Agenda – Council – February 25, 2015

COMMUNICATIONS

From the Acting Director of Legal Services and City Solicitor,

Submitting communication dated February 19, 2015 advising that By-law Nos. 1/2015 to 4/2015, were authorized by By-law No. 88/2014, being a by-law of The City of Winnipeg to authorize the undertaking of certain local improvements during the year 2014. By-law No. 88/2014 was enacted pursuant to Item 8 of the Report of the Standing Policy Committee on Infrastructure Renewal and Public Works dated July 4, 2014, adopted by Council on July 16, 2014.

Further advising that By-law No. 6/2015 was authorized by By-law No. 89/2009, By-law No. 7/2015 was authorized by By-law No. 88/2009 and By-law No. 8/2015 was authorized by By-law No. 87/2009. All of the afore mentioned authorizing by-laws were enacted pursuant to Item 1 of the Report of the Standing Policy Committee on Infrastructure Renewal and Public Works dated May 12, 2009, adopted by Council on May 27, 2009.

By-law Nos. 1/2015 to 4/2015, inclusive, and 6/2015 to 8/2015, inclusive, are submitted for consideration by Council on February 25, 2015 and may receive all three readings.

From the Acting Director of Legal Services and City Solicitor,

Submitting as instructed by Council on September 25, 2013, draft by-law to approve a plan of subdivision for land located at Elizabeth Road and Plessis Road, in the Riel Community, which by-law may receive all three readings.
File DAS 19/2013 (By-law No. 12/2015)

From the Acting Director of Legal Services and City Solicitor,

Submitting communication dated February 18, 2015, advising that a by-law to Repeal North Henderson Highway, Secondary Plan By-law Amendment 136/2012, 46/2013 and 141/2013: By-laws quashed by Pakosh v. City of Winnipeg (2014), is submitted for all three readings.

Further advising that the three by-laws now being repealed amended two other by-laws – the North Henderson Highway Secondary Plan By-law No. 1300/1976 and Schedule B of the Zoning By-law No. 200/2006. However, the by-laws being repealed were declared invalid and were quashed by a decision of Mr. Justice Clearwater of the Court of Queen's Bench in reasons for decision issued on November 28, 2014. (As the preamble notes, By-law No. 141/2013 was not explicitly included in the decision but, since it amended By-law 46/2013, it is therefore effectively quashed as well.) It is clear from the decision that the amendments purportedly made by the quashed by-laws were null and void from the beginning.

Communications (continued):

Legally, the result of this decision is relatively clear – the North Henderson Highway Secondary Plan By-law No. 1300/1976 and Schedule B of the Zoning By-law No. 200/2006 have been determined by the Court never to have been validly amended by the quashed by-laws. However, it is not clear how best to reflect this state of affairs to anyone accessing any of these by-laws. Unless they are familiar with the Court decision, anyone reading the by-laws will not reach an accurate conclusion about the provisions that were purportedly amended.

In order to clear up any confusion, Legal Services has determined that the best course of action is to have the quashed by-laws repealed and to explicitly revive the provisions of the North Henderson Highway Secondary Plan By-law No. 1300/1976 and Schedule B of the Zoning By-law No. 200/2006 that were purportedly amended by the quashed by-laws. In order to explain this to anyone accessing these by-laws, a lengthy Preamble has been included in By-law No. 13/2015, which sets out the facts of the situation and is not changing the law in a substantive way. (By-law No. 13/2015)

From the Acting Director of Legal Services and City Solicitor,

Submitting as instructed by Council on May 27, 2014, draft by-law to approve a plan of subdivision and amend Winnipeg Zoning By-law No. 200/2006 to rezone land located at Sugar Beet Major Redevelopment Site north of Bishop Grandin, west of the Manitoba Hydro Corridor, in the City Centre Community, which by-law may receive all three readings. File DASZ 3/2014 (By-law No. 14/2015)

From the Acting Director of Legal Services and City Solicitor,

Submitting as instructed by Council on September 24, 2014, draft by-law to approve a plan of subdivision and amend Winnipeg Zoning By-law No. 200/2006 to rezone land located at 630, 632, 634, 636 and 640 Jefferson Avenue, in the Lord Selkirk-West Kildonan Community, which by-law may receive all three readings.
File DASZ 15/2014 (By-law No. 26/2015)

From the Acting Director of Legal Services and City Solicitor,

Submitting as instructed by Council on March 26, 2014, draft by-law to amend Winnipeg Zoning By-law No. 200/2006 to rezone land located at the east corner of Archibald Street and Cusson Street, in the Riel Community, which by-law may receive all three readings. File DAZ 222/2013 (By-law No. 27/2015)

From the Acting Director of Legal Services and City Solicitor,

Submitting as instructed by Council on December 10, 2014, draft by-law to approve a plan of subdivision and amend Winnipeg Zoning By-law No. 200/2006 to rezone land located at 1710 Grosvenor Avenue, in the City Centre Community, which by-law may receive all three readings. File DASZ 25/2014 (By-law No. 28/2015)

Communications (continued):

From the Acting Director of Legal Services and City Solicitor,

Submitting as instructed by Council on September 24, 2014, draft by-law to rezone land located at 12 Rothwell Road, in the Assiniboia Community, which by-law may receive all three readings. File DAZ 225/2014 (By-law No. 29/2015)

From the Acting Director of Legal Services and City Solicitor,

Submitting communication dated February 17, 2015 advising that an amending by-law which will update the Schedule of Reduced Speed School Zones in the Reduced-Speed School Zones By-law No. 76/2014 is submitted for all three readings.

The updated Schedule includes the following 11 new school zones which were not included in the by-law until now because additional equipment for difficult sign installation was required:

1. Ecole Provencher (Avenue de la Cathedrale)
2. Ralph Maybank School (Donnelly Street)
3. Amber Trails Community School (Templeton Avenue)
4. Constable Edward Finney School (Anglia Avenue)
5. Faraday School (St. John's Avenue)
6. Fort Rouge School (River Avenue)
7. George V School (Chalmers Avenue East)
8. Ecole Sofiya (Beliveau Road)
9. Ecole Sofiya (Worthington Avenue)
10. Faith Academy Middle School (Teakwood Avenue)
11. Lavallee School (this is not actually a new school zone, the school zone limits were changed at the west end of Beliveau to accommodate a contiguous school zone with Ecole Sofiya)

Advising that the edges of nine existing school zones have been adjusted so that the beginning of the school zone for traffic travelling in one direction will be better aligned with the end of the school zone for traffic travelling in the opposite direction. In other words, the edges of these school zones will be more closely aligned for traffic in both directions. The following schools have been affected by these adjustments:

Communications (continued):

1. Sargent Park School (Sargent Park Place)
2. Diagnostic Learning Centre (Ashland Avenue)
3. Diagnostic Learning Centre (Balfour Avenue)
4. Diagnostic Learning Centre (Fisher Street)
5. Diagnostic Learning Centre (Mabel Street)
6. Montessori Learning Centre (Ashland Avenue)
7. Montessori Learning Centre (Balfour Avenue)
8. Montessori Learning Centre (Fisher Street)
9. Montessori Learning Centre (Mabel Street)

Further advising that Council on July 16, 2014 adopted the following motion with respect to future changes to the reduced-speed school zones set out in the Reduced Speed School Zone By-law No. 76/2014:

> The Director of Legal Services and City Solicitor be authorized to bring forward directly to Council by way of a communication and without the need for review by any Standing Policy Committee or Executive Policy Committee any proposed additions, subtractions or other modifications or changes to the reduced-speed school zones created by the Reduced-Speed School Zones By-law which are made possible by changes to the Reduced-Speed School Zone Regulation, Manitoba Regulation 136/2013 or for other reasons.

Legal Services considers that all of the changes incorporated in this by-law are captured by the motion adopted by Council on July 16th, 2014. (By-law No. 34/2015)