Attachment 2

BY-LAW NO. 2393/79

A By-law of The City of Winnipeg to defer the payment of the special assessment for Local Improvements in respect to certain lands benefited thereby and remission of payment made on Maralbo Avenue in said City.

WHEREAS subsection (1) of Section 399.1 of The City of Winnipeg Act reads as follows:

"399.1 (1) Upon the coming into force of a by-law making a special assessment for a local improvement, whether passed before or after the coming into force of this subsection, the council may, by by-law defer or remit, subject to such terms and conditions as may be prescribed in the by-law, the payment of the whole or part of the special assessment in respect of any land benefitted by the local improvement where, in the discretion of the council, it is advisable to do so."

AND WHEREAS Council has received application for deferment of the special assessments in respect to land benefited thereby in respect to the lands hereinafter described and remission of payment made towards the special assessments;

AND WHEREAS Council deems it advisable to defer such assessments and remit payments made;

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

1.(a) The special assessments for Local Improvements in respect to the land owned by:

ALBERT JOSEPH LAMBERT, of the City of Saint Boniface, in Manitoba, Wood Worker,

under Roll No. 5-33165-08 legally described as follows:

Lot Two Hundred and Forty-five, excepting thereout the most Westerly Ninety-five feet in width thereof and excepting thereout the most Easterly Fifty feet in width thereof and excepting thereout the most Southerly Eight feet in depth thereof, which lot is shewn on a plan of survey of part of Lots Forty-one to Forty-four of the Parish of Saint Vital, in Manitoba, registered in the Winnipeg Land Titles Office as No. 1052;

under the following By-laws:

By-law No.	Term	Improvement	Annual Levy
1862/78	1978-97	Wastewater Sewer	$ 64.60
1864/78	1978-97	Land Drainage Sewer	176.19
1871/78	1978-87	Watermain	85.70
1876/78	1978-87	Street Pavement	270.90

are hereby deferred under the terms and conditions as hereinafter prescribed;

(b) The deferment permitted under this By-law shall cease and the special assessments provided in the By-laws set out in Section 1 shall be paid at the same cash value or amortized cost as required in the original subject assessment By-law upon the occurrence of any of the following:

i. registration of a plan of subdivision or resubdivision affecting part or all of the property where deferment has been allowed;

ii. where part or all of a property enjoying deferment is rezoned permitting a change in land use. The effective date upon which the special assessments shall become due and payable under this clause shall be the day the rezoning permitting a change of land use comes into force and effect under the appropriate by-law;

iii. any other condition which, in the opinion of Council, would remove or alter the reasons originally advanced to support the deferment, such as a consent to convey a portion of the site to a developer, where a change in land use is contemplated;

iv. granting of a variance, allowing change in land use. The effective date upon which the special assessments shall become due and payable under this clause shall be the date of the variance order.

2. The owner of the above described land shall be permitted at any time to pay off the cash cost of the local improvements so deferred or the commuted value of such levies outstanding on terms no less favourable than those granted to ratepayers under normal circumstances.

3. The payment made by the owner towards the special assessments hereinbefore referred to in the amount of $597.39, is hereby remitted without interest.

DONE AND PASSED, in Council assembled, this 15th day of August, 1979.

(Sgd.) William Norrie

Mayor.

(SEAL)

Approved as to financial details.

(Sgd.) R. J. Fergusson

Deputy City Clerk.

City Treasurer.

Certified as to form:

City Solicitor.