Minute No. 298
Report – Executive Policy Committee – March 16, 2022

Item No. 15 School Division Litigation

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That should the Court of Queens Bench determine that school division properties with clinician offices are not exempt from paying City of Winnipeg property taxes, the Public Service be directed to report back to Council within 90 days of the Court decision being rendered on the following:

    A. The cost of granting back to the respective school divisions the annual City of Winnipeg property tax revenue for those properties with clinician offices.

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

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted.

Councillor Rollins called for the yeas and nays, which were as follows:

Yea: Councillors Browaty, Chambers, Eadie, Gilroy, Mayes, Orlikow, Rollins, Santos, and Schreyer 9

Nay: His Worship Mayor Bowman, Councillors Gillingham, Klein, Nason and Lukes, 5

and the Item was declared carried.

David Grant submitted a communication in opposition to the matter.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2022, the Executive Policy Committee passed the following motion:

WHEREAS the City of Winnipeg is involved in litigation at the Court of Queen's Bench with several school divisions within City boundaries pertaining to the issue of whether certain school properties are exempt from city property taxes pursuant to an interpretation of s. 22(1)(d) of the provincial Municipal Assessment Act;

AND WHEREAS some of the properties involved in the litigation are in dispute because they contain offices for clinicians (e.g. social workers, audiologists, speech language pathologists);

AND WHEREAS clinicians are an important part of modern education, even if the Court of Queen's Bench ultimately finds that such offices do not qualify for exemptions under the Municipal Assessment Act;

THEREFORE BE IT RESOLVED that the Executive Policy Committee recommend to Council:

1. That should the Court of Queens Bench determine that school division properties with clinician offices are not exempt from paying City of Winnipeg property taxes, the Public Service be directed to report back to Council within 90 days of the Court decision being rendered on the following:

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DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

A. The cost of granting back to the respective school divisions the annual City of Winnipeg property tax revenue for those properties with clinician offices.

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

and submitted the matter to Council.