Agenda – Executive Policy Committee – September 21, 2020

REPORTS

Item No. 8 Impact Fee

COUNCIL DECISION:

On July 23, 2020, Council ruled automatic referral of the following motion to the Executive Policy Committee:

Moved by Councillor Klein,
Seconded by Councillor Nason,

WHEREAS Justice James Edmond ruled that the City of Winnipeg impact fee was an "invalid indirect tax."

AND WHEREAS Justice James Edmond further directed the City of Winnipeg to refund developers and builders, including any interest the funds earned while the city held them reserve;

AND WHEREAS Justice James Edmond directed the City of Winnipeg to "refund the impact fees to persons that made the payments;

AND WHEREAS City of Winnipeg officials have not indicated an appeal will be filed against Justice Edmond's decision;

WHEREAS it would be unlawful to back date tax or fee collections;

THEREFORE BE IT RESOLVED THAT the Chief Administrative Officer be directed to expedite the repayment to residents, developers, and builders the specific impact fees each paid plus interest within 90 days.

BE IT FURTHER RESOLVED THAT the Mayor establish a working group within 90-days comprised of senior administrators, the chair of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the members of council representing the top five areas of current home development within the last five years and industry stakeholders to determine an appropriate fee for new home construction development.