant Buildings By-law that the property continues to be contravention of the Vacant Buildings By-law;

THEREFORE, TAKE NOTICE THAT
The above-noted property is a derelict property as defined in *The City of Winnipeg Charter*.

The above-noted property may be transferred to the City of Winnipeg if it is not brought into compliance with the Vacant Buildings By-law within 90 days after this Order has been served on the registered owner.

AND FURTHER TAKE NOTICE THAT

You have a right to appeal this Order to the Standing Policy Committee on Property and Development. Your appeal must be in writing and must be received by the Office of the City Clerk, Council Building, 510 Main Street, Winnipeg, Manitoba, R3B 1B9 within 90 days after this Order has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property into compliance with the Vacant Buildings By-law No. 35/2004, please contact _____ at 986-_____.

_____ _____
Designated Employee Date

Exhibit "2" referred to in File EX

SCHEDULE B
TO THE TAKING TITLE TO VACANT AND DERELICT BUILDINGS BY-LAW

SECOND NOTICE OF A PRELIMINARY DERELICT BUILDING ORDER

RE: (legal description of property)

commonly known as _____ (address) in the City of Winnipeg:

WHEREAS a Preliminary Derelict Building Order in respect of the above-noted property was issued on _____ (copy attached);

AND WHEREAS more than 30 days have passed since all the persons required by *The City of Winnipeg Charter* to be served with a copy of the Preliminary Derelict Building Order were served with a copy of the Order;

AND WHEREAS the property continues to remain a derelict property in that it is not in compliance with the Vacant Buildings By-law;

THEREFORE, TAKE NOTICE THAT
Unless the above-noted property brought into compliance with the Vacant Buildings By-law within 60 days after this Second Notice is served on the registered owner of the property and the interested persons on whom it is required to be served

- Title to the above-noted property may be issued in the name of the City of Winnipeg; and
- You may be forever estopped and debarred from setting up any claim to or in respect of the property.

You have a right to appeal the Preliminary Derelict Building Order or the time period set out in it for bringing the property into compliance with the Vacant Buildings By-law No. 35/2004 to the Standing Policy Committee on Property and Development. Your appeal must be in writing and must be received by the Office of the City Clerk, Council Building, 510 Main Street, Winnipeg, Manitoba, R3B 1B9 within 60 days after this Second Notice has been served on you.

If you have any questions concerning this Order or the consequences of failing to bring the property into compliance with the Vacant Buildings By-law No. 35/2004, please contact _____ at 986-_____.

_____ _____
Designated Employee Date

Attachment: Preliminary Derelict Building Order

Exhibit "2" referred to in File EX

SCHEDULE C
TO THE TAKING TITLE TO VACANT AND DERELICT BUILDINGS BY-LAW

STATUTORY DECLARATION

RE: (legal description of property)

commonly known as _____ (address) in the City of Winnipeg,

I, _____, a Designated Employee for the purposes of the Vacant Buildings By-law,

MAKE OATH (OR AFFIRM) AND SAY THAT

A Preliminary Derelict Building Order in respect of the above-noted property was issued on _____ (date) and a Second Notice of a Preliminary Derelict Building Order in respect of the above-above-noted property was issued on _____ (date). Both the Preliminary Derelict Building Order and the Second Notice of a Preliminary Derelict Building Order have been registered at the land titles office and have been served in accordance with Part 5 Division 4 of *The City of Winnipeg Charter.*

The time period for bringing the above-noted property into compliance with the Vacant Buildings By-law provided in the Preliminary Derelict Building Order and the Second Notice of a Preliminary Derelict Building Order has expired.

The time period within which an appeal against the Preliminary Derelict Building Order may be taken has expired or, if an appeal against the Order was taken, the appeal has been decided and the decision either (a) confirmed the Order or (b) varied the Order but the person has not complied with the Order as varied.

I am satisfied on the basis of inspections carried out by me or by other employees of the City of Winnipeg who are authorized to enforce the Vacant Buildings By-law that the property continues to be in contravention of the By-law.

Sworn or affirmed before me this _____day)
)
of _____ in the year 20___ , in the) _____
City of Winnipeg in the Province of Manitoba.) Signature of Designated Employee
)
)

_____
A (Commissioner of Oaths / Notary Public)
in and for the Province of Manitoba.
My commission expires on _____.

Exhibit “3” referred to in File EX

Winnipeg

City Clerk’s Department • Bureau du greffier

July 22, 2010

eFile EX

Mr. D. Joshi
Director of Planning, Property
and Development

Mr. L. Strijack
Director of Legal Services and
City Solicitor

Vacant and Derelict Buildings – Taking Title to Properties

I enclose for your attention, copy of the July 21, 2010 Council decision with respect to the above-noted matter - Item 1 of the Report of the Standing Policy Committee on Property and Development dated July 6, 2010. On July 21, 2010, Council also gave first reading to By-law No. 89/2010.

A public hearing before the Executive Policy Committee for the proposed amendment to the Vacant and Derelict Buildings By-law No. 35/2004 has been scheduled for Wednesday, September 8, 2010 at 9:00 a.m. in the Council Building, 510 Main Street.

Public notice for the public hearing is to be advertised in newspapers in accordance with The City of Winnipeg Charter.

Additional information on this matter can be accessed via the City Clerk’s Department Decision Making Information System at www.winnipeg.ca/CLKDMIS in Council’s Minute documents.

Should you require further information, please contact Carlos Gameiro, Senior Committee Clerk via email cgameiro@winnipeg.ca or by phone 986-6631.

R. Kachur
City Clerk

Enclosure

c Mr. G. Solkoski, Acting Manager of Development and Inspections, Planning, Property and Development Department

Exhibit "4" referred to in File EX



City of Winnipeg

NOTICE OF PUBLIC HEARINGS

Under the authority of The City of Winnipeg Charter, the Executive Policy Committee will conduct a PUBLIC HEARING to receive representation on the matter listed hereunder. Information may be obtained between 8:30 a.m. and 4:30 p.m. at Unit 15 - 30 Fort Street or at the City Clerk's Department, Council Building, 510 Main Street.

Winnipeg

NOTICE OF PUBLIC HEARING
EXECUTIVE POLICY COMMITTEE

Date: Wednesday, September 8, 2010

Time: 9:00 a.m.

Location: Council Building,
510 Main Street

Re: TAKING TITLE TO VACANT AND DERELICT BUILDINGS BY-LAW

A public hearing will be conducted for the purpose of allowing interested persons to make submissions, ask questions or register objections in respect of the matter listed. Relevant documents are available for inspection by contacting Gary Solkoski, Manager of Development and Inspections, Planning Property and Development Department at 986-5552.

Persons wanting to make representation at the above hearing are requested to notify Jo-Ann Park, Manager of the Decision-Making Process, Council Building, 510 Main Street, Winnipeg, R3B 1B9, telephone 986-3732. Written submissions are requested in advance of the public hearing.

French/English interpretation will be available if requested in writing at least 48 hours prior to the hearing by contacting Ms Park at the above location.

Exhibit “5” referred to in File EX

From: norman
To: joanne.baleja@newdirections.mb.ca
Sent: Saturday, August 21, 2010 8:27 AM
Subject: Joanne: New Directions could set the path the world's people would follow.

Norman Harvey Lavery 102 - 925 Chancellor Dr., Winnipeg, Manitoba, Canada R3T 2J9 Tel. 12042696521 Fax 12042617121 E mail August 21, 2010

New directions has the power to change the world!!!

It is Written:

" It is our will to favour those who were oppressed and to make them leaders of mankind."

Every disaster is also an opportunity and the world forthcoming financial collapse, the drought and wild weather caused crop reductions, the earthquakes, floods and other "natural" disasters offer as never before an opportunity to change the unjust social systems through which a few control world societies and thus begin to restore our environment and this can be done quickly through your organization and the world’s post offices!

The enclosed outline some information on how this can be achieved and if you contact me; we can discus this further and how it can be achieved through the establishment of "caretaking" clubs.

Every community in every nation has schools, churches, arenas and other facilities they consider an un-affordable expense and I offer to lease (5 year term) them for $1.00 each per year with the municipality to pay for all services (heat, light, water).

In each we shall establish a Yakka (hard work) Beehive club whose creed is:

X A person who is self-employed can never be unemployed.

A club whose motto is:

X For the common good.

A club that will be open at all times (24/7) and provide all members with the tools or services needed by a member to work on their own behalf, alone or together with others.

A club that will also be a "hiring hall" for local businesses who need part-time labour or services.

Clubs that are maintained by a caretaker/manager under the direction of managers (women) who shall be known as the Queen Bee.

Clubs that follow the instructions we were given in the Book of Revelation;

> 13 : !6 And he causeth all, both small and great, rich and poor, free and bond, to receive a mark in their right hand (a membership card), or in their foreheads (membership number memory).
>
> 13 : 17 And that no man (person) might buy or sell, save he (they) that had the mark, or the name of the beast, or the number of his name.

Clubs that will be equipped with computers with internet access, lunch and rest rooms. Clubs that are social gathering places, places of sanctuary, learning and earning and centres for personal and community employment growth.

Clubs that will reduce welfare costs, crime, poverty and improve the beauty or our communities while reversing the damage we have caused to the world we live in.

Why do people not understand!:

> X When famine rules the land (global grain reserves at the end of 2007 stood at 1.7 months of consumption) and food production falls due to drought or high temperatures, locusts, to desertification, sunless days or days with high UV radiation, storms with endless rain, or a lack of water and early frosts, when taxes increase (Canadians already pay about 50% of what they earn in taxes) but funds for the ever-growing need for social programs, are reduced or not available, when banks close, when the 'Ponzi' based/styled stock and financial markets collapses and people lose the money they have "invested" on the advice of scoundrels but their debts remain, **what will happen to you, your family, to people in your community and your community** (only those able to provide for their own needs will have any chance of survival).

Over the years I have warned many times the next ice age had begun (an ice age can be when crops do not have time to mature because of cold) and before this winter is over, few will doubt this; but the unlearned ‘pundits’ of our world have forgotten balance is the way of the universe and the summer will see a world drought caused by high temperatures and UV radiation not seen since the 1930's and the crops failures will result in the death of billions of people with the balance learning the meaning of the word Hell!

Those who rule should know it is not future carbon dioxide emissions that will/are causing the problems that are now affecting the world; it is past and present emissions and the fact we are destroying our forests and paving over the earth:

If you think I am wrong, ask yourself; what will be the reaction of the world's people when they come to understand that to survive they have to steal or starve, travel will be restricted as will the destruction of our forests from fire, disease and human activities, trees which are necessary to maintain the waters of our world and we must stop the paving over of the earth:

> X Did you know that concrete is the second most used construction material on earth (until the late 18th century there is no record of building with concrete. Why? You can be sure the Lords of our world knew how to produce cement but they never used it) and cement used in its manufacture is the world's third greatest source of carbon dioxide!

Tonnes of Limestone is superheated annually to make cement (China produces about 1 billion tons of cement, while it burns about 200 million tons of coal annually) and each ton produced or burnt releases

carbon dioxide; making cement production one of three main contributors of greenhouse gases; but what is not considered is that its use is one of the world's greatest environmental destruction agents as its use becomes a 'cover' that prevents earth from ‘reabsorbing' the carbon dioxide produced thus it is a principal cause of global warming and the carbon dioxide will also result in added health problems caused by organisms brought on by increased carbon dioxide, with the resulting economic/financial impact:

> X Why is it not recognized the explosive growth of the Mountain pine beetle in BC is because of the increase of carbon dioxide in the soil. It is killing earthworms and frogs, changing the make-up of tree sap, causing trees to increase their sugar levels and this 'sweetening' (it is the food supply that controls the reproduction of all species) leads to the beetles increase and the only way to prevent it and reverse the beetle reproduction levels is to make the soils more alkaline.

It is clearly evident mankind is in a fight for survival, facing extreme danger from many directions but none is more threatening than that presented by the evidence a lack of understanding on the part of people and the authorities who have failed to recognize why and how the excessive burning of hydrocarbons together with the ongoing destruction of the world's forests and grasslands are bringing on changes in the balance of our earth's environment and atmospheric gases and unless we change the social/economic/financial system preventing us from correcting the many problems and turning people against one another, we will be witness to the end of another species; for an ice age is not brought on by a colder world!

It is a condition resulting from earth's atmospheric moisture becoming lower in volume resulting in increased amounts of the sun's heat and cold from space reaching the earth's surface!

One factor that determines the Life-forms which exist on any planet is the make-up of its atmospheric gases and Earth's atmosphere is normally made up of about 78% nitrogen and 21% oxygen, with the balance made up of the minor gases, together with varying amounts of atmospheric moisture.

> Most of what makes up our atmosphere is in the troposphere whose upper limit is about 58,000 the equator, dropping to 19,700 the poles. About 75% of the Earth's atmosphere is below 29,000 ft., 50% under 16,500 ft. with 25% under 7,000 ft. and as carbon dioxide is one of the heavier gases (denser by half than air) it is concentrated in the lower levels. Under the tree line which varies from 6,000 Temperate zones to about 15,000 the Tropics.

Earth's nitrogen is much more than just a dilutant for oxygen in respiration! It is the beginning and end of the carbon cycle and photosynthesis is part of the process whereby bacteria within trees and plants produce the water, carbon and oxygen from nitrogen, necessary to maintain Life on Earth; while all organisms derive food directly or indirectly from organic compounds formed within trees and plants.

The primary purpose of Earth's tree and plant cover is to provide the atmospheric blanket needed to protect Earth and its ‘Life' forms from the effects of the Sun's radiation (ultraviolet radiation is one frequency level of sunlight and ozone is one control that regulates the amount the reaches the Earth's surface).

It is believed the Earth's climate is controlled by the Sun; but although the Sun determines to a large extent the makeup of our atmosphere, it is not the main factor in determining our weather for the amount of light (heat) the Earth receives from the Sun is balanced by the darkness (cold) and the fact sunlight and darkness hours are about equal makes it evident the heat retained by our atmosphere must come from internal sources; while our weather/climate is determined by many factors.

Exhibit “5” referred to in File EX

A varying amount of the Sun's energy is reflected back into space by ozone in the upper levels of the atmosphere while the balance is absorbed by gases in the atmosphere with much of the retained heat trapped by water and carbon dioxide and although carbon dioxide normally constitutes .03 to .04 of the volume of the atmosphere, it absorbs a great deal of the heat energy we receive from the Sun and is radiated by the Earth.

Temperature records from around the world show what appears to be a pronounced warming since 1975 with some of the hottest years in the 1990's, but records in tree rings, ocean sediments, ice cores and others do not support the belief of an overall warming which suggests the temperature increases are the result of rising tropical water temperatures from growing solar radiation and intensifying oceanic carbon dioxide/ carbonic acid levels which will continue to rise and the carbon dioxide and its equivalent carbonic acid, in the atmosphere, seas and oceans have increased to the point they are beginning to feed on the normal repositories, thereby increasing the amount of carbon dioxide and carbonic acid and effects from its growth:

> X **The people of Bangladesh during the last hurricane of 2007, complained the rain burnt them; "it burnt like fire" suggesting it had a high carbon dioxide content making it carbonic acid.**

and the warmer waters which will continue to expand in area (resulting in the melting of sea ice) are warming the air above it and it is the increased movement of this air from lower altitude and latitudes which are resulting in the recorded temperature increases with corresponding disasters.

We seem to have forgotten water vapour is the earth's number one greenhouse gas and trees and plants are the primary producers of water vapour (it is why tropical forests were called rain forests) and **without water vapour our world will become both hotter and colder:**

> X The atmosphere is becoming warmer and colder! The water vapour remaining in the atmosphere is becoming warmer, but at the same time, in areas of low humidity, in areas not covered by clouds which reflect sunlight back into space while preventing earth's heat from escaping, the greater is becoming the cold even though ultraviolet radiation will increase the amount of heat we feel when exposed to the sun's rays (increasing skin cancer).

Each being responses to the increased levels of carbon dioxide in the upper atmosphere through the reduction of atmospheric oxygen, water vapour and the destruction of the ozone layer.

The heat we now feel from the sun's rays when in its light is far greater than is warranted by the air temperature and while daytime temperatures in many regions are on average higher, at night they are on average lower than in the past for the increase in radiated heat during the day is being lost to a greater degree by the thinning atmosphere at night.

Wealth, rank, power, or place of residence will not save or isolate any person from the ecological, environmental, economic and the social dangers we all face and remember!

In any society, when disaster strikes, only things for which we have a need or can be used to fill a need has a real value and those who would have the greatest chance for survival would not be those at the top of today's social and economic pyramid, it would be the people at the bottom.

Exhibit “5” referred to in File EX

In 2002-3, thousands died from the cold in Nepal, India, Russia (the Russian Arctic is home to millions of people and temperatures have now plunged to - 50C or colder) and other countries where millions live without heat, electricity, warm clothing or shelter.

The western high Arctic is warming due to increased carbon/carbonic acid which are making the oceans warmer and melting the sea ice, the eastern Arctic sea ice is less stable and the breakup is threatening communities and shipping along the East coast of Canada.

Cold is changing the normal habitat of ocean fish; killing fish in fish-farms and affecting Lobster catches.

Glaciers on Greenland, Antarctica and other inland land masses are growing but calving, due primarily to the warming oceans and change taking place in earth's precession/ wobble and the massive wave it is creating, brought of, by our changing climate is causing the loss of huge ice masses in Antarctica.

One of the biggest mistakes authorities make and one that throws most of their findings off is they do not understand earth's history as told in the Bible, the Qur'an (Koran) legends and other texts, nor do the understand the heat that maintains life on earth does not come from the Sun; it comes from within the earth itself; as it would with any planet (e.g. Uranus)!

Glacial ice in Greenland and the mountains of Antarctica is becoming thicker (90% of the earth's ice lies atop the Antarctic continent) and the glaciers will continue to grow and as their weight increases, it will cause stress movements in the earth's tectonic plates resulting in more earth-quakes and volcanic activity. It would tilt the plates, bring new lands above sea level and create changes in ocean currents which would further affect our world climate.

It will result in increases in the earth's wobble/precession (the earth is not round, it is more pear shaped and precession is the slow cyclical wobble of its axis caused by the rotational correction between earth's mantle and crust; a rotational difference brought about when the earth last turned over) and again it will change the earth's rotation through the disruption of the flow of the earth's interior, with massive devastation through the movement of the earth's oceans.

It is suggested the Arctic has warmed (ice gives off heat while freezing and absorbs it in melting) and it is suggested the earth's temperatures have increased about 1 degree C since 1500.

In the northern hemisphere, the temperature change has been about 1.1 degree C and since 1980 parts of the ocean ice cover has thinned and receded.

Warm Atlantic water has pushed further into the Arctic with the layer of frigid water separating the ice from the warmer Atlantic water along the ocean's southern edge becoming thinner or disappearing; but in the true sense, the Arctic is not warming (the loss of ice is due in part to increased penetration of the Sun's rays due to our thinning atmosphere) and the area normally considered as under permanent ice cover is being relocated and ice thicknesses are changing and the continuing loss of large sections of the Antarctic ice shelves is proof earth's ice cover is changing and earth is losing its oceans for the seas are not rising:

> Many coastal areas (including Atlantic Canada) and inland areas are settling as a result of reductions in subterranean water, oil and gas deposits through man's use of these resources, thus leading authorities to believe the seas are rising. None of the normal repositories of carbon are increasing therefore it is evident the increased atmospheric

> moisture (humidity, dew, fog, rain, hail and snow resulting from the rising evaporation of the Earth's waters, caused by the increase of retained heat is leaching carbon dioxide and carbon monoxide (mainly car exhaust) out of the atmosphere, reducing the nitrogen stored through its carbon by-products in short-term facilities, which under normal circumstances are slowly recycled back into nitrogen; decreasing them in long-term storage while increasing the amount in our atmosphere, soil and water; and if there are not enough trees and plants to convert and store the nitrogen that is constantly being created in earth's atmosphere, life on earth as we know it will disappear for the increase of nitrogen will, among other things, increase the heat retention in earth's lower atmosphere while decreasing it in our upper atmosphere, resulting in another ice age. [The scientific community suggests the seas are rising, based on rising water levels in the Thames River, in Venice and many other areas of the world but I submit, it is not raising water levels, it is because these land areas are sinking because of the extraction of oil in the North Sea; for earth is losing its waters!]

The weather is increasing in violence with growing wind speeds and storm severity and there is flooding from catastrophic rainfall throughout the world.

Conditions which will keep escalating and bring further expansion of permanent snow cover in higher latitude (North and South) land masses (it is not only the ground temperature that matters, it is the temperature at about 5000 ft.) in the Arctic and Antarctic through movement of the increased moisture towards the poles.

No one knows where the carbon dioxide produced by the ongoing destruction of our forests and burning of fossil fuel goes. Carbon dioxide is 1.53 times heavier than air which calls into question the belief 50% of it ends up in our atmosphere, with 25% believed to be absorbed by the oceans and they do not know where the other 25% ends up; but ice which is lighter as a solid than as a liquid makes one wonder why 90% of all icebergs (sea ice begins freezing at 2 degrees C, 28.7 degrees Fahrenheit because of its salt content but it is the freshwater that freezes trapping the salt brine in pockets between the ice crystals) are under the surface for although fresh water is heavier than salt water; I suggest it is the carbonic acid, or its frozen counterpart dry ice content that makes the icebergs as they are.

Observations made from balloons suggest tropospheric ozone levels, below 10 kilometers have been increasing by about 10% per decade while data collected from sources around the world agree with findings at the Mauno Lao Observatory in Hawaii [altitude 13,680 ft.] which indicate carbon dioxide in the atmosphere has increased; but I suggest it is carbon dioxide formed in and settling from the upper atmosphere from aircraft that is the source; not carbon dioxide from Earth's surface sources.

The Earth maintains an aquatic, atmospheric element and weather balance through trees but less than 20% of the world's major virgin forests remain and we need the Earth's forests/ green plants to produce and store carbon as much as we need them to produce the water and oxygen in the atmospheric moisture they respire:

> X Brazil's rain forest is about 75% less than what it was in 1992, the year of the Earth Summit in Rio de Janeiro and how many trees have been destroyed by fire throughout the world in recent years?
>
> [Europe has quietly started a major reforestation program to reforest lands lost over the past decades while they control corporations that are destroying forests throughout the rest of the world and one wonders if this is not a part of a planned genocide.]

and each tree cut down or lost to wind and fire and each acre of forests and grasslands of the Earth lost to desertification, salination, paved over or cut down eliminates part of our ever decreasing atmospheric balance maintenance system.

Some authorities suggest we are putting over 200 billion tons of carbon dioxide into the atmosphere each year (some US researchers suggest a 200,000 square kilometer super-forest would absorb carbon dioxide as fast as we are producing it but this only outlines the lack of knowledge existing in the scientific community) but none of the normal repositories of carbon are growing (grasslands, forests, peat bogs, coal deposits) therefore it follows that increased atmospheric moisture (rain, dew, fog, snow, etc.) resulting from increased solar radiation induced evaporation of the earth’s oceans is leaching the carbon dioxide out of the air and depositing it in the world's seas and oceans [where else could it go?] where they are, among other things, beginning to feed upon one of their normal repositories:

> Carbon dioxide, a heavy colorless gas that dissolves in water [the amount of gas dissolving depends on water temperature .9 volume dissolving in 1 volume of water at 20C (68F) at normal atmospheric pressure (its solubility increases with increased pressure) to form carbonic acid and carbonic acid dissolves limestone (calcium carbonate) [the warmer the water the greater the rate of decomposition] thus releasing more carbon dioxide, which will lead to the death (one reason sea turtles are disappearing) of marine animals who use calcium carbonate in their shells, cause of the destruction of coral reefs and the loss of land above and below the surface of the earth's waters [much of the earth's limestone deposits lie beneath the waters in the tropics and carbonic acid is the cause for their escalating erosion and acid rain for the deterioration of buildings, historical monuments and other infrastructure (water containing carbonic acid caused the weathering of the Sphinx during the flood of Noah and is responsible for the world's huge clay deposits (the rain that fell was red rain, rain with a huge clay content, the 'Red Tide' of Biblical times and much of the sand in the deserts of the world; and the reason Mars lost its water [Revelation 21:1] and is now desert).

and as the calcium carbonate decomposes, it raises the carbonic acid levels, accelerating the destructive process and increasing the heat retention.

Another cause for the warming of the oceans; is the increasing evaporation of the water from the earth's seas and oceans [water vapour is the most powerful of greenhouse gases] leaving behind their salt content and salt water retains more heat than fresh water and as the ocean currents move this dense, warmer water towards the equator:

> X Energy always follows the path of least resistance, it flows towards a weaker force.

It creates the conditions we call the 'El Nino' but with every area of the world's oceans that becomes warmer, there will be changes in ocean and air currents resulting in an area of the world that will become colder and without trees and plants to regulate carbon dioxide and produce atmospheric moisture, it is only a matter of time before mankind becomes another extinct species.