Minute No. 441
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 6, 2017

Item No. 14 Report to Re-establish the Fee for Appeals under the Vacant Buildings By-law 79/2010

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development Committee and adopted the following:

1. That the previously-approved $250 administration fee for the filing of an appeal of an order made under the Vacant Buildings By-law 79/2010, refundable if the Standing Policy Committee hearing the appeal concludes that the appeal is being made in good faith and has some merit, be reestablished.

2. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 6, 2017

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 14, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 6, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: ***Report to Reestablish the Fee for Appeals under the Vacant Buildings By-law 79/2010***

Critical Path: SPC on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
W. Yee	C. Fernandes	n/a	D. McNeil

EXECUTIVE SUMMARY

The Public Service is requesting Council approval to reestablish a previously-approved administrative fee for the filing of an appeal of an order under the *Vacant Buildings By-law 79/2010*, to support the effective administration and timely enforcement of the By-law. On December 6, 2006, Council approved the establishment of a $250 administrative fee for the filing of an appeal of an order of the former *Vacant and Derelict Buildings By-law No. 35/2004* (December 6, 2006). The appeal fee was unintentionally omitted from the new fee schedule of the *Vacant Buildings By-law 79/2010,* which came into effect on July 21, 2010, and replaced *By-law No. 35/2004.*

RECOMMENDATIONS

1. That Council reestablish the previously-approved $250 administration fee for the filing of an appeal of an order made under the *Vacant Buildings By-law 79/2010*, refundable if the Standing Policy Committee hearing the appeal concludes that the appeal is being made in good faith and has some merit.
2. That the proper officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Council approval is required to reestablish an existing fee.

IMPLICATIONS OF THE RECOMMENDATIONS

The collection of an appeal fee will have no significant implications, as the number of appeals has been between 1 and 3 in each year since enactment of the By-law in 2010. It is anticipated that some fees may be refunded by the hearing body, for appeals made in good faith and having some merit.

HISTORY/DISCUSSION

On July 21, 2010, Council approved a new Vacant Buildings By-law, to regulate the condition of vacant buildings and to discourage the boarding of vacant buildings. Also approved by Council at this time was a new fee schedule for activities related to enforcement of new standards prescribed for vacant buildings (boarding, inspections, etc.). Although Council had previously approved the establishment of a $250 administrative fee for the filing of an appeal of an order of the former *Vacant and Derelict Buildings By-law No. 35/2004* (December 6, 2006), the appeal fee was unintentionally omitted from the proposed new fee schedule.

An appeal fee means that the administrative costs associated with an appeal are at least partially borne by the appellant. Besides defraying the City's costs, this helps to deter appeals that are solely designed to delay compliance with an order to comply with the By-law. At the same time, the fact that an appeal fee can be refunded by the appeal body means that good faith appeals with some merit will not be discouraged by cost factors.

The City of Winnipeg Charter permits the establishment of appeal processes, and associated fees, where an order or decision has been directed to a property owner, or person responsible, for a property in the City of Winnipeg. Appeal fees exist for many other City of Winnipeg by-laws, including:

- Neighbourhood Liveability By-law
- Fire Prevention By-law
- Doing Business in Winnipeg By-law
- Sewer By-law
- Water By-law
- Solid Waste By-law
- Impact Fee By-law
- Responsible Pet Ownership By-law

FINANCIAL IMPACT

Report to Re-establish a Fee for Appeals under the Vacant Buildings By-law 79/2010

COMMENTS:

There are minimal financial implications with respect to the recommendations of this report. The appeal hearing body may refund the appeal fee, where the appeal is made in good faith, and has merit.

Original signed by K. Lemoine
Kelly Lemoine, CPA, CA
Manager of Finance & Administration
Community Services Department

CONSULTATION

This Report has been prepared in consultation with:

Legal Services (as to legal issues)
City Clerk's

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg 01-4 Housing, Direction 4: Provide leadership in encouraging and enforcing property related housing standards that create and promote safe living conditions for homeowners, tenants and for communities as a whole:

- Assist landlords and homeowners to maintain safe housing through information, inspections, and where necessary, by-law enforcement.
- Help maintain a community sense of well-being and safety by responding to community requests for enforcing liveability and property standards and derelict buildings in a cooperative and timely way.
- Promote and enforce the requirement of the permit and inspection processes for property related construction as a mechanism to ensure that appropriate building codes and other public safety standards are being maintained.

SUBMITTED BY

Department: Community Services
Division: Community By-law Enforcement Services
Prepared by: Marcia Fifer, Licensing Coordinator
Date: April 28, 2017
File No: CMS-2016-57