Agenda - Council - April 21, 2004

Report - Executive Policy Committee - April 7, 2004

Item No. 1 Proposal to Regulate the Condition and Maintenance of All Vacant Buildings
File EX

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 7, 2004, the Executive Policy Committee concurred in the administrative recommendation and submits the following to Council:

1. That second and third readings be given to the proposed Vacant and Derelict Buildings By-law No. 35/2004, incorporating one amendment, which would establish the coming into effect date as July 1, 2004.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary text to give effect to the proposed amendment.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Executive Policy Committee - April 7, 2004

DECISION MAKING HISTORY:

On April 7, 2004, the Executive Policy Committee concurred in the administrative recommendation and submitted the matter to Council.

PUBLIC HEARING SUMMARY

File: EX

Before: Executive Policy Committee
His Worship Mayor Murray, Chairperson
Deputy Mayor Vandal
Councillor Clement
Councillor Eadie
Councillor Gerbasi
Councillor Steeves
Councillor Thomas

Public Hearing: April 7, 2004
West Committee Room
Council Building, 510 Main Street

Applicant: Director of Planning, Property and Development

Subject: Proposal to Regulate the Condition and Maintenance of All Vacant Buildings

Exhibits Filed:

1. Council Decision of February 25, 2004; containing report from the Director of Planning, Property and Development and Fire and Paramedic Chief dated January 27, 2004
2. First Reading of By-law No. 35/2004 by Council on February 25, 2004
3. Advertising Notices dated March 19, 2004
4. Report from the Director of Planning, Property and Development dated March 30, 2004
5. Communication from The Winnipeg Real Estate Board in opposition to the application
6. Communication from the Spence Neighbourhood Association, Inc. in support of the application
7. Communication from The Canadian Real Estate Association in opposition to the application
8. Communication from Sue Ziemski, William Whyte Residents' Association, in support of the application
9. Communication from Annette Champion-Taylor, on behalf of William Whyte Residents' Association, in support of the application

REPRESENTATIONS:

In Support:

Annette Champion-Taylor, on behalf of William Whyte Residents' Association
Sue Ziemski, on behalf of William Whyte Residents' Association
Rev. H. Lehotsky
Don Miedema, Spence Neighbourhood Association, Inc.

In Opposition:

Michael Falk, Winnipeg Real Estate Board
Cliff King, President, Winnipeg Real Estate Board
Ken Porter, Winnipeg Real Estate Board
Peter Squire, Winnipeg Real Estate Board
Ralph Fyfe, Regional Director, The Canadian Real Estate Association
David Humphreys, Federal Affairs Advisor, The Canadian Real Estate Association
Alan Tennant, Vice-President, The Canadian Real Estate Association
(Co-Chair, Federal Affairs Committee)
Lorne Weiss, Chair Political Action, The Manitoba Real Estate Association

For Information:

J. G. McCullough
Marina Plett-Lyle
David H. Lyle
John Hunsberger

For the City:

Garry Solkoski, Housing and Existing Buildings Administrator, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Sue Ziemski, on behalf of William Whyte Residents' Association, was heard in support of the proposed Vacant and Derelict Buildings By-law, and read into the record her presentation, filed as Exhibit 8.

Don Miedema, Spence Neighbourhood Association Inc., was heard in support of the proposed Vacant and Derelict Buildings By-law, and submitted a written presentation, filed as Exhibit 6.

Peter Squire, Ken Porter and Michael Falk, Winnipeg Real Estate Board, were heard in opposition to the proposed Vacant and Derelict Buildings By-law, and submitted a written presentation, filed as Exhibit 5.

Alan Tennant, Vice-President, Canadian Real Estate Association (Co-Chair, Federal Affairs Committee) and David Humphreys, Federal Affairs Advisor, Canadian Real Estate Association, and submitted a written presentation, filed as Exhibit 7.

Reverend Lehotsky, was heard in support of the proposed Vacant and Derelict Buildings By-law.

Annette Champion-Taylor, on behalf of William Whyte Residents' Association, was heard in support of the proposed Vacant and Derelict Buildings By-law, and read into the record her presentation, filed as Exhibit 9.

Exhibit "4" referred to in File EX

Re: The Vacant and Derelict Buildings By-law

For submission to: Executive Policy Committee

Original report signed by: Director of Planning, Property and Development & Fire & Paramedic Chief

Report date: March 30, 2004

Recommendation(s):

1. That Council give second and third readings to the proposed Vacant and Derelict Buildings By-law incorporating one amendment, which would establish the coming into effect date as July 1st, 2004.
2. That the City Solicitor be instructed to prepare the necessary text to give effect to the proposed amendment.

REPORT SUMMARY

Key Issues:

- Subsequent to the public hearing by Executive Policy Committee, Council must give second and third readings to the by-law at two separate meetings of Council.

- Specifying July 1st, 2004 as the date the By-law comes into force would allow the Administration to conduct an information campaign about the By-law, including the publication of informational materials and advertising, and to conduct staff training based on the by-law's finalized version.

Implications of the Recommendation(s):

General implications:

	None
X	**For the organization overall and/or for other departments**
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

- By establishing the effective date of the by-law as July 1st, 2004, both the Fire Paramedic Service Department and the Planning, Property and Development Department will be able to prepare for the implementation of the by-law in its finalized form. The public will not be required to comply with the By-law until July 1, 2004.

Policy implications:

	No
X	**Yes**

Comment(s):

-

Environmental implications:

X	**No**
	Yes

Comment(s):

-

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

-

REASON FOR THE REPORT:
Subsequent to the public hearing by Executive Policy Committee, Council must give second and third readings to the by-law at separate meetings of Council.

The proposed implementation date of July 1, 2004 must be included in the By-law.

HISTORY:
The City of Winnipeg Charter requires that a by-law that allows the City to take title to derelict property without compensation to the owner must undergo three readings at three separate Council meetings and that a public hearing by Executive Policy Committee must be held before second and third readings can take place.

On February 25th, 2004, Council gave first reading to the Vacant and Derelict Buildings By-law.

DISCUSSION:
The Administration is recommending the effective date of the by-law be established as July 1st, 2004. This will allow some lead time after the by-law is passed for the Administration to arrange and conduct staff training, and implement a public information campaign.

Financial Impact Statement

Date:

Project Name:

First Year of Program 0

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
External	-	-	-	-	-
Grants (Identify)	-	-	-	-	-
Reserves, Equity, Surplus, Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

"Original signed by"
Gord Courage, Manager
Support Services Division

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Legal Services Division, Corporate Services Department

Director of Fire Prevention, Fire Paramedic Service

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections Division
Prepared by: Garry Solkoski, Housing & Existing Buildings Administrator
PPD File #:

Document name: O:/Reports Directive/Development and Inspections/Housing & Existing Buildings/Vacant Buildings Report To EPC March 26