Minute No. 414
Report – Standing Policy Committee on Infrastructure Renewal and Public Works – May 31, 2011

Item No. 4 Basement Flooding Protection Subsidy Program By-law No. 19/2011 Amendments

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and adopted the following:

1. That an amendment to the City of Winnipeg Basement Flooding Protection Subsidy Program By-law No. 19/2011 (Appendix A) be enacted.

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

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – May 31, 2011

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 8, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 31, 2011, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Issue: **BASEMENT FLOODING PROTECTION SUBSIDY PROGRAM BY-LAW NO. 19/2011 AMENDMENTS**

Critical Path: **Standing Policy Committee of Infrastructure Renewal and Public Works- Executive Policy Committee-Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
M. A. Shkolny, P. Eng. Manager of Engineering	B. D. MacBride, P. Eng Director of Water and Waste	M Geer A/CFO	M Ruta A/CAO

RECOMMENDATIONS

1. That Council approve and enact the proposed amendment (attached as Appendix A) to the City of Winnipeg Basement Flooding Protection Subsidy Program By-law No. 19/2011.

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

REASON FOR THE REPORT

Amendments to the By-law are necessary to effect improvements to the Winnipeg Basement Flooding Protection Subsidy Program. Only Council can enact amendments to the By-law.

IMPLICATIONS OF THE RECOMMENDATIONS

Backwater Valves and Sump Pit and Pump Systems are devices that are installed within buildings to protect basements from flooding. The Basement Flooding Protection Subsidy Program provides an incentive for private property owners to invest in the protective measures consisting of an in-line backwater valve and sump pit and pump. The By-law expressly excludes homes that were required by the Manitoba Building Code to have in-line backwater valves and sump pumps installed at the time of construction. (Homes built since 1979 were

required by the Manitoba Building Code to have an in-line backwater valve installed, and homes built since 1990 have been required to have sump pump systems.) However, despite the fact that they were required by Code to have these installed at the time of construction, there have been some cases of recently-built homes lacking these flood protection devices. The owners of these homes have applied for subsidies under the Basement Flooding Protection Subsidy Program but are ineligible.

The By-law amendment proposed in this Report would benefit Winnipeg residents with homes that should have these basement flooding protection devices but do not (i.e. homes built after 1979 for backwater valves and homes built after 1990 for sump pits and pumps). The amendment would allow owners of these homes to qualify for the subsidy program if they can demonstrate that the device(s) were not installed at the time of construction despite the fact that the Building Code required their installation. This will allow them to access the same subsidies as are available to owners of homes built prior to 1979 or 1990 for backwater valves or sump pits and pumps respectively.

Accordingly, this report recommends that the underlined words be added to clause 5(1) (c) of the By-law:

"*In order to qualify for a subsidy under section 3, a residential building: must not have been required by the Manitoba Building Code to have the eligible device installed at the time of construction, unless the applicant can demonstrate to the satisfaction of the designated employee that the device was not installed at the time of construction*".

The Water and Waste Department will place the burden of proof on the homeowner to show that the device was never installed at the time of the initial construction of the residence. This can be accomplished by video inspection or some other appropriate means.

HISTORY

1. February 23, 2011 Council approved the Basement Flood Protection Subsidy Program and the By-law 19/2011 to govern the implementation of the program.

FINANCIAL IMPACT

Financial Impact Statement Date: 26-Apr-11

Project Name:

BASEMENT FLOODING PROTECTION SUBSIDY PROGRAM BY-LAW AMENDMENTS

COMMENTS:

There are no financial implications associated with this report

"Original signed by Lucy Szkwarek, C.G.A."
Lucy Szkwarek, C.G.A.
Acting Manager of Finance and Administration

CONSULTATION

In preparing this report there was consultation with:

City of Winnipeg:
- Legal Services Division

SUBMITTED BY

Water and Waste Department
Engineering Division
Prepared by: Jerry Comeau, P.Eng.
Date: April 21, 2011
File No.: S-838

APPENDICES:

Appendix A Basement Flooding Protection Subsidy Program By-law Amendments

THE CITY OF WINNIPEG

BY-LAW NO. 19/2011

A By-law of THE CITY OF WINNIPEG to amend the Basement Flooding Protection Subsidy Program By-law

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

1. The Basement Flooding Protection Subsidy Program By-law No 19/2011 is amended by adding the following at the end of clause 5(1)(c):

, unless the applicant can demonstrate to the satisfaction of the designated employee that the eligible device for which a subsidy is sought was not installed at the time of construction.

DONE AND PASSED, this day of , 2011.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Water and Waste

Approved as to form:

_____
For Director of Legal Services/City Solicitor