Minute No. 89
Report – Executive Policy Committee – December 12, 2012

Item No. 4 **Reactivation of Local Improvement Taxes Deferred on Roll No. 14098674000 (King Edward Street) pursuant to By-Law No. 114/2008 (Point Douglas Ward)**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the deferment of the local improvement taxes on King Edward Street (Roll No. 14098674000) authorized under By-law No. 114/2008 cease effective February 27, 2013.

2. That the assessments be reactivated and the local improvement taxes be imposed with a requirement for payment.

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

Report – Executive Policy Committee – December 12, 2012

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 12, 2012, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: **REACTIVATION OF LOCAL IMPROVEMENT TAXES DEFERRED ON ROLL #14098674000 (KING EDWARD STREET) PURSUANT TO BY-LAW NO. 114/2008**

Critical Path: **Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
T. Austin Acting Manager of Taxation and Finance	N. Karpa City Assessor	Mike Ruta, CFO	D Joshi COO

RECOMMENDATIONS

1. That the deferment of the local improvement taxes on King Edward Street (Roll No. 14098674000) authorized under By-law No. 114/2008 cease effective February 27, 2013.

2. That the assessments be reactivated and the local improvement taxes be imposed with a requirement for payment.

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

REASON FOR THE REPORT

Council approval is required for a by-law to reactivate deferred local improvement taxes.

IMPLICATIONS OF THE RECOMMENDATIONS

FINANCIAL IMPLICATIONS

(x) Within approved Current and/or Capital Budget.

( ) Current and/or Capital Budget adjustment is required.

Comment(s): There is no financial impact to the City of Winnipeg. The deferment for this property was originally recorded as a receivable on the Balance Sheet.

HISTORY

On February 20, 2008, Council passed By-laws for imposition of local improvement taxes for local improvements in King Edward Street on Roll No. 14098674000 follows:

By-law No.	Improvement Type	Term	Annual Levy
10/2008	Wastewater Sewer	2008-27	$3,592.86
11/2008	Land Drainage Sewer - Laterals	2008-27	$647.02
17/2008	Watermain	2008-17	$4,285.56

The above local improvement taxes were deferred on June 18, 2008 by By-law No. 114/2008 for King Edward Street (see Attachment).

Deferment By-law No. 114/2008 states the circumstances under which the deferment will cease. The condition under Subsection 1(b)(i) will be occurring on February 27, 2013. Accordingly, the deferment should cease and the property owner is required to pay the local improvement taxes at the same cash value or amortized cost at the prevailing City rates as at February 27, 2013, including interest at the City's current capital borrowing rate.

Reactivation of the local improvement taxes is necessary in order to allow the cost of the Local Improvements to be added to the tax roll and the Notice of Deferment discharged.

Upon Council approval of the Reactivation By-law, the local improvement taxes will be imposed on the subject property and a discharge of the Notice of Deferment will be provided to the property owner. Once this discharge has been registered with the Winnipeg Land Titles Office, the Notice of Deferment will then be cancelled on the title of the property.

FINANCIAL IMPACT

Financial Impact Statement **Date:** November 23, 2012

Project Name:

Reactivation of Local Improvements Deferred on King Edward Street

COMMENTS:

There is no financial impact to the City of Winnipeg in the Operating Budget. The deferment for this property was originally recorded as a receivable on the Balance Sheet.

Original signed by
Radhika Abeysekera
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

In preparing this report there was consultation with:

Internal
Legal Services Department (as to legal issues only)

External

SUBMITTED BY

Department: Assessment and Taxation
Division: Taxation and Finance
Prepared by: G. Wladyka, Senior Local Improvement Clerk
Date: November 22, 2012
File No. N/A

Attachment:

- Deferment By-law No. 114/2008



Adobe Acrobat Document

THE CITY OF WINNIPEG

BY-LAW NO. 114/2008

A By-law of THE CITY OF WINNIPEG to defer the payment of local improvement taxes in respect of certain lands benefited thereby on King Edward Street in said City.

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

1(a) The local improvement taxes in respect of the lands owned by Marcella Rootsaert of the City of Winnipeg in Manitoba under Roll No. 14098674000 legally described as:

LOT 16 PLAN 962 WLTO IN S ½ OF SE ¼ 26-11-2 EPM

under the following by-laws:

By-Law	Term	Improvement	Annual Levy
10/2008	2008-2027	Wastewater Sewer	$3,592.86
11/2008	2008-2027	Land Drainage Sewer (Laterals)	647.02
17-2008	2008-2017	Watermain	4,285.56

are deferred under the terms and conditions as hereinafter prescribed.

(b) The partial deferment permitted under this By-law shall cease upon the occurrence of any of the following:

(i) there can be legal registration of a plan of subdivision affecting part or all of the property where deferment has been permitted;

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

(iii) granting of a variance allowing change in land use. The effective date upon which the local improvement taxes shall become due and payable under this sub-clause shall be the date of the variance order; or

(iv) 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.

2 When the lands herein described become subject to local improvement taxes as a result of cessation of this deferment, such local improvement taxes shall be imposed against the said lands at the then prevailing rates and paid at the prevailing cash cost or amortized at the then current capital borrowing rates.

DONE AND PASSED this 18th day of June, 2008.