Minutes – Executive Policy Committee – September 17, 2024

Report – Standing Policy Committee on Property and Development – September 13, 2024

Item No. 4 Concurrence of Prioritized List of Issues with Recent Legislative Changes to the City of Winnipeg Charter Act

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the prioritized list of issues with recent legislative changes to The City of Winnipeg Charter Act, as identified in Appendix A, be approved as items for discussion during the Province's review of Bills 37 and 34.

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

Report – Standing Policy Committee on Property and Development – September 13, 2024

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 13, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

David Grant submitted a communication in opposition to the matter.

ADMINISTRATIVE REPORT

Title: Concurrence of Prioritized List of Issues with Recent Legislative Changes to the City of Winnipeg Charter Act

Critical Path: Standing Policy Committee on Property and Development - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
H. Borys	H. Borys	T. Graham	S. Armbruster Interim CAO

EXECUTIVE SUMMARY

Bills 37 and 34 came into effect on October 29, 2021, and September 1, 2023, respectively. Both pieces of legislation made changes to *The City of Winnipeg Charter Act* (The Charter) and require the Province to undertake a review, in consultation with the City, in advance of October 29, 2024. The Province's review is now underway.

The Public Service seeks Council concurrence on the prioritized list of issues identified with the recent legislation (as provided in Appendix A).

It is important to note that the Public Service has identified "issues" not to predetermine Council's stance but to provide a starting point to facilitate Council providing formal direction on the many elements of recent Provincial legislation. It is anticipated that Council will either concur with the issues as identified by the Public Service or provide further direction that will ultimately be communicated to the Province of Manitoba.

Members of Council and the Public Service participate on a number of working groups and public bodies, including the Association of Manitoba Municipalities and the Winnipeg Metro Region, that are currently reviewing/discussing issues related to recent legislated changes resulting from proclamation of Bills 37 and 34, so it will be advantageous for all to have a Council-endorsed position on the issues identified by the Public Service.

RECOMMENDATIONS

1. That the prioritized list of issues with recent legislative changes to *The City of Winnipeg Charter Act*, as identified in Appendix A, be approved as items for discussion during the Province's review of Bills 37 and 34.

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

REASON FOR THE REPORT

Provincial Bills 37 and 34, which proposed amendments to *The City of Winnipeg Charter Act*, came into effect in October 2021 and September 2023 respectively. Both amending pieces of legislation require the Province to undertake a comprehensive review in advance of October 29, 2024, and table a report in the Legislature by 2025. The Public Service is seeking Council concurrence on issues identified with the recent legislation by the Public Service.

IMPLICATIONS OF THE RECOMMENDATIONS

Council concurrence with the prioritized list of issues identified will provide the Public Service with a clear position on recent amendments to *The City of Winnipeg Charter* Act as per Bills 37 and 34 - *The Planning Amendment and City of Winnipeg Charter Amendment Act,* and *The City of Winnipeg Charter Amendment and Planning Amendment Act* respectively. This position will be brought forward during discussions related to the Province's comprehensive review of recent legislated changes to *The City of Winnipeg Charter.*

HISTORY/DISCUSSION

On May 8, 2019, by way of Manitoba Order in Council 157/2019, the Treasury Board was assigned to carry out a review of policies and processes for land use and development under the authority of Manitoba statutes and municipal by-laws, including zoning decisions and the issuance and administration of permits.

On May 28, 2019, The Treasury Board Secretariat released the "Planning, Zoning and Permitting in Manitoba – Findings Report" (the "PZP Report"). The PZP Report, with few specific details or references, included an analysis of current systems in Manitoba, cross jurisdictional best practices, and an assessment of how permitting timeframes impact economic investment within the province. The PZP Report outlined the Province's interest in further consultation and provincial involvement in helping to improve planning, zoning and permitting processes in Manitoba.

On March 19, 2020, the Legislative Assembly of Manitoba gave first reading to Bill 48 - *The Planning Amendment and City of Winnipeg Charter Amendment Act*.

On May 29, 2020, Council considered a report on Bill 48 from the Public Service and adopted the following:

1. That the Public Service be directed to attend the Provincial Standing Committee Hearing for Bill 48 to present City of Winnipeg concerns and seek clarification on the content of the Bill and anticipated Regulations.

2. That the Chief Administrative Officer request the Province of Manitoba include the City of Winnipeg in active collaboration to ensure appropriate amendments to Bill 48 are considered in order to minimize increased costs and disruption to operations and customers.

3. That City Council formally request the Province of Manitoba consider amendments to Bill 48 in order to:

   A. Provide local residents impacted by a decision, in addition to property owners, with the right of appeal to the Municipal Board on municipal land use decisions;

   B. Provide criteria for the Municipal Board to consider in adjudicating appeals, including whether an application is in compliance or non-compliance with local plans, policies and by-laws;

   C. Ensure that the required timeframes for decisions on the applications covered in the Bill are fair and reasonable for all stakeholders;

   D. Maintain the role and autonomy of local governments by providing them with an opportunity to re-visit and make new decisions on land use applications, based on the findings of the Municipal Board made following an appeal; and

   E. To provide further detail related to the sharing of costs, revenues and other benefits associated with, but not limited to, land use planning, infrastructure investment, service sharing and economic development by municipalities and First Nations governments within the Capital Planning Region.

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

On October 6, 2020, having only received first reading, Bill 48 was deemed defunct when the Legislative Session was prorogued by Order-in-Council.

On November 2, 2020, the Province of Manitoba gave first reading to Bill 37 - *The Planning Amendment and City of Winnipeg Charter Amendment Act* which reintroduced the former Bill 48 with a number of amendments.

On January 28, 2021, Council directed the Winnipeg Public Service to report back to Council with a report on Bill 37 that identifies major changes from its predecessor (Bill 48) and any aspects of Bill 37 that may require formal direction or input from Winnipeg City Council.

On March 24, 2021, Council concurred in the position of the Public Service on Bill 37 with amendments related to ensuring that The City of Winnipeg's voting weight on the Capital Planning Region Board is reflective of population, and any financial support provided to the Capital Planning Region be subject to annual Council approval as part of the budget process.

On October 29, 2021, most of *The Planning Amendment and City of Winnipeg Charter Amendment Act* (Bill 37) came into effect. Unproclaimed sections of this legislation include providing the ability to require development agreements on development permits related to a 'prescribed major development' or a development requiring upgrades to public infrastructure.

On September 1, 2023, *The City of Winnipeg Charter Amendment and Planning Amendment Act* (Bill 34) came into effect. Amendments clarified timelines for application processing, altered language related to the refusal vs rejection of applications, altered wording related to conformance of a zoning by-law to OurWinnipeg and secondary plans, added rules for who may

apply for secondary plans, including how a secondary plan application is evaluated and processed.

Both amending pieces of legislation require the Province to undertake a comprehensive review in advance of October 29, 2024, and table a report in the Legislature by 2025. The Province has since engaged a Consultant who has contacted the Public Service.

The Public Service has prepared a prioritized list of issues with recent legislation to be raised during discussions with the Province's Consultant (See Appendix A – Issues). These issues relate to the newly established rules, role and function of the Municipal Board, wording changes that impact the interpretation of existing processes, the ability to attach development agreements to building permits, clarification of rules related to secondary plans, as well as clarification on a number of other items.

The Public Service seeks concurrence with Council's position on issues identified with both pieces of recent legislation in advance of engaging with the Province's consultant.

FINANCIAL IMPACT

Financial Impact Statement

Date: August 8, 2024

Project Name:

Concurrence of Prioritized List of Issues with Recent Legislative Changes to the City of Winnipeg Charter Act

COMMENTS:

There are no direct financial implications associated with this report.

MikeMcGinn Aug. 8, 2024
Mike McGinn, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with: N/A

OURWINNIPEG POLICY ALIGNMENT

Goal: Leadership and Good Governance
Objective:

2. Promote trust and government responsiveness through meaningful, inclusive and informed community engagement.

Build trusting and responsive relationships… …with government bodies, including Indigenous, Federal, and Provincial governments.

Policy:

1.5 Evidence-Informed Decisions

…improve process efficiency, results-based service delivery and accountability.

Goal: Economic Prosperity
Objective:

1. Ensure transparent and predictable conditions are in place to support desired business growth through attraction, investment, and retention.

Policy:

3.1 Strategic Enterprise Supports

Provide a predictable and supportive regulatory framework to facilitate growth of existing and new enterprises that demonstrate a commitment to innovation, local employment, workforce diversity, and community reinvestment.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Climate Action Plan (CAP), and it was determined that the CAP is not applicable to this specific report.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS) and its Goals and Objectives, and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning Division
Prepared by: James Platt
Date: August 8, 2024

Attachment:

Appendix A – Issues