Minutes – Council – October 24, 2024

Minute No. 491
Report – Executive Policy Committee – October 16, 2024

Item No. 2 **Amendments to Vacant Buildings By-law No. 79/2010, Fire Prevention By-law 35/2017 and Revised Fee Structure for Vacant Building Fire Response Fees**

COUNCIL DECISION:

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

1. That Council enact a by-law to amend the Vacant Buildings By-law No. 79/2010 and the Fire Prevention By-law 35/2017, a draft of which is attached as Schedule A to this report, with the following amendments:

    A. Delete clause 78 and replace with the following:

        78 Subject to section 79, upon application by any person that incurred original fees, the designated employee shall cancel the original fees and the applicant shall be required to pay the following fire protection service fees:

            (a) $10,000.00, if the original fees were imposed with respect to the first eligible vacant building fire to occur on the subject property after March 1, 2023;

            (b) $20,000.00, if the original fees were imposed with respect to the second eligible vacant building fire to occur on the subject property after March 1, 2023;

            (c) $30,000.00, if the original fees were imposed with respect to the third eligible vacant building fire to occur on the subject property after March 1, 2023; or

            (d) $50,000.00 if the original fees were imposed with respect to the fourth or subsequent eligible vacant building fire to occur on the subject property after March 1, 2023

        but the designated employee must not accept an application for opt-in unless that application is submitted prior to January 1, 2025.

2. Subject to approval of Recommendation 1, that the fire protection service fees set out in Revised Schedule B (attached) be approved, effective immediately.

Report – Executive Policy Committee – October 16, 2024

COUNCIL DECISION (continued):

3. That the City of Winnipeg request the Province of Manitoba to amend existing legislation to allow fire protection service fees to be added to the real property taxes of vacant properties within the City of Winnipeg.

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

Report – Executive Policy Committee – October 16, 2024

DECISION MAKING HISTORY:

Moved by His Worship Mayor Gillingham,
That the recommendation of the Executive Policy Committee be adopted.

Carried

Councillor Wyatt asked to be recorded as having voted against the item in accordance with Rule 47(7) of the Procedure Bylaw.

David Grant submitted communication with respect to the matter.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 16, 2024, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Delete Recommendations 1 and 2 in their entirety and replace with the following:

    1. That Council enact a by-law to amend the Vacant Buildings By-law No. 79/2010 and the Fire Prevention By-law 35/2017, a draft of which is attached as Schedule A to this report, with the following amendments:

        B. Delete clause 78 and replace with the following:

            78 Subject to section 79, upon application by any person that incurred original fees, the designated employee shall cancel the original fees and the applicant shall be required to pay the following fire protection service fees:

                (a) $10,000.00, if the original fees were imposed with respect to the first eligible vacant building fire to occur on the subject property after March 1, 2023;

                (b) $20,000.00, if the original fees were imposed with respect to the second eligible vacant building fire to occur on the subject property after March 1, 2023;

Report – Executive Policy Committee – October 16, 2024

DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

(c) $30,000.00, if the original fees were imposed with respect to the third eligible vacant building fire to occur on the subject property after March 1, 2023; or

(d) $50,000.00 if the original fees were imposed with respect to the fourth or subsequent eligible vacant building fire to occur on the subject property after March 1, 2023

but the designated employee must not accept an application for opt-in unless that application is submitted prior to January 1, 2025.

2. Subject to approval of Recommendation 1, that the fire protection service fees set out in Revised Schedule B (attached) be approved, effective immediately.

and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Amendments to Vacant Buildings By-law No. 79/2010, Fire Prevention By-law 35/2017 and Revised Fee Structure for Vacant Building Fire Response Fees

Critical Path: Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
L. Gilmour	C. Schmidt	T. Graham	M. Jack

EXECUTIVE SUMMARY

On January 26, 2023, Council amended the Vacant Buildings By-law to allow for the Winnipeg Fire Paramedic Service (WFPS) to recover fire response costs for fires in vacant buildings meeting outlined qualifications. The WFPS implemented this policy in early March 2023 and has since identified some concerns with the current implementation of the fee recovery policy. The purpose of this report and by-law amendment is to address the identified issues.

The initial goal of the cost recovery for vacant building fires was to encourage property owners to take action and to address the significant increase in vacant building fires and subsequent associated response costs. However, to date the fees have not reduced vacant building fire occurrences and, in some cases, had negative impacts by discouraging further action on building renovations – potentially leading to repeat fires. Additionally, payment of the fees has been low and many have resulted in lengthy reviews and complaints, requiring more resources in administration and not achieving cost recovery.

The WFPS is recommending removal of the fire response fees from the Vacant Buildings By-law and placement of them in the Fire Prevention By-law 35/2017. Additionally, it is proposed to move the fees to a set fee structure and implement a waiver process to address these concerns and further encourage redevelopment of housing properties and payment of fire response fees.

The change in fee structure will result in a correction of revenue recorded during 2023. This will involve writing off revenue balances in 2024 once the by-law amendment is adopted. This will create an estimated net cost of $900,000, which will be included within the department's over-expenditure request for 2024 as it is unlikely to be found within existing budget approvals.

RECOMMENDATIONS

1. That Council enact a by-law to amend the Vacant Buildings By-law No. 79/2010 and the Fire Prevention By-law 35/2017, in accordance with this report, a draft of which is attached as Schedule A to this report.

2. Subject to approval of Recommendation 1, that the fire protection service fees set out in Schedule B be approved, effective immediately.

3. That the City of Winnipeg request the Province of Manitoba to amend existing legislation to allow fire protection service fees to be added to the real property taxes of vacant properties within the City of Winnipeg.

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

REASON FOR THE REPORT

The current application of vacant building fire response fees has resulted in a low percentage of fees being paid and may be discouraging property owners from redeveloping after expensive fires. The proposed amendments will lower fees, creating a greater chance of payment, without adversely impacting renovation plans, and introducing a mechanism for waiving fees in appropriate situations.

The additional recommendation of advocating to the Province of Manitoba to amend existing legislation raises a potential option to strengthen the City's ability to collect payment on eligible fees.

Council approval is required to approve by-law amendments and formally request that the Province of Manitoba make amendments to its legislation.

IMPLICATIONS OF THE RECOMMENDATIONS

Financial Implications

In 2023, approximately $1,200,000 (excl. GST) in fees has been recorded as revenue to be recovered from property owners. Under the proposal outlined in this report, the fees would be reduced to approximately $250,000 to $300,000. This means that $900,000 will be written off in 2024 once the by-law amendment is adopted and the cost included within the Department's over-expenditure report. Where properties are eligible for a waiver or reduction of fees, the write-off amount will increase accordingly.

Resource Implications

The current fee structure has proven to be very resource-intensive. This administrative burden is driven by the complexity of accurately assessing the fees based on apparatus attendance at the scene, and responding to inquiries on the high fees. The proposed fixed-fee structure should eliminate much of the administrative effort involved in assessing the fees, and would create a consistent and manageable process for responding to complaints, including a mechanism to waive fees in appropriate situations.

HISTORY/DISCUSSION

History of the Cost Recovery on Vacant Fire Response Fees

The City of Winnipeg initiated billing for eligible fires at vacant properties as of March 1, 2023. To be eligible, properties must have an open Schedule A inspection on file, the fire must not have originated on a different property with a different owner, been caused by disaster, or by a vehicle colliding with the building.

During 2023, there were 43 properties that were eligible for vacant fire fee billing. Within those properties:

- Seven of these properties have been billed twice for separate fires.
- One property has been billed three times for separate fires.
- Three have been paid in full and two properties are making payments.
- The neighbourhoods with the highest number of properties billed are: William Whyte (six); Dufferin (five); Spence (four); St. Matthews (three); and Centennial, North Point Douglas, Talbot-Grey and West Broadway (two each).
- The total sum of bills sent is $1,149,883 (excl. GST) of which $78,450 has been repaid in part or full.
- The average response fee per property is $26,000 and the highest is $138,000 (excl. GST).

Of the property owners that have received fees:

- 24 were individual property owners.
- Two were non-profit organizations.
- 10 were property development organizations.
- Three were in bankruptcy proceedings.

Of those, at least six have a history of providing affordable housing. At least one owner has offered to give the City the property as they are unable to pay.

Concerns with the Current Fee Structure

WFPS has identified the following challenges with the current fee structure:

1) High Cost of Fees

The fee structure was developed on a cost recovery basis from the fire response fees. This has resulted in large fees per fire, with an average cost of $26,000.

WFPS has heard from property owners that, due to the cost of the fire response fee, renovations on the property are no longer financially feasible and the owners are abandoning plans. In these cases, the property may be listed for sale and will often continue to sit vacant. Of the 43 properties with fees assessed, eight have sold or are currently listed for sale.

Additionally, the high cost of fees may contribute to the lack of payment. Within the current practice, outstanding fees will eventually be sent to collections, which is a lengthy process and full recovery is not guaranteed, especially with small property owners.

2) Need for Waiver Process

Within the current structure, fees are eligible for a refund through appeal within one month of receipt of the invoice if the fees are paid in full. Given the significant sum of most fees, payment in full within a month is not realistic for many property owners, leaving them without recourse to challenge the fees.

Some of the property owners that have received fees have been in the process of obtaining permits and are actively working on renovations to create affordable housing options. The receipt of a large fire response fee could jeopardize such renovation work on affordable housing projects and result in vacant buildings remaining vacant for longer.

3) Inability to Collect Fees

The current fee structure does not allow the fire protection service fees to be applied to property tax, meaning the City has limited options if owners do not voluntarily pay in a timely manner. In its current form, the *City of Winnipeg Charter* only allows fees to be added to the property tax roll if they are related to the provision of waterworks or wastewater services. Therefore, unless the *Charter* or other provincial law is amended to enable the collection of fire protection service fees, the only reliable means of ensuring fee recovery is through the courts; this can often be a lengthy and resource-intensive process, and does not guarantee the recovery of all, or any of an owner's outstanding fees.

Economic Incentives as a Tool for Action

Community Risk Reduction (CRR) as a discipline is defined by the National Fire Protection Association as a process to identify and prioritize local risks, followed by the integrated and strategic investment of resources to reduce their occurrence and impact. The work of discouraging fires at vacant properties has a clear connection as a CRR program as these fires represent an ongoing risk to community, emergency response services and the public. One of the tools of a CRR program is economic incentives.

Economic incentives are a tool that encourage action based on an expectation of a financial reward, saving or cost. Incentives as tools are well acknowledged as a successful strategy to driving desired actions. In regard to the vacant property fires, these tools can be applied to encourage action, but must be balanced to ensure the amount of fees and costs don't outweigh benefits of development. Excessive fire response fees could potentially cause some owners to abandon plans for renovation due to budget overruns and lead to properties remaining vacant for longer or being demolished completely. The application of these fees must balance encouraging action on vacant buildings without inadvertently causing further inaction through unaffordable costs.

Outline of Proposed Changes to Fire Protection Service Fees

WFPS recommends the following amendments to the application of vacant building fire response fees:

1) Move the Vacant Building Fire Fees from the Vacant Buildings By-law to the Fire Prevention By-law

As the fee is set and administered by the WFPS, it would be administratively and logistically appropriate for it to fall under a WFPS-managed by-law within the Standing Policy Committee on Community Services' jurisdiction. The inclusion of the fees in the Vacant Buildings By-law (VBBL) has caused challenges in amending the fees and adds confusion in the responsibilities in the application of the fees, since Community By-law Enforcement Services (CBES) typically administers the VBBL. Additionally, the proposed structure may cause confusion among the public if it remains in the VBBL since it would create a second, parallel structure for waivers and refunds within one by-law. Including the fees within the Fire Prevention By-law, under WFPS management, would resolve these challenges. This would also mean that any appeals required with respect to fire protection service fees would be heard by the Standing Policy Committee on Community Services, rather than the Standing Policy Committee on Property and Development.

2) New proposed set fee structure as opposed to cost recovery based on fire response

Fire protection service fee review would be initiated any time a provincial fire report is required as a component of the response. Eligible vacant properties would receive a $5,000 fee for the first fire to take place after the fees were first implemented in March 2023. The fee associated with each subsequent fire would increase at a rate of $5,000 per fire (e.g. $10,000 for the second fire, $15,000 for the third fire) to a maximum of $20,000 after four fires. Any subsequent fires would receive a $20,00 fee per fire. If there was no fire at a property within the past five years, as of March 2028, the next fire to occur at that property would be treated as a "first fire" for the purposes of this updated fee structure.

3) Refinement of the criteria for exemption from fire protection service fees

Under the current VBBL, there are certain situations where fire protection service fees will not apply to a vacant property. The relevant situations include:

(a) Where the affected building has not received a Schedule A inspection under the VBBL since the last time it became vacant;
(b) Where the fire originated on another property not owned by the same owner;
(c) Where the fire was caused by a natural disaster; and
(d) Where the fire was caused by a vehicle colliding with the affected building.

Under the proposed structure, situations (a) and (b) will remain unchanged, while situations (c) and (d) will be refined slightly. Situation (c) will be broadened to include all weather events and disasters, not just "natural disasters". This would ensure that vacant property owners are not unfairly charged costs associated with incidents or events that they could not reasonably have mitigated. Situations (c) and (d) would be altered to clarify that the fees will only be inapplicable to vacant buildings where a fire was "predominantly" caused by a weather event, disaster, or vehicle collision. This change is intended to ensure that vacant property owners cannot challenge assessed fees based on any weak or false argument that a fire was 'in some way' caused by one of those incidents or events.

4) Establishment of a fee waiver mechanism

As indicated above, the proposed structure will also establish a fee waiver mechanism in order to ensure that fire service protection fees are applied fairly, and in accordance with their broader policy goals of improving public and firefighter safety by encouraging community renewal. The proposed structure would employ threshold criteria and consideration criteria in determining whether or not fire protection service fees may be waived for a particular vacant building owner. The specifics of these threshold and consideration criteria are set out below.

The Fire and Paramedic Chief would have the ultimate authority to waive fees, and would appoint an ad hoc administrative Fee Waiver Committee from within WFPS. The committee would include a WFPS Senior Executive Team member and a member from WFPS Finance to advise the Chief on waiver decisions. Waiver applications would initially be considered by the ad hoc committee. If the committee determined that an application met threshold criteria, they would then be required to employ a number of consideration criteria before making a recommendation to the Chief on whether or not to issue a fee waiver.

As indicated above, the Standing Policy Committee on Community Services would have responsibility for appeals from decisions of the WFPS.

Threshold Criteria

If a property is eligible for fire response fees, an owner may apply to have fees waived. In order to be eligible to apply for a waiver, there are three potential threshold criteria.

1) The property owner would be eligible for a waiver if this is the first instance of a vacant building fire at the property since the fire protection service fees first came into effect.

2) Even if the property experienced a fire after the fees first came into effect, the owner would again become eligible for a waiver after five years without a fire occurring at that property. This threshold criterion will not become relevant until 2028 at the earliest.

3) The owner would be eligible for a waiver if the designated employee or ad hoc committee determined that the fee was issued in error. If a property had a fire previously but a waiver was granted, that fire would still count as their first fire and they would not be eligible for a waiver again.

Consideration Criteria

If the threshold criteria are met, there would also be consideration criteria - conditions that the committee would have to factor in as part of the waiver decision. These consideration criteria would include:

1) Whether the property owner is a not-for-profit organization, registered charity, or has a demonstrated history of developing affordable housing.

2) Whether the property owner has demonstrated commitment to complying with the Vacant Buildings By-law and other City by-laws.

3) Whether the property owner has demonstrated commitment to improving or remediating the property, including by promptly complying with City compliance orders in respect of that property or taking steps to demolish, develop, or renovate the property.

Refund Process

In addition to the waiver mechanism, the amendments create a new refund process. With payment in full of the fire service fee, a property owner may pay an application fee for a refund within 30 days. If, upon review, the Chief agrees the fee has been issued in error the full fire service fee can be refunded. This would differ from the existing structure under the VBBL, where fees may also be refunded if the applicant is taking all reasonable steps to ensure re-occupancy, made all reasonable efforts to comply with City by-laws, and the fee would have an undue financial impact on the applicant.

As above, if a property owner applies for a waiver and in reviewing the application it is determined the fee was issued in error, the fee can be waived without a refund process.

Opting-in to Proposed Fee Structure

The Public Service is recommending that, in the interests of balancing compliance with flexibility as discussed above, fire protection service fees already issued would be eligible for reduction in accordance with the proposed fee structure. The proposed reduction mechanism is for owners to apply to "opt-in" to the new fee structure. Requiring applications would encourage responsiveness among owners who have not yet acknowledged invoices for the original fees, and would ensure non-responsive owners continue to bear the full cost of fees assessed prior to these amendments. Opting-in would be a simple, straightforward process – the property owners would not be expected to meet any criteria in order to have their application accepted.

Upon 'opting-in', fees outstanding under the VBBL would be cancelled and replaced with the following pre-set fees:

(a) $5,000, if the original fees were imposed with respect to the first eligible vacant building fire to occur on the subject property after March 1, 2023;

(b) $10,000, if the original fees were imposed with respect to the second eligible vacant building fire to occur on the subject property after March 1, 2023;

(c) $15,000, if the original fees were imposed with respect to the third eligible vacant building fire to occur on the subject property after March 1, 2023; or

(d) $20,000 if the original fees were imposed with respect to the fourth or subsequent eligible vacant building fire to occur on the subject property after March 1, 2023.

For owners who have already paid more fees under the VBBL structure than they would under the new fee structure, opting-in would entitle them to a refund of any difference between those two amounts. Owners who were charged fees under the existing structure would also have an opportunity to seek waivers of those fees through the waiver mechanism proposed in the amending by-law. To that end, the by-law amendment would allow owners who incurred fire protection service fees under the Vacant Buildings By-law to apply for a waiver up to 30 days after opt-in.

FINANCIAL IMPACT

Financial Impact Statement

Date: May 3, 2024

Project Name:

First Year of Program **2024**

Amendments to Vacant Buildings By-law No. 79/2010, Fire Prevention By-law 35/2017 and Revised Fee Structure for Vacant Building Fire Response Fees

	2024	2025	2026	2027	2028
Capital					
Capital Expenditures Required		$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs		-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	1,200,000				
Less: Incremental Revenue/Recovery	300,000				
Net Cost/(Benefit)	$ 900,000	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts					
Net Budget Adjustment Required	$ 900,000	$ -	$ -	$ -	$ -

Additional Comments:

The fees charged in 2023 will be written off in 2024 at the point the bylaw amendment is adopted. This reduces the amount payable from property owners and will be a charge to the department to offset the revenue reported in 2023. This amount cannot be found within existing budgets and will be requested as additional budget through the departments 2024 over-expenditure report.

John Hall FCMA, CGMA
Financial Controller
Fire Paramedic Service

CONSULTATION

This Report has been prepared in consultation with:

Community Services Licensing and Bylaw Enforcement
Planning Property and Development
Legal Services

OURWINNIPEG POLICY ALIGNMENT

Good Health and Well-Being

Objective #3
Proactively identify and address threats to community safety and well-being. Promote physical and mental health by mitigating, planning for, responding to, and recovering from, emergencies, disasters and crimes.

Policy 4.8 – Building Safety. Enforce compliance with building codes and property maintenance standards, to ensure housing quality, safe building occupancy, and extended building lifecycles.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Goal 2 – The City actively plans for and partners in affordable housing.

Objective A – The City's capacity and commitment to advancing affordable housing iniatives are increased.

Objective D – Existing affordable rental housing stock is maintained and improved

SUBMITTED BY

Department: Fire Paramedic Service
Division: Executive
Prepared by: Lisa Gilmour, Assistant Chief Community Risk Reduction
Date: May 3, 2024
File No:

Attachments: Schedule A – By-law Amendment

SCHEDULE A

THE CITY OF WINNIPEG

BY-LAW NO. /2024

A By-law of THE CITY OF WINNIPEG to amend the Vacant Buildings By-law No. 79/2010 and Fire Prevention By-law No. 35/2017 in order to set fixed fire protection service fees and to enable the waiver of fire protection service fees.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

PART I: AMENDMENTS TO VACANT BUILDINGS BY-LAW NO. 79/2010

Vacant Buildings By-law amended

1 The Vacant Buildings By-law No. 79/2010 is amended by this Part.

Division 3.2 repealed

2 Division 3.2 is hereby repealed in its entirety.

Schedule E repealed

3 Schedule E to the Vacant Buildings By-law is hereby repealed in its entirety.

PART II: AMENDMENTS TO FIRE PREVENTION BY-LAW NO. 35/2017

Fire Prevention By-law amended

4 The Fire Prevention By-law No. 35/2017 is amended by this Part.

Definitions amended

5 The definition of "designated employee" in section 2 is amended by adding ", or the *City of Winnipeg Charter*, SM 2002, c. 39, as the case may be" immediately after the reference to "section 23(3) of the Act".

Section 7 amended

6 Subsection 7(c) is amended by deleting the reference to "permit or licence" and replacing it with "permit, licence, waiver, refund, or opt-in".

Section 73 deleted

7 Section 73 is hereby deleted in its entirety.

Fire Protection Service Fees added

8 The following is added immediately after section 72:

PART 10
FIRE PROTECTION SERVICE FEES

Definitions

73.1 In this Part

"disaster" *has the same meaning as under the Act;*

"eligible vacant building fire" *means any fire that caused a person to incur original fees;*

"fire protection service fees" *means such fees as may be established by Council in accordance with section 74, and also includes the fees established under section 78;*

"original fees" *means the fees established by Council and formerly enforced through Division 3.2 and Schedule E of the Vacant Buildings By-law No. 79/2010;*

"owner" *has the same meaning as under the Vacant Buildings By-law No. 79/2010;*

"Schedule A inspection" *means an inspection conducted pursuant to section 15(2) of the Vacant Buildings By-law No. 79/2010; and*

"vacant" *has the same meaning as under the Vacant Buildings By-law No. 79/2010.*

Fire Protection Service Fees established

74 Subject to this Part, when a fire occurs at a vacant building, the owner of that vacant building shall be required to pay such fire protection service fees as may be established by Council from time-to-time.

Exemptions from Fire Protection Service Fees

75 The owner of a vacant building is not required to pay fire protection service fees if

(a) the building is vacant at the time of the fire, but no Schedule A inspection was conducted with respect to that vacancy before the fire occurred; or

(b) the fire that affects the building

(i) originates on another property, and that other property is not owned by the same owner at the time of the fire;

(ii) is predominantly caused by a disaster or weather event; or

(iii) is predominantly caused by a vehicle colliding with the building.

Waiver of Fire Protection Service Fee

76 Upon application by the owner of a vacant building or a person who has opted-in to this Part in accordance with section 78, and payment of any application fee established by the City,

(a) the designated employee must waive fire protection service fees, in whole or in part as applicable, if they determine that the fire protection service fees were issued in error; or

(b) the designated employee may waive fire protection service fees, in whole or in part, if they determine that the fire was the first fire to occur in a vacant building at the subject property since March 1, 2023 or, if the fire occurs on or after March 1, 2028, that the fire was the first fire to occur in a vacant building at the subject property within the past 5 years

but the designated employee may not waive fees under this Part unless the application is received within 30 days after the fire protection service fees are payable.

Considerations for waiver decisions

77 When considering a waiver application under subsection 76(b), the designated employee must consider the following factors

(a) whether the applicant

(i) is a corporation or organization whose preponderant purpose is not the earning of a profit;

(ii) is a charity registered with the Canada Revenue Agency; or

(iii) has a history of using their properties to build affordable housing;

(b) whether the applicant has a history of compliance with this By-law, the Vacant Buildings By-law No. 79/2010 or any other City by-laws, at the subject property or elsewhere; and

(c) whether the applicant has demonstrated commitment to improving or remediating the subject property, including by

(i) promptly complying with orders issued under this By-law, the Vacant Buildings By-law No. 79/2010, or the Neighbourhood Liveability By-law No. 1/2008; or

(ii) taking steps to demolish, develop, or renovate the subject property

and the designated employee may interpret and apply the criteria set out in this section, and determine the appropriate weight to be placed on each criterion.

Opting-in to updated fee structure

78 Subject to section 79, upon application by any person that incurred original fees, the designated employee shall cancel the original fees and the applicant shall be required to pay the following fire protection service fees:

(e) $5,000.00, if the original fees were imposed with respect to the first eligible vacant building fire to occur on the subject property after March 1, 2023;

(f) $10,000.00, if the original fees were imposed with respect to the second eligible vacant building fire to occur on the subject property after March 1, 2023;

(g) $15,000.00, if the original fees were imposed with respect to the third eligible vacant building fire to occur on the subject property after March 1, 2023; or

(h) $20,000.00 if the original fees were imposed with respect to the fourth or subsequent eligible vacant building fire to occur on the subject property after March 1, 2023

but the designated employee must not accept an application for opt-in unless that application is submitted prior to January 1, 2025.

Refunds of excess original fees

79 Where a person

(a) incurred original fees;

(b) has paid all or part of those original fees; and

(c) the designated employee

(i) is required to cancel those original fees pursuant to section 78, resulting in the imposition of fire protection service fees; or
(ii) has decided to waive all or a portion of those fire protection service fees in accordance with section 76

the designated employee shall refund the difference, if any, between the amount of the original fees paid by the owner and the amount of the reduced or waived fire protection service fees.

Refund of fire protection service fees

80(1) Upon payment of an application fee established by the City, an owner or a person who has opted-in to this Part under section 78 may apply to the Chief for a determination as to whether fire protection service fees were paid or applied in error.

80(2) An application under subsection (1) must be submitted within 30 days after the relevant fire protection service fees were paid in full.

80(3) Where the Chief reviews an application submitted under subsection (1) and determines that the fire protection service fees were paid or applied in error, the Chief may refund all or part of the fire protection service fees in order to correct the error.

Application fees refundable where fire protection services fees issued in error

81(1) Where a designated employee has determined that fire protection service fees were paid or applied in error, they may refund all or part of any application fee paid in accordance with section 76.

81(2) Where the Chief has determined that fire protection service fees were paid or applied in error, they may refund all or part of any application fee paid in accordance with section 80.

Coming into force

8 This by-law comes into force upon being given three readings by Council.

DONE AND PASSED, this day of , 2024.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Chief – Winnipeg Fire Paramedic Service

Approved as to content:

_____
Director of Community Services

Approved as to content:

_____
Director of Planning, Property and Development

Legally Reviewed and Certified as to Form:

_____
For Director of Legal Services and City Solicitor