COMMUNICATIONS

Minute No. 225
From the Acting Director of Legal Services and City Solicitor,

Submitting Communication dated March 16, 2015, advising that as a result of the name change of Waterfront Drive enacted by By-law No. 122/2013, and amended by By-law No. 107/2014, minor amendments, which are technical in nature, are required to Schedule 1 of the Traffic By-law No. 1573/77 and Schedule E of the Streets By-law No. 1481/77 to change the references therein from Waterfront Drive to Israel Asper Way, which by-law may receive all three readings. (By-law No. 10/2015)

Minute No. 226
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Further advising that the three by-laws now being repealed amended two other by-laws – the North Henderson Highway Secondary Plan By-law No. 1300/1976 and Schedule B of the Zoning By-law No. 200/2006. However, the by-laws being repealed were declared invalid and were quashed by a decision of Mr.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.

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to clear up any confusion, Legal Services has determined that the best course of action is to have the quashed by-laws repealed and to explicitly revive the provisions of the North Henderson Highway Secondary Plan By-law No. 1300/1976 and Schedule B of the Zoning By-law No. 200/2006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)

Communications (continued):

Minute No. 227
From the Acting Director of Legal Services and City Solicitor,

Submitting Communication dated March 16, 2015, advising that By-law No. 31/2015 introduces some new fees, increases the amount of existing fees and adjusts the services provided in exchange for fees in five by-laws.

With one exception, which is discussed below, all of the amendments made by in this By-law are set out in Appendix 9 of the Budget approved by Executive Policy Committee to Council.

The Budget necessitated numerous amendments to Schedule B to the Waterworks By-law, for simplicity's sake, the entirety of that Schedule, with the amendments necessitated by the Budget, is attached as a Schedule to the By-law. Please note that additional changes to the fees and charges set out on this Schedule will be proposed in the coming months.

Please note as well that there remain several fees approved in the Budget which will require by-law amendments but which are not addressed in the by-law. These fees are all scheduled to take effect on July 1, 2015. I have confirmed with the relevant departments that reports proposing these necessary by-law amendments will be brought forward for consideration by the relevant Standing Committee and Council prior to that date.

The one exception to the rule that the amending By-law only includes amendments set out in the Budget is in clause 5(1)(c) of the By-law, which amends s. 133 of the Planning, Development and Building Fees By-law. Section 133 currently provides for fees for permits for backflow prevention devices with test cocks for the years 2012, 2013 and 2014. Unfortunately, it fails to indicate the amount of the fee for 2015. To correct this oversight, By-law No. 31/2015, which by-law may receive all three readings, sets out the fees retroactive to January 1, 2015. Other than an increase for inflation in accordance with Council's directions, the fee is the same as in 2014. (By-law No. 31/2015)

Minute No. 228
From the Acting Director of Legal Services and City Solicitor,

Submitting as instructed by Council on February 25, 2015, draft By-law, to acquire land for the purpose of construction of the Southwest Rapid Transit Bus Corridor including widening Markham Road, Southpark Drive, Seel Avenue, Chancellor Drive and Pembina Highway, in the City of Winnipeg, in Manitoba, which by-law may receive all three readings. (By-law No. 33/2015)

Communications (continued):

Minute No. 229
From the Acting Director of Legal Services and City Solicitor,

Submitting as instructed by Council on February 25, 2014, draft By-law, to approve a plan of subdivision for land located at Elizabeth Road at Plessis Road in the Riel Community, which by-law may receive all three readings.
File DAS 19/2013 (By-law No. 41/2015)