Winnipeg

Legal Services Department • Services juridiques

INTER-OFFICE MEMORANDUM

TO:	**Marc Lemoine** City Clerk	**FROM:**	**Harold Dick** Legal Services
FILE:	G.3/2018(49)	**DATE:**	January 11, 2019

RE: Municipal By-law Enforcement Act (MBEA)
Technical amendments to Schedule A

Please find attached a by-law which makes technical amendments to the Municipal By-law Enforcement Act (MBEA) Enabling By-law.

There are three amendments being made:

- The current reference to s. 12(2) of the Winnipeg Parking By-law in a table which forms part of Schedule A of the By-law is incorrect. The proper reference is to s. 12(1) and the attached amending by-law makes that correction.

- Schedule A of the By-law references provisions in the Fire Prevention By-law No. 150/2004. A new Fire Prevention By-law was enacted by Council in 2017 and these references are therefore out of date. Although the current outdated references are not problematic legally due to the operation of s. 41 of *The Interpretation Act*, bringing these references up to date will alleviate any potential confusion or uncertainty concerning their applicability to the new By-law.

- Technical amendments made in February to the table in Schedule A applicable to Vehicles for Hire offences incorrectly amended the table in the Vehicles for Hire By-law rather than the table in the MBEA Enabling By-law. The attached amending by-law replaces this table in the MBEA Enabling By-law with the up-to-date table.

These changes are technical rather than substantive in nature and this amending by-law can therefore be brought to Council's attention for enactment by way of a communication.

I should note that this amending By-law was sent to Council on December 5, 2018 but, rather than being placed on Council's agenda for its December 13, 2018 meeting as a communication, was inadvertently attached to a report to which it was not related. As a result, Council referred it back to Legal Services and did not enact it at that meeting. Legal Services is providing it again, unchanged except for the date of enactment.

If you have any questions, feel free to contact the writer.

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HAROLD DICK
Solicitor

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Enclosure