THE CITY OF WINNIPEG

BY-LAW NO. /2024

A By-law of THE CITY OF WINNIPEG to amend the Lot Grading By-law in respect of the appeal process.

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

Lot Grading By-law amended

1 The Lot Grading By-law No. 7294/98 is amended by this by-law.

Definition of Designated Committee deleted

2 Section 2 is amended by deleting the definition of "Designated Committee"

Subsection 4(7) repealed

3 Subsection 4(7) is hereby repealed.

Section 7 replaced

4 Section 7 is replaced with the following:

7. Fees

(1) The Applicant shall be required to pay to the City the applicable fee for a Lot Grading Permit as set by Council or pursuant to powers delegated by Council. This fee shall be paid prior to the issuance of the Lot Grading Permit.

Lot Grading Deposit

(2) The Applicant shall be required to deposit with the City an applicable sum, as set by Council or pursuant to power delegated by Council, for a Lot Grading Deposit. This sum shall be deposited prior to the issuance of a Lot Grading Permit. Subject to subsection 23(2) of the Water By-law, and in accordance with subsection 6(5) herein, this deposit shall be retained by the City until such time as the lot grading is substantially completed.

Letter of Credit for Lot Grading Deposit Security for Residential Properties

(3) Notwithstanding the above, an Applicant who:

(a) anticipates building more than four houses within the City boundaries in any given year; and

(b) requests in writing to The City of Winnipeg, and subsequently enters into an Agreement with the City for the purposes of providing letters of credit as Lot Grading Deposits for residential property;

may supply letters of credit in lieu of the cash deposits for Lot Grading Deposits for residential properties. The said letters of credit shall be in a form satisfactory to the Corporate Risk Manager.

Lump Sum Deposit

(4) Notwithstanding the Lot Grading Deposit requirement above, an Applicant may provide a lump sum cash deposit or letter of credit, in a form satisfactory to the City Solicitor, in an amount of $25,000.00, which deposit shall serve as the Lot Grading Deposit for all subsequent residential Lot Grading Permits issued to such Applicant.

Conditions for Lump Sum Deposits

(5) Where an Applicant had made a deposit with the City pursuant to subsection (4), such deposit:

(a) shall be maintained in the amount of $25,000.00 until all obligations of the Applicant pursuant to the Lot Grading Permits have been met;

(b) shall stand as security for all residential Lot Grading Permits issued to the Applicant; and

(c) the whole or part of such deposit may be used by the City to remedy any lot grading deficiencies provided, however, that the City shall first cause reasonable notice to be given to the Applicant to have same corrected.

Non-compliance with Conditions

(6) Lot Grading Permits shall not be issued to an Applicant who has made a lump sum security deposit pursuant to subsection (4) and who has been given notice by the Designated City Administrator of deficiencies or non-compliance with the Lot Grading By-law unless:

(a) such deficiencies or non-compliance have been corrected to the satisfaction of the Designated City Administrator; or

(b) the Applicant pays an additional deposit in accordance with subsection (2) for each Lot Grading Permit issued subsequent to the notice of deficiencies or non-compliance. Such additional deposits will be required until such time as all outstanding deficiencies or non-compliance have been remedied and, where the City has used all or part of the residential Lot Grading Deposits lump sum to correct deficiencies, the Applicant has re-established same back to $25,000.00

Subsection 9.3 repealed

5 Subsection 9.3 is hereby repealed.

Section 13 added

6 Section 13 is added as follows:

APPEALS

13. (1) Any appeal authorized by the Charter for orders or decisions under this By-law may be made, upon payment of any applicable fee set by Council or pursuant to powers delegated by Council, to the designated hearing body by filing a written appeal with the City Clerk in accordance with the Charter.

(2) The hearing body shall consist of:

(a) the Chief Administrative Officer of the City

(b) the Chief Financial Officer of the City

(c) the Director of Planning, Property and Development; and

(d) the Director of Water and Waste

or their delegates.

(3) The Chief Administrative Officer of the City or his or her designate shall serve as the Chair of the hearing body, and the Chief Financial Officer of the City or his or her designate be the Vice-Chairperson.

(4) Sections 51(10) and 51(11) of the Procedure By-law No. 50/2007 apply to hearings conducted under this by-law and the hearing body may adopt other rules of practice and procedure.

Schedule A repealed

7 Schedule A is hereby repealed.

DONE AND PASSED this day of , 2024.

Mayor

City Clerk

Approved as to content:

Director, Water and Waste

Legally reviewed and certified as to form:

"A. Bellhouse" (2024)
for Director of Legal Services
and City Solicitor