Minute No. 78
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 18, 2019

Item No. 2 Historical Resources By-law Amendments

COUNCIL DECISION:

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

1. That the Council Motions of October 24, 2019 be received as information.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 18, 2019

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 3, 2019, the Executive Policy Committee recommended that the Council Motions of October 28, 2019 be received as information, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 18, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development submitted the matter to the Executive Policy Committee and Council without recommendation.

On October 28, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid the matter over to its meeting on November 18, 2019.

COUNCIL DECISION:

On October 24, 2019, Council referred the Notice of Motion and proposed amending motion to the Standing Policy Committee on Property and Development, Heritage and Downtown Development, namely:

Moved by Councillor Klein,
Seconded by Councillor Lukes,

WHEREAS Historical Resources By-law 54/2014 (the By-law) establishes the procedures for the preservation of the City's heritage buildings and structures, including the process for listing/removing buildings from the List of Historic Resources;

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 18, 2019

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

AND WHEREAS the By-law allows the Director of Planning, Property and Development to nominate a resource (building/structure) which is not a single family residential building, to be added to the List of Historic Resources, without the consent of the owner;

AND WHEREAS once a resource is nominated, the owner is prohibited from altering or demolishing their building until the nomination is considered by the Historic Buildings Committee and Council, a process that can take up to 36 months;

AND WHEREAS during this period, the property may sit in limbo as the owner is prevented from developing their property to its full and best use, is forced to incur maintenance costs and still pay property taxes to the City, which essentially amounts to expropriation without compensation;

THEREFORE BE IT RESOLVED That the Historical Resources By-law 54/2014 be amended to require that any building or structure that the Director of Planning, Property and Development wishes nominate to be added to the List of Historic Resources, without the consent of the owner, shall be submitted to Council for confirmation of the nomination, by way of a two thirds vote in the affirmative.

Moved by Councillor Klein,
Seconded by Councillor Lukes,

WHEREAS at the Council meeting held on September 26, 2019, Council was presented with a Notice of Motion regarding a proposed amendment to the Historical Resources By-law 55/2014:

AND WHEREAS the third "WHEREAS" of said motion stated that:

"once a resource is nominated, the owner is prohibited from altering or demolishing their building until the nomination is considered by the Historic Buildings Committee and Council, a process that can take up to 36 months;"

AND WHEREAS the Winnipeg Public Service has advised that although the original version of the Historical Resources By-law did allow for up to 36 months to review and make recommendations concerning a nominated resource, the by-law has been updated to reduce the review period to up to 12 months;

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 18, 2019

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

AND WHEREAS the Winnipeg Public Service has further advised that once nominated the owner is prohibited from demolishing the building, but alterations are permitted;

THEREFORE BE IT RESOLVED that the recommendation contained in the Notice of Motion presented at the Council meeting held on September 26, 2019, regarding a proposed amendment to the Historical Resources By-law No. 55/2014, be amended by deleting all of the wording after "RESOLVED" and replace with the following:

"that the Historical Resources By-law No. 55/2014 be amended to require a two thirds vote of Council in the affirmative to add any building or structure to the List of Historic Resources, if the owner is opposed to the listing."