Winnipeg

Legal Services Department • Services juridiques

INTER-OFFICE MEMORANDUM

TO:	**Carlos Gameiro** City Clerks	**FROM:**	**Campbell MacLean** Legal Services
FILE:	G.1/2024(106)	**DATE:**	April 10, 2024

RE: Parks By-law No 85/2009 & Public Transit By-law No. 89/2014 – Technical Amendment

Please find attached the above-referenced By-law amendment.

It has come to our attention that the Parks By-law and the Public Transit By-law require updates in order to remove by-law provisions authorized by a now-repealed provision of *The Trespass Act*.

Subsections 36(3) of the Parks By-law and subsections 23(3) and 24(7) of the Public Transit By-law (the "Provisions") were originally included in their respective by-laws in order to authorize officers of the Winnipeg Police Service to apprehend certain trespassers on City property without warrant, in accordance with section 2 of *The Petty Trespasses Act.*

In 2021, *The Petty Trespasses Act* was renamed *The Trespass Act.* As a result of the 2021 amendments, *The Trespass Act* no longer provides authority for peace officers to apprehend certain trespassers without warrant. As such, the authorities set out in subsections 23(3) and 24(7) of the Public Transit By-law and subsection 36(3) of the Parks By-law, are no longer effective and must be removed.

Given the above, we believe that it would be appropriate for this matter to be corrected by way of technical amendment. Please place the within By-law before Council for reading at its meeting scheduled for April 25, 2024. An electronic copy of the By-law has been provided by my assistant to Jennifer Ridge and Lorraine King via email.

If you have any questions, feel free to contact me.

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Campbell MacLean
Solicitor

CM/mr
Enclosure