## CONSIDERATION OF THE REPORT OF THE

## COMMITTEE ON FINANCE AND ADMINISTRATION

The Executive Policy Committee has had before it the Report of the Committee on Finance and Administration, dated June 2nd, 1992, has concurred in the recommendations contained therein, except as noted below, and submits same to Council for approval and adoption.

On motion of Councillor Selinger, the Report of the Committee on Finance and Administration, dated June 2nd, 1992, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg.
June 2nd, 1992.

His Worship the Mayor and Councillors:

Your Committee on Finance and Administration submits the following Report and recommends:

**Amendment to License By-law No. 4007/85 to provide for the Proration of Fees. File EL-1**

1048 - 1. Your Committee on Finance and Administration's Ad Hoc Committee on Licensing and Animal Control held a public hearing on March 2nd, 1992, to receive representations on the matter of license fee increases under the provisions of The City of Winnipeg License By-law No. 4007/85. At that meeting, the Ad Hoc Committee heard presentations by, among others, operators of non-electric automatic vending machines. One of the concerns voiced by these operators was that the fees were not proratable. While other issues specific to these operators were addressed in a separate report, the proration of license fees is discussed in this report as the
issue of proration of fees affects other trade categories.

The License By-law No. 4007/85 currently allows for proration of fees if the annual license fee is greater than twenty-five dollars ($25.00) with a few exceptions. The recently adopted fee schedule is effective June 1st, 1992, for all trades except Hawkers who have a license year commencing January 1st. This new fee schedule will have the effect of reducing the number of trades with annual license fees of $25.00 or less to those trades listed on the attached schedule marked Exhibit 1. The two largest groups affected are the licensees in the categories of automatic vending slot machines and coin-operated washing machines where thousands of licenses are issued on an annual basis. Under Section 5(2)(c) some fees are not proratable due to the temporary nature of the trades. These trade categories are: card and sand readers, carnival rides, flea market promoter, hypnotist, itinerant salesman, palmist, psychic reader, souvenir book seller, souvenir seller and transient trader.

The License Branch has received complaints from new owners of vending machines, barber shops, beauty salons, etc. that the current by-law provisions are not fair inasmuch as they have to pay the full annual license fee despite the fact that they may operate their new business for only a month or two before having to purchase another annual license for the ensuing license year. For owners of large numbers of vending machines, for example, this can be quite onerous.

Your Committee is of the opinion that license fees for all trades, except those specifically excluded under the provisions of Section 5(2)(c), should be proratable in order that licensees pay license fees which correspond to the timing of their operations. A minimum license fee of $2.00 is also being recommended. The prorated or minimum fee would be a one-time event in the first year of operation. It is hoped that this change will encourage applicants to obtain a license which would then be renewed on an annual basis.

It is difficult to estimate the effect this change will have on

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license revenue. Currently, some operators will remain unlicensed until the commencement of the new license year to avoid paying the full year fee for a short period. On the other hand, some operators will pay, albeit under protest, the full annual fee. It is hoped that the effect on revenue will be minimal, as more operators voluntarily come forward to pay part year fees. The proposed amendment with respect to proration will certainly provide a fairer method of collecting part year fees than currently exists.

Your Committee on Finance and Administration submits for favourable consideration draft by-law and recommends:-

1. That the License By-law No. 4007/85 be amended to allow proration of license fees for part year operations for all license categories with the exception of those specifically excluded in the By-law, and to provide for a minimum $2.00 license fee.
2. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

(Note: See Minute No. 1059 for attachment.)

**Partial Acquisition - 1221 St. James Street - City Centre-Fort Rouge Community. File FI-2(22)**

1049 - 2. Your Committee on Finance and Administration has considered the attached Item 1 of Report No. 1A of the Technical Advisory Committee on City Properties, dated May 19th, 1992, (File 7638), relative to the proposed partial acquisition of property located at 1221 St. James Street, in the City Centre-Fort Rouge Community.

The lands shown as "Proposed Street Opening" on attached Misc. Plan No. CCFR 8496 are required to permit future radius modifications to accommodate turning WB-15 semi-trailer trucks. On January 23rd, 1992, the Board of Commissioners authorized the Director of the Land Surveys and Real Estate Department to negotiate for acquisition of the required property.

Negotiations with the owner have resulted in a proposed settlement. The terms and conditions of which are outlined on attached Schedule "A".

The Land Surveys and Real Estate Department considers the price, terms and conditions as negotiated to be reasonable and consistent with previous purchases by the City in this neighbourhood.

The estimated cost of acquisition for this property was not identified in the 1992 Capital Estimates. As a result, the proposed terms and conditions will require the final approval of Council. The Streets and Transportation Department advises that adequate funding for the proposed acquisition is available from the Land Acquisition for Future Transportation Purposes Account.

Your Committee on Finance and Administration recommends:-

1. That the acquisition at a price of $1,165.00 in accordance with the terms and conditions as set out in Schedule "A", be approved.
2. That the Committee on Works and Operations approve this proposal and instruct the City Solicitor to prepare the necessary street opening By-law in accordance with Misc. Plan No. CCFR 8496 for submission to Council and that the costs of the By-law estimated to be $200.00 be charged to the Land Acquisition for Future Transportation Purposes Account.

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3. That the Proper Officers of the City be authorized to do all things necessary to finalize the acquisition including the execution of any documents related thereto.

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

(Note: See Minute No. 1060 for attachment.)

**Rescinding of Sale of Part Public Reserve.**
**File FI-2.4.2(25)**

1050 - 3. Your Committee on Finance and Administration has considered the attached Item 2 of Report 1A of the Technical Advisory Committee on City Properties, dated May 19th, 1992, (File 5695/11), relative to rescinding of sale of part public reserve at the north-east corner of John Forsyth Road and Warde Avenue, in the St. Boniface-St. Vital Community.

Council, on July 23rd, 1986, accepted an offer from Gary and Heather Lechowicz to purchase the subject property shown on attached Misc. Plan No. SBSV 5718/1, located on the north-east corner of John Forsyth Road and Warde Avenue for the sum of $3,150.00. All monies have been paid but the property remains in the name of the City because the Purchasers have not, among other things, complied with the requirement to consolidate title with their adjoining property.

The purchasers were reminded of the requirement to prepare a plan of survey to effect consolidation. An inspection by the Land Surveys and Real Estate Department found the subject property to be enclosed by the Purchasers' fence. For personal reasons, the Purchasers have now requested that the sale be cancelled and the monies refunded.

Terms and conditions by which the property is to be returned have been agreed to as follows:-

1. The return of the original $3,150.00 purchase price less:-

   a) cash in lieu of property taxes while in possession of the Purchasers;

   b) an administrative fee of $250.00.

2. The Purchasers entering into a lease agreement for landscape and maintenance purposes only or removing their fence and restoring the lands.

Inasmuch as the property is designated for parks purposes, pursuant to Section 144(2) of The City of Winnipeg Act, approval is required of at least two-thirds of the Members of Council.

Your Committee on Finance and Administration rescinded its July 8th, 1986 approval and recommends:-

1. That Council rescind its July 23rd, 1986 approval regarding the sale of the subject property subject to terms and conditions outlined above.

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

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

(Note: See Minute No. 1061 for attachment.)

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**Leave and License Agreement to Use Public Road North of 314 Dawson Road North - St. Boniface- St. Vital Community. File FI-2.2(25)**

1051 - 4. Your Committee on Finance and Administration has considered Item 3 of Report No. 1A of the Technical Advisory Committee on City Properties, dated May 19th, 1992, (File 5099/24), relative to a leave and license to use the public road north of 314 Dawson Road North, in the St. Boniface-St. Vital Community.

The land shown dotted on the attached Misc. Plan No. SBSV 3438/1 has been leased to the owners of 314 Dawson Road North (shown as Licensee's property on the plan) since 1950 for parking purposes and the maintenance of an identification sign and electrical outlets. The current agreement is with Mr. Lloyd Kellett who operates the business known as Select Auto Sales.

An inspection by the Land Surveys and Real Estate Department found that Mr. Kellett was using the "Subject Right-of-Way" lands on Misc. Plan No. SBSV 3438/1 for storage purposes, mainly unregistered vehicles, in connection with his business.

The Development Co-ordinator, District No. 5, advised that the District had no objections to the use of the lands for the storage of unlicensed cars for sale purposes providing these cars cannot be considered derelict as defined in the City's applicable by-law. The Development Co-ordinator requests that any contemplated agreement provide for maintenance of the right-of-way at the Company's expense to the satisfaction of the Commissioner of Works and Operations and suitable insurance.

The District Planner has advised that the use is permitted under current zoning and that he has no objections to recognition of the use in an agreement.

The St. Boniface-St. Vital Community Committee on April 14th, 1992, approved the application of Select Auto Sales Inc. for an auto salvage yard license subject to:-

(1) an open or mesh fence enclosing the auto salvage yard be permitted;

(2) The portion of the fencing not fronting on a public street be not less than six feet in perpendicular height to facilitate the handling of materials;

and recommended that the License By-law be amended to permit issuance of the license on the above conditions.

The Streets and Transportation Department objects to a Leave and License Agreement being granted because it would result in the expansion of the existing salvage yard business onto land that is required for the proposed Marion-Dugald connection. It is that Department's position that such an expanded operation would substantially increase the claim for compensation in the future when the applicant's property and business must be purchased or relocated for the connection.

The solicitor for Mr. Kellett advises that his client is prepared to accept a lease terminating on 30 days notice and, further, is prepared to execute an agreement with the City waiving any right to compensation he may have for expropriation of the additional leased premises.

Your Committee on Finance and Administration recommends:-

1. That Council grant leave and license to the Applicant to use Public Road Plan 4602 in accordance with terms and conditions to be negotiated incorporating 90 days cancellation and a waiver relinquishing any and all rights to compensation upon expropriation related to the leased premises, all to the satisfaction of the City Solicitor.

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

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Moved by Councillor Selinger,
Adoption of the clause.

Carried.

(Note: See Minute No. 1062 for attachment.)

**Leave and License Agreement to use Part of Higgins Avenue, East of Arlington Street Bridge - City Centre-Fort Rouge Community.**
**File FI-2.2(22)**

1052 - 5. Your Committee on Finance and Administration has considered the attached Item 4 of Report No. 1A of the Technical Advisory Committee on City Properties, dated May 19th, 1992, (File 2219), relative to a leave and license agreement to use part of the Higgins Avenue, east of the Arlington Street Bridge, in the City Centre-Fort Rouge Community.

The subject portion of Higgins Avenue, containing 19,740 square feet and shown dotted on the attached Misc. Plan No. CCFR 8325/1, has been under rental to the adjoining property owners since January 1st, 1966. The most recent agreement was with Magnet Industries Ltd. at an annual rental of $3,000.00 per annum.

Magnet Industries Ltd. on January 1st, 1991, sold its adjoining properties, 845 and 901 Logan Avenue to Canadian Pacific Limited and has terminated its agreement. Canadian Pacific Limited has advised it would like to obtain a similar agreement as the previous owners.

The current rental rate established in 1990 is $3,000.00 and the 1990 taxes on the land were $1,448.92. It is proposed that the new lease be at a rental rate of $1,500.00 plus taxes.

At its meeting held April 2nd, 1991, your Committee on Finance and Administration considered the foregoing and referred it back to the Land Surveys and Real Estate Department for report back. The City is currently negotiating with Canadian Pacific Limited to acquire lands within the Campus Concept but to date has not been successful. The delay in formalizing a leave and license agreement on lands fenced and currently used by Canadian Pacific Limited provides little, if any, influence in the negotiating process.

Your Committee on Finance and Administration recommends:-

1. That Council grant leave and license to Canadian Pacific Limited in accordance with the terms and conditions outlined in Schedule "A" attached.
2. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the above.

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

(Note: See Minute No. 1063 for attachment.)

**Policy and Criteria to be used as a Guideline in the consideration of Requests for Loan Guarantees.**
**Files PR-2 and GC-10**

1053 - 6. On April 29th, 1992, the Commissioner of Finance and Administration requested that in view of the fact that the City is dealing with an increasing number of requests for loan guarantees, that the Acting City Treasurer develop a policy and criteria to be used as a guideline in the consideration of requests for loan guarantees.

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Your Committee on Finance and Administration on May 12th, 1992, also directed a report to be prepared in this connection.

The City has been faced with an increasing number of requests for loan guarantees over the past few years and at the present time the following loan guarantees exist:-

| Date Approved By Council | Organization | Initial Amount Approved | Amount Outstanding December 31/91 |
|---|---|---|---|
| Dec. 4, 1985 | Kirkfield-Westwood Community Centre Inc. | $425,000.00 | $274,835.67 |
| May 25, 1988 | Varsity View Community Centre Inc. | 300,000.00 | 239,756.25 |
| July 11, 1990 | Maples Recreation Association Inc. | 525,000.00 | 521,533.37 |
| Dec. 12, 1990 | Westdale Community Centre Inc. | 175,000.00 | 100,000.00 (1) |
| May 8, 1991 | Southdale Community Centre Inc. | 145,000.00 | 92,801.00 |
| July 16, 1991 | Gateway Recreation Centre Inc. | 300,000.00 | 295,771.92 |
| Apr. 15, 1992 | St. Norbert Children's Centre Inc. | 175,000.00 | 175,000.00 (2) |

(1) Funds authorized to date, but not yet advanced to Community Centre
(2) Approved during 1992

Section 313 of The City of Winnipeg Act states the following:-

"Subject to the approval of the Minister of Finance, the City may, on such terms and conditions as the Minister of Finance may approve, make loans and grants for, and guarantee indebtedness incurred for, any community undertaking not otherwise authorized under this Act, and the Minister of Finance may refer any application for approval under this section to The Municipal Board for its advice and recommendations."

There are at least two reasons why the City should adopt a policy and criteria to be used as a guideline in the consideration of requests for loan guarantees.

First, loan guarantees do in fact constitute meaningful financial commitments by the City. These commitments have to be recorded as Contingent Liabilities in the notes to the City's financial statements and are factors in determining the City's potential liabilities with the possibility of ultimately negatively affecting the City's credit rating.

Second, as the number of loan guarantees increase, so does the risk that one of the organizations will default on their loan, and the City will be required to assume the obligations of the loan guarantee.

Your Committee on Finance and Administration recommends:-

1. That the following policy and criteria to be used as a guideline in considering requests for loan guarantees, be adopted, namely:-

   A. Requests for loan guarantees shall be submitted to the City Treasurer for review to determine if the request meets the requirements of this policy.
   B. The organization requesting the loan guarantee must provide a service which, in whole or in part, falls within the mandate of the City of Winnipeg.

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C. The project for which the loan guarantee is being requested must not be in conflict with City policy. For example, if City policy stated that we already had more than enough hockey arenas for our population, the City would not guarantee a loan for the purpose of constructing a hockey arena.

D. The organization's services must be available to the community at large without restrictions based upon ethnicity, religion or race and without unreasonably restrictive membership or user fees.

E. The organization must be non-profit (as defined within the City of Winnipeg's Fees and Charges Policy).

F. The organization must produce financial records and a business plan that demonstrates the organization's long term viability and capacity to meet the obligations of the loan that they are asking the City to guarantee.

G. The organization, structure and the principles of the organization must be judged by the City of Winnipeg as competent to independently implement the business plan of the organization.

H. Unless there are very special circumstances, the maximum amount of outstanding loan guarantees for any one organization will be $1,000,000.00.

I. The loan that the City is being asked to guarantee should not represent more than 50% of the total funding of the project. The organization requesting the loan guarantee must have raised at least 30% of the total project cost from non-City of Winnipeg sources as a down-payment, i.e. if the organization is receiving a City grant for their project, the grant cannot be counted as part of the 30% down-payment.

J. The loan that the City is guaranteeing must be related to a capital asset.

K. The capital asset must be insured to the satisfaction of the City Treasurer both during and after construction.

Your Committee on Finance and Administration further recommends that Day Care Centres' requests for loan guarantees, where, they are part of a Community Centre be also included in the organizations to be given consideration.

For Council's information, Appendix "A", attached and entitled "Blueprint for Success" is from a Royal Bank of Canada publication, "Your Business Matters - Starting Out Right". This appendix can be used as an example of the type of information that should be included in the business plan by the organization applying for the loan guarantee. Appendix "B" attached, provides some additional information on the loan guarantees that the City has granted from 1985 to the present date.

Your Executive Policy Committee recommends that recommendation 1. I. be amended by deleting the reference to 30% where it appears in the fourth and sixth lines thereof and inserting the figure "20%" therein.

Moved by Councillor Selinger,
Adoption of the clause.

In amendment,

Moved by Councillor Brown,
That the recommendation of Executive Policy Committee be adopted.

Carried.

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

Councillor Mitchelson called for the yeas and nays, which were as follows:-

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Yea: Councillors Clement, Demare, Diamant, Douglas, Duguid, Fraser, Gilroy, Golden, Hyman, Murray, Prystanski, Reese, Selinger, Thomas, Timm-Rudolph, Young, Yuen, Mayor Norrie and Councillor Eadie. 19

Nay: Councillors Boychuk, Kaufmann and Mitchelson. 3

and the motion for the adoption of the clause, as amended, was declared carried.
(Note: See Minute No. 1064 for attachment.)

**Sale of Public Reserve Land in order to eliminate Building Encroachment.**
**File FI-2.4(23)**

1054 - 7. The portion of City Public Reserve property shown as Subject City Property on Misc. Plan No. EKT 8569 is required by 2590434 Manitoba Inc., the adjoining owner of Lot 1, Plan 27,189, (File EK 4668/1), in order to eliminate an existing encroachment into the Public Reserve, in the East Kildonan-Transcona Community.

A multi-storey condominium complex is currently under construction (a concrete foundation is completed and upper floors are well under construction) on Lot 1, Plan 27,189.

A current building location certificate, attached, indicates that a portion of the foundation of the building has inadvertently been constructed on the Public Reserve.

Under the terms of DAZ 204/89, the Developer was required to dedicate the land fronting on the river in front of Lot 1, Plan 27,189 identified as Public Reserve to the City. The Developer was also required to develop a linear walkway in the PR lands.

2590434 Manitoba Inc. have agreed to make application to have the property rezoned from "PR" to "RM-2" Multiple Family Residential coincident with the adjoining condominium lands. The company, whose principal is Hans Heymann, has agreed to purchase the subject property for $500.00 in accordance with the City's standard terms and conditions, the preparation of all survey documentation in order to consolidate title with the adjoining lands, payment of all transfer fees and an administrative fee of $250.00.

Approval of at least two-thirds of the members of City Council is required on the sale of any land designated or acquired for park purposes pursuant to Section 156(2) of The City of Winnipeg Act. (S.M. 1989-90, C.10).

Your Committee on Finance and Administration recommends:

1. That Council approve the proposed sale as outlined herein in a form satisfactory to the City Solicitor.
2. That the Proper Officers of the City do all things necessary to implement the above recommendation including the execution of any documents related thereto.

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

(Note: See Minute No. 1065 for attachment.)

**Amendment to the City of Winnipeg License By-law No. 4007/85.**
**File EL-1**

1055 - 8. On January 28th, 1992, your Committee on Finance and Administration

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considered a report dated December 16th, 1991, from the Commissioner of Finance and Administration, relating to proposed amendments to the License By-law No. 4007/85 in response to a request by the City Centre-Fort Rouge Community Committee to amend Sections 25(5) and 34(8) relative to dating and escort services and massage parlours. Committee heard representations from Councillor Timmers and a number of residents of the City Centre-Fort Rouge Community. Your Committee referred the matter to the City Solicitor for an opinion on the legality of the process of approving license applications under the License By-law and, to the Committee on Planning and Community Services to investigate the advisability of text amendments to provide for a conditional use process for dating and escort services, massage parlours and pawnbroker license applications.

On March 9th, 1992, the Committee on Planning and Community Services considered the communication from your Committee on Finance and Administration concerning the subject matter of this report and referred the matter of the License By-law amendments and establishment of conditional use approvals for dating and escort services, massage parlour and pawnbroker applications to the Acting Director of Planning in consultation with the City Solicitor.

Subsection 524(1) of The City of Winnipeg Act provides that the City's power to license and regulate the carrying on of a trade shall include the power "in the case of a trade the carrying on of which may, in the opinion of Council, be injurious to the interests of occupants or owners of property in the vicinity" to require the approval of Council or a Committee specified by by-law, which approval may be granted for a temporary period or indefinitely and either conditionally or unconditionally.

Subsection 4(10) of the current License By-law No. 4007/85 was enacted pursuant to that authority, requiring Community Committee approval of new applications to carry on any of the twenty-three trades specified. The enactment of Subsection 4(10) is in accordance with The City of Winnipeg Act and is therefore "legal". However, for the reasons set forth below, the controls imposed under Subsection 4(10) are viewed as an unnecessary duplication of land use controls imposed under the City's Zoning by-laws and it is recommended that Subsection 4(10) be repealed.

1. NATURE OF LICENSE AND ZONING CONTROLS

Subsection 4(10) of the License By-law was enacted following a finding by Council that a list of twenty-three trades were potentially injurious to the interests of occupants or owners of property in the vicinity. (A list of the trades presently included under Subsection 4(10) is identified as Schedule "A"). Subsection 4(10) provides that no new license to carry on one of the listed trades shall be issued until approved by the Community Committee for the area in which the trade is proposed to be carried on or by the designated appeal Committee.

The City's various Zoning by-laws and Town Planning Schemes list uses which may be made of land within particular zoning districts either as of right or pursuant to a Conditional Use Order. Conditional Use Orders may be made where the proposed use "does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area". Until recent amendments, The City of Winnipeg Act permitted Variance Orders to be made under the same conditions to allow non-listed uses. Provincial legislation is expected shortly which will again provide for Variance Orders to be made on a temporary basis for up to five years.

The issues raised and procedures applicable to license approvals and Conditional Use/Variance applications are compared as follows:

1) Issue to be Determined

a) License By-law

"whether the carrying on of the trade would be injurious to the interests of the occupants or owners of property in the vicinity"

b) Land Use Controls

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"whether the use creates a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area"

2) Procedure

a) License By-law
A hearing is required following posting of a notice as to the date, time and place that the application will be considered.

b) Land Use Controls
A hearing is held following posting of the notice.

3) Nature of the Order

a) License By-law
License approvals may be temporary or permanent and may be subject to conditions.

b) Land Use Controls
Orders may be temporary or permanent and may be subject to conditions.

2. DESIGNATED COMMITTEES

Recent amendments to The City of Winnipeg Act (Bill 35) have changed the process for obtaining Conditional Use/Variance Orders. Previously, such Orders were made by the Community Committees subject to appeal to the Variance, Conditional Use and License Appeal Committee except in those cases where the property fell under The Downtown Zoning By-law No. 4800/88 in which case, appeals lay to the Committee on Planning and Community Services.

Pursuant to Bill 35 and the Development Procedures By-law No. 5893/92, Conditional Use Orders are now made by the Board of Adjustment, subject to appeal in most cases to the area Community Committee.

Prior to March 25th, 1992, the License By-law provided that approvals of new license applications were made by the Community Committees, subject to appeal to the Variance, Conditional Use and License Appeal Committee except in those cases where the property fell under The Downtown Zoning By-law No. 4800/88 in which case appeals lay to the Committee on Planning and Community Services.

On March 25th, 1992, the License By-law was amended to provide that appeals under Subsection 4(10) would be taken in all cases, to the Committee on Planning and Community Services, in recognition of the fact that the Variance/ Conditional Use and License Appeal Committee would soon cease to exist.

3. RELATIONSHIP OF ZONING AND LICENSE CONTROLS

Under the parallel license and zoning controls, it is common for a person setting up a new business to require both a license approval under the License By-law as well as a Conditional Use or Variance Order. Prior to Bill 35, the Planning Department, City Clerk's Department and License Branch attempted to co-ordinate the two applications to ensure that both would be heard by the Community Committee and Appeal Committee at the same time.

Bill 35 has had the effect of separating the hearings held under the License and Zoning By-laws. In those cases where two applications are required, the time and expense to both the Applicant and the City have therefore increased. Furthermore, the possibility has arisen that the two applications could be decided inconsistently (ie: the license approval could be granted but the zoning order denied, or the reverse).

It should be noted that the City does not have the option of simply amending the License By-law to cause the license approval process to match that which will now apply to Conditional Use Orders. License approvals must, by Section 524(1) of The City of Winnipeg Act, be made by Council or a Committee of

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Council and the Board of Adjustment could therefore not be designated as the body responsible for approving license applications.

4. BY-LAW AMENDMENT PROCESS

The Planning Department has analysed Subsection 4(10) of the License By-law and prepared a statement regarding the necessity of a Conditional Use or Variance Order for each trade under current Zoning By-laws (Schedule "B").

Of those trades which presently require license approval, the following trades cannot be established in any residential or commercial district without a Conditional Use or Variance Order:

auto salvage yard
banquet hall
dance hall
dog kennel
karting track
livery stable
motor raceway
poultry slaughter house
scrap metal yard
soap manufactory
soils dealer
tannery
undertaker, funeral director waste material yard

It is recommended that Subsection 4(10) of the License By-law be immediately amended to delete the above trades from the list requiring Community Committee approval as, in all cases, a Conditional Use or Variance Order would be required for the use to be established in a residential or commercial district.

The following recommendations are made with respect to the remaining trades:

a) The trade of vegetable stall has the potential to be established as a permitted use in some commercial districts. The Planning Department is of the view that the operation of a vegetable stall in those particular districts would not create a land use conflict and recommends that the requirement for licensing approvals be deleted from Subsection 4(10) of The License By-law. It is noted that plant stalls are presently regulated under The License By-law and do not require license approvals under Subsection 4(10).

b) The trade of billiard parlour is defined under The License By-law as meaning any premise containing one or more billiard tables. The Planning Department advises that one or two billiard tables can presently be established if the activity is properly incidental to certain types of commercial uses without the necessity of a Conditional Use or Variance Order.

However, all new businesses operating principally as a billiard parlour would require a Conditional Use or Variance Order. The Planning Department is satisfied that existing land use controls are adequate to prevent any adverse effects upon adjacent properties and recommends that the trade of billiard parlour be deleted from Subsection 4(10) of The License By-law.

5. OTHER MATTERS

a) Subsection 39(3) of The License By-law presently provides that "no second hand dealer shall carry on his trade in any residential premises". As noted in this report the trade of a second hand dealer cannot be carried on in a residential district without a zoning order. It is recommended that the duplicate land use control presently imposed under Subsection 39(3) be deleted from the License By-law.

b) The License By-law presently requires license approval of all new applications to operate amusement parlours and carnivals. Occasionally the

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License Branch receives applications to operate travelling amusement parlours or carnivals of short duration at various locations such as malls throughout the City. Under the existing by-law provisions the applicant would need to made application to each Community Committee where the activity will occur.

It is felt that the operation of a carnival or amusement parlour for a period of 4 days or less (subject to existing zoning restrictions) is unlikely to create a significant adverse effect upon adjacent occupants and it is recommended that the requirement for license approval for these trades apply only where the activity is to be carried out for 5 or more consecutive days at one location.

c) It should be noted that the recommended amendments to Subsection 4(10) of the License By-law will not affect the obligation of persons carrying on the particular trades to continue to obtain a business license and comply with any applicable rules of operations for that trade as specified under the License By-law.

d) License approvals under Subsection 4(10) are presently given to particular license applicants and require re-approval if the business is sold or transferred. Conditional Use and Variance Orders, on the other hand, would run with the land, subject to any other personal license requirements such as a Certificate of Good Character.

Your Committee on Finance and Administration submits draft by-law and recommends:

1. That the License By-law be amended by deleting certain trades from the list of trades requiring Community Committee approval of new applications under the License By-law.

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

Moved by Councillor Selinger,

That the clause be referred back to the Committee on Finance and Administration.

Carried.

**Proposal to Amend By-law No. 4007/85 - Massage Parlours. File EL-1.35**

1056 - 9. Council at its meeting held on April 15th, 1992, ruled automatic referral of the following motion to your Committee on Finance and Administration, under Section 16.1 of the Procedure By-law No. 5400/90:

"Moved by Councillor Murray,
Seconded by Councillor Timmers,

BE IT RESOLVED that By-law No. 4007/85, Section (34) Massage Parlour Subsection (8), be amended to add the words 'City Centre-Fort Rouge' after the words 'Assiniboine Park-Fort Garry' and before the words 'East Kildonan-Transcona'."

Your Committee on Finance and Administration has considered the motion and has received a legal opinion on the proposed amendment that the City cannot implement the amendment because the effect would be to totally prohibit the carrying on of the trade of massage parlour.

Your Committee on Finance and Administration therefore recommends that the matter be filed.

Report of the Committee on Finance and Administration, dated June 2nd, 1992

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

**Tax Sale 93/39 - 1432 Alexander Avenue**
**File FL-2.4**

1057 - 10. On May 6th, 1992, the Solicitor for the owner of 1432 Alexander Avenue requested the City to consider the following settlement to redeem 1432 Alexander Avenue from tax sale:

1. The owner to pay the City $5,000.00 as full and final settlement of his outstanding back taxes;

2. That the current status of the yard at 1432 Alexander Avenue be resolved to the satisfaction of the City.

Your Committee has been advised that storage of second-hand articles and junk in the rear yard of premises at 1432 Alexander Avenue has been a continuing problem for the City. Over the years the City has issued clean-up notices, prosecuted the owner in By-law Court and obtained an injunction restraining the owner from further violations of the Fire Prevention By-law and Untidy and Unsightly Premises By-law.

In 1985, 1986 and 1987, the City obtained Court Orders permitting it to enter upon the premises and remove and dispose of the materials which had been accumulated on the property. The cost of such work was added to the property tax roll as follows:

| | |
|---|---|
| 1985 clean-up | $5,654.08 |
| 1986 clean-up | 3,926.32 |
| 1987 clean-up | 1,703.02 |

The owner of 1432 Alexander Avenue has always paid an amount equivalent to his annual property taxes to the City of Winnipeg but has not made any payment toward the above clean-up costs. As the Tax Office properly applied the owner's annual tax payments to the oldest entries on his tax roll, the unpaid clean-up costs eventually accumulated to the point that the property became liable for tax sale and was sold in tax sale on March 22nd, 1989, for the sum of $16,152.92.

The City has filed a tax application, served tax sale notices upon the owner and became in a position to take title to his house upon filing of one final document on April 9th, 1992.

Following the tax sale, the owner continued to pay his annual tax levies. There is presently only an amount of approximately $100.00 outstanding on his current tax roll which represents a miscellaneous penalty charge.

The amount required to redeem the property from tax sale with penalties to March 20th, 1992, was $22,244.08.

Since the City's last clean-up of the yard occurred in 1987, the owner has on some occasions, taken steps to create a pathway around his buildings and through his yard. However, the general condition of the yard has prompted constant complaints from the next door neighbour and the Fire Department is presently in the process of issuing an Order under The Fire Prevention By-law requiring the removal of certain articles from the yard.

The City has the following options in dealing with the matter:

1. The City can accept the settlement put forward by the owner's Solicitor.

The original amounts which were added to the owner's tax roll as clean-up costs are indicated above and total $11,283.42. That amount has increased with the addition of penalties to $22,244.08 as of March 20th, 1992.

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The owner's Solicitor points out that the majority of costs which were added to his client's tax roll do not represent specific disbursement by the City but consist of salaries (plus overhead costs of 56%) of City employees who were on staff and were paid within existing department budgets, plus amounts charged as rentals for equipment owned by the City.

In fairness to the owner, it is acknowledged that the clean-up costs for 1985 included $715.04 for the salary of a Health Department employee whereas in 1986 and 1987 the Health Department did not consider it appropriate to recover the salaries of its employees.

The settlement offer includes a condition that the owner clean his yard to the satisfaction of the Fire and Health Departments. This work should be required prior to a specified date and prior to the exchange of money redeeming the owner's property from tax sale. While it is predictable there will be disagreements between the owner and the City as to what is a reasonable condition for his yard, any arrangement whereby the owner agrees to address the condition of his yard, with the involvement of his Solicitor, is a positive step.

2. The City can counter with a settlement offer involving payment of a greater amount of money.

3. The City can complete its tax application and take title and possession of the property.

The Law Department has taken all but the final step required to complete the City's tax application and take title to the owner's property. If this process were completed and the owner were evicted from the property, obviously the City could completely clear the yard and that continuing problem would be eliminated.

The owner's Solicitor has advised that if a satisfactory settlement cannot be reached, he will likely be instructed to take legal proceedings to challenge the validity of the tax sale and resist the transfer of title to the City. While the Law Department is satisfied that proper procedures were used, this litigation would undoubtedly delay resolution of the matter and would result in increased media exposure.

Assuming that the City would eventually take title to the property, it is unlikely that the owner would voluntarily give up possession and further proceedings would be necessary if the City wished to evict him. Some plan would obviously be necessary to assist the owner in relocating and minimizing the likelihood that he would immediately begin collecting junk at his new location.

Your Committee on Finance and Administration recommends:

1. That settlement in the amount of $5,000.00 as full and final settlement, required of the owner of 1432 Alexander Avenue to redeem his property from tax sale and pay those charges which are presently outstanding on the current tax roll, be approved in principle.

2. That the City Solicitor prepare the necessary by-law to cancel the remaining amount upon completion of the necessary work by the owner on the yard at 1432 Alexander Avenue being completed to the satisfaction of the City.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the above recommendations including the execution of any documents related thereto.

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

Report of the Committee on Finance and Administration, dated June 2nd, 1992

**Tax Forgiveness for Home Renovations.**
**File FL-2.2**

1058 - 11. On March 4th, 1992, Council referred the following motion to your Committee on Finance and Administration, namely:

"Moved by Councillor Prystanski,
Seconded by Councillor O'Shaughnessy,

WHEREAS Clause 1 of Report 'A' of the Committee on Finance and Administration, dated February 18th, 1992, is recommending that the matter of the Ad Hoc Committee on Tax Forgiveness for Home Renovations be filed;

AND WHEREAS the City of Winnipeg has a tax relief program for historical buildings setting a precedent for a tax relief program;

AND WHEREAS it is the City of Winnipeg's stated goal to encourage home renovations and upgrading in the core area;

AND WHEREAS many home renovations such as an added garage, new finished rooms in basements or attics, additional plumbing or extensive remodelling and modernization will cause increased assessment;

AND WHEREAS many current home owners in older neighbourhoods would be encouraged to renovate their existing premises and a tax relief program would encourage young families to purchase older homes and renovate them to modern standards;

AND WHEREAS the Ad Hoc Committee does not contemplate a tax reduction but merely a delay in increasing assessment for renovation and upgrading;

THEREFORE BE IT RESOLVED that the Committee on Finance and Administration be directed to reconstitute the same Ad Hoc Committee on Tax Forgiveness for Home Renovations and to report to Council on procedures necessary to implement the Ad Hoc Committee's recommendations within 60 days of acquiring the Ad Hoc Committee's final report."

On March 10th, 1992, your Committee on Finance and Administration appointed Councillors Lazarenko, Kaufmann, O'Shaughnessy and Prystanski to the Ad Hoc Committee on Tax Forgiveness for Home Renovations and instructed it to report back to the Committee on Finance and Administration within 60 days.

The Ad Hoc Committee has not reported to your Committee on Finance and Administration and therefore a 60-day extension is requested in which to report back to Council.

Moved by Councillor Selinger,
Adoption of the clause.

Carried.

1059 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1060 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1061 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1062 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1063 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1064 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1065 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

## COMMITTEE ON FINANCE AND ADMINISTRATION

## MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Moved by Councillor Golden,
Seconded by Councillor Reese,
1066 - WHEREAS the Winnipeg Enterprises Corporation refuses to divulge information to City Council or City Councillors regarding contractual obligations entered into both within and not within its mandate;

AND WHEREAS the public has asked elected Councillors questions about potential liabilities that may ultimately affect the City budget;

THEREFORE BE IT RESOLVED that the Winnipeg Enterprises Corporation be required to report to Executive Policy Committee on a monthly basis to answer questions of Councillors, in camera if necessary, on personnel matters or contracts, and that Executive Policy Committee be instructed to suspend its rules to allow all Councillors to ask questions.

Moved by Councillor Lorenc,
That the question be now put.

Carried.

The motion was put.

Councillor Boychuk called for the yeas and nays, which were as follows:-

Yea: Councillors Boychuk, Diamant, Duguid, Golden, Hyman, Mendelson, Murray, Reese, Selinger, Thomas, Timmers and Yuen. 12

Nay: Councillors Brown, Clement, Demare, Douglas, Fleisher, Fraser, Gilroy, Kaufmann, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Young, Mayor Norrie and Councillor Eadie. 15

and the motion was declared lost.

## COMMITTEE ON FINANCE AND ADMINISTRATION

## MOTIONS

Moved by Councillor Lorenc,
Seconded by Councillor Prystanski,
1067 - WHEREAS there was a presentation made to the Lord Selkirk-West Kildonan Community Committee at its meeting of June 9th, 1992, on behalf of 7 Inner-City Parent Councils, namely:- Machray, David Livingstone, Norquay, William Whyte, Strathcona, Shaughnessy Park, and King Edward, in support of a request for $10,540 to fund 4 workers and necessary supplies and materials, in order to operate summer programs in the above-mentioned communities.

AND WHEREAS previous funding for the programs was made available through the Federal Government;

AND WHEREAS the Federal Government, without any appropriate notice, terminated funding, and only as a result of intervention of public petitions and manifestation of public support, did the community in question receive 50% of the funding;

AND WHEREAS the Per Capita funding of the Lord Selkirk-West Kildonan Community is substantially depleted given the time of year and the number of grant applications that have been received and dealt with;

AND WHEREAS the Lord Selkirk - West Kildonan Community Committee has made an award of $4,000.00 from its Per Capita funding, which exceeds the supplies and materials amount requested, but is unable, because of the time of the year, to award any more;

COMMITTEE ON FINANCE AND ADMINISTRATION – MOTIONS (continued)

AND WHEREAS this Community Committee unanimously endorses and recognizes the value of the programs being provided to the inner-city children;

AND WHEREAS the Superintendent of District No. 3 Police, in correspondence dated May 12th, 1992, has indicated his Department's support and public recognition of the worthwhile program, and has urged its re-implementation;

AND WHEREAS the Lord Selkirk-West Kildonan Recreation Programming Reserve Fund has been allocated and a further reallocation would only be a further detriment to programs benefitting by the allocation to date;

AND WHEREAS the program in question is to commence on or about July 1st, 1992;

AND WHEREAS there appears to be insufficient time to place the matter properly before the Committee on Finance and Administration in time for funding to be in place for program commencement;

NOW THEREFORE BE IT UNANIMOUSLY RESOLVED by the Lord Selkirk- West Kildonan Community Committee that Council respectfully allocate a one-time grant, normally under the jurisdiction of the Committee on Finance and Administration, to the extent of $6,540.00, subject only to confirmation that the Winnipeg School Division No. 1 has made a contribution of $8,150.00, based on the application made to it at its School Board meeting held on June 9th, 1992.

The Speaker ruled that the motion was automatically referred to the Committee on Finance and Administration in accordance with Section 16.1 of the Procedure By-law.

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

Carried.

Moved by Councillor Gilroy,
That the question be now put.

Carried.

The motion was put.

Councillor Selinger called for the yeas and nays, which were as follows:-

Yea: Councillors Boychuk, Brown, Clement, Fleisher, Fraser, Gilroy, Hyman, Lorenc, Mendelson, Murray, O'Shaughnessy, Prystanski, Selinger, Thomas, Timmers, Yuen, Mayor Norrie and Councillor Eadie. 18

Nay: Councillors Demare, Douglas, Golden and Kaufmann. 4

and the motion was declared carried.

## COMMITTEE ON FINANCE AND ADMINISTRATION

## CONSIDERATION OF BY-LAWS

1068 - On motion of Councillor Selinger, the following By-laws were each read a first, second, and third time, the rule being suspended for the third reading of each by-law and were passed and ordered to be signed and sealed, namely:-

COMMITTEE ON FINANCE AND ADMINISTRATION – CONSIDERATION OF BY-LAWS (continued)

By-law No. 5962/92, a By-law of the City of Winnipeg to amend By-law No. 4007/85, being the City of Winnipeg License By-law. File No. EL-1.

By-law No. 5963/92, a By-law of the City of Winnipeg to amend By-law No. 4007/85, being the City of Winnipeg License By-law. File No. EL-1.

(Note: By-law No. 5963/92 was later reconsidered. All readings were rescinded and By-law No. 5963/92 was laid over. See Minute No. 1070)