Minutes – Council – February 27, 2025

Minute No. 165
Report – Standing Policy Committee on Water, Waste and Environment – February 3, 2025

Item No. 1 Amendments to Lot Grading By-Law No.7294/98

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Water, Waste and Environment, and adopted the following:

1. That an amendment to the Lot Grading By-law No. 7294/98 (draft amending by-law is attached as Appendix A to this report) to create a new hearing body that will be assigned to address appeals of orders and decisions under the Lot Grading By-law be enacted.

2. That a Lot Grading By-Law appeal fee of $331.00 be established effective March 1, 2025, and to thereafter be identified on the Fees and Charges Schedule.

3. 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 Water, Waste and Environment – February 3, 2025

DECISION MAKING HISTORY:

Moved by Councillor Eadie,

That the recommendation of the Standing Policy Committee on Water, Waste and Environment be adopted by consent.

Carried

Councillor Wyatt was absent for the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 18, 2025, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Water, Waste and Environment and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 3, 2025, the Standing Policy Committee on Water, Waste and Environment concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

COUNCIL DECISION:

On November 23, 2023, Council concurred in the recommendation of the Standing Policy Committee on Water, Waste and adopted the following:

1. That the Lot Grading By-law No. 7294/98 be amended to designate appeals as follows:

    A Where an appeal from an order or decision is authorized by The City of Winnipeg Charter, the appeal may be made to a hearing body consisting of:

        i. The Chief Administrative Officer of the City

        ii. The Chief Financial Officer of the City

        iii. the Director of Planning, Property and Development; and

Report – Standing Policy Committee on Water, Waste and Environment – February 3, 2025

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

iv. the Director of Water and Waste

or their delegates.

B. 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.

C. 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.

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

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 14, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Water, Waste and Environment and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 30, 2023, the Standing Policy Committee on Water, Waste and Environment passed the following motion:

BE IT RESOLVED that the following be recommended to Executive Policy Committee and Council:

Report – Standing Policy Committee on Water, Waste and Environment – February 3, 2025

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

1. That the Lot Grading By-law No. 7294/98 be amended to designate appeals as follows:

    A Where an appeal from an order or decision is authorized by The City of Winnipeg Charter, the appeal may be made to a hearing body consisting of:

        i. The Chief Administrative Officer of the City

        ii. The Chief Financial Officer of the City

        iii. the Director of Planning, Property and Development; and

        iv. the Director of Water and Waste

        or their delegates.

    B. 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.

    C. 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.

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

ADMINISTRATIVE REPORT

Title: Amendments to Lot Grading By-Law No.7294/98

Critical Path: Standing Policy Committee on Water, Waste and Environment – Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
C. D. Wiebe, P. Eng., CAMP, Manager of Engineering Services	Tim W. Shanks, M. Eng., P. Eng., Director of Water and Waste Department	T. Austin, Acting CFO	M. Dryburgh, Acting CAO

EXECUTIVE SUMMARY

The current Lot Grading By-law No. 7294/98 (the "By-law") was enacted by Council on September 29, 1998, and came into effect on January 1, 1999. It allows for an appeal of any Order or decision made under this By-law to the Designated Committee, which is currently the Standing Policy Committee on Water, Waste and Environment.

Council's decision on November 23, 2023, directed the administration to create a new hearing body to settle appeals related to the By-law and to amend the By-law accordingly.

Unlike many other By-laws, the Lot Grading By-law, does not have a fee associated with an appeal. As part of this amendment, a $331.00 appeal fee is being included in the annual Fees and Charges Schedule.

The current By-law also contains a Schedule "A", which is no longer relevant and should be removed.

RECOMMENDATIONS

1. That Council enact an amendment to the Lot Grading By-law No. 7294/98 (draft amending by-law is attached as Appendix A to this report) to create a new hearing body that will be assigned to address appeals of orders and decisions under the Lot Grading By-law.

2. That a Lot Grading By-Law appeal fee of $331.00 be established effective March 1, 2025, and to thereafter be identified on the Fees and Charges Schedule.

3. 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

On November 23, 2023, Council concurred in the recommendation of the Standing Policy Committee on Water, Waste and Environment and adopted the following:

1. That the Lot Grading By-law No. 7294/98 be amended to designate appeals as follows:
    A. Where an appeal from an order or decision is authorized by The City of Winnipeg Charter, the appeal may be made to a hearing body consisting of:
        i. The Chief Administrative Officer of the City;
        ii. The Chief Financial Officer of the City;
        iii. The Director of Planning, Property and Development; and
        iv. The Director of Water and Waste
        or their delegates.

By-law amendments require Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

The amendments contained in the proposed Lot Grading By-law will result in:

a) A new designated hearing body for compliance order appeals
b) The addition of a $331.00 fee for compliance order appeals

HISTORY/DISCUSSION

The current Lot Grading By-law No. 7294/98 (the “By-law”) was enacted by Council on September 29, 1998, and came into effect on January 1, 1999. It provides direction under section 4(7) that a decision to deny a lot grading permit, and under section 9(3) that an appeal from any Order or decision made under the By-law, may be made to the Designated Committee in accordance with The City of Winnipeg Charter.

For the purpose of this By-law, the “Designated Committee” is the Standing Policy Committee on Water, Waste and Environment.

Council’s decision on November 23, 2023, directed the Public Service to create a new hearing body to determine appeals related to this By-law and amend the By-law accordingly. This hearing body will be made up of:

- The Chief Administrative Officer of the City;
- The Chief Financial Officer of the City;

- The Director of Planning, Property and Development; and
- The Director of Water and Waste;

  or their delegates.

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.

The proposed amendment will give affect to Council's prior decision and consolidate the appeal provisions.

This report also recommends the following changes to the By-law:

1. The addition of a fee associated with an appeal

   The addition of a fee aligns with the Sewer, Water and Neighbourhood Livability By-laws where a non-refundable appeal fee is included.

   The fee will be outlined in the annual Fees and Charges schedule. Starting March 1, 2025, consistent with the wastewater and water appeal fees, this will be $331.00.

2. Remove references to Schedule "A" in the By-law

   The current By-law also contains a Schedule "A" which identifies related Fees and Deposits; this information is out of date and must be amended or removed. Additionally, this information is now contained in the Fees and Charges Schedule which is updated annually.

   Schedule "A" identifies related Fees and Deposits that are now included in the annually updated and Council approved Fees and Charges Schedule.

Appendix A outlines the specific amendments to the Lot Grading By-law No. 7294/98.

FINANCIAL IMPACT

Financial Impact Statement **Date:** 12-Dec-24

Project Name:

AMENDMENTS TO LOT GRADING BY-LAW NO.7294/98

COMMENTS:

The amendments contained in the proposed Lot Grading By-law will not result in changes to staffing or operating costs within the Water and Waste Department.

The amendments contained in the proposed Lot Grading By-law will result in:
a) A new designated hearing body for compliance order appeals
b) The addition of a fee for compliance order appeals

Lucy Szkwarek, CPA, CGA

Lucy Szkwarek, CPA, CGA
Manager of Finance and Administration

CONSULTATION

This Report has been prepared in consultation with:

Legal Services Department

OURWINNIPEG POLICY ALIGNMENT

This report aligns with OurWinnipeg 2045, Policy 2.17 Regional Water Resource Management, by protecting local and regional watershed resources from the negative impacts of development, flooding, and pollution.

> Objective: Protect and value ecosystems as essential components to quality of life through municipal activities and urban environment.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Climate Action Plan and its Goals and Objectives. It was determined that the WCAP 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: Water and Waste
Division: Engineering Services
Prepared by: Richard Kowal, C.E.T.
Date: December 16, 2024
File No:

Attachments:

Appendix A: By-law Amendment