CITY OF WINNIPEG POLICY NO. PD- 031

POLICY TITLE	ADOPTED BY	EFFECTIVE DATE
Development Agreement Parameters	*City Council*	*May 30, 2023*
ORIGIN / AUTHORITY	**CITY POLICY NO**	**MOST RECENT CONSOLIDATION**
Executive Policy Committee	*PD-031*	*January 30, 2025*

1. Purpose:

To update the policy to address cost recovery for infill development upgrades. This change improves clarity and fairness while maintaining Council authority and avoiding any financial obligation to the City.

2. Development Agreement Parameters Policy

Replace Clause 4.3:

4.3 City may recover through future applications

Where the Developer, at their own expense, installs underground services to or through the Planned Area that benefit Third Parties, and the services are not installed under a local improvement by-law, the Development Agreement may require the City to recover costs for the Developer as follows:

A. From future Developers for oversized services, their proportionate share of the oversize costs; and/or

B. From private owners who have been un-serviced and directly benefit from newly installed servicing, their share of the costs in accordance with the Water or Sewer by-law, prior to connection to or use of the installed services; and/or

C. From private owners who are currently serviced and directly benefit from a greater capacity in upsized services, their share of the costs in accordance with the Water or Sewer by-law, prior to connection to or use of the installed services.

Repayment will be in accordance with Section 3 – Developer Reimbursement.

With:

4.3 City may recover through future applications

Where the Developer, at their own expense, installs underground services that benefit Third Parties, and the services are not installed under a local improvement by-law, the Development Agreement may require the City to recover costs for the Developer as follows:

A. From future Developers, for new services that the City has requested to be oversized, their proportionate share of the oversize costs. Repayment will be in accordance with Section 3 – Developer Reimbursement;

B. From private owners who have been un-serviced and directly benefit from newly installed servicing, their share of the costs in accordance with the Water or Sewer by-law, prior to connection to or use of the installed services. Repayment will be in accordance with Section 3 – Developer Reimbursement; and/or

C. From future Developers for upgrades to existing services that provide additional servicing capacity, their proportionate share of the upgrade costs.

   The reimbursement amount payable by each future Developer shall be based on the proportionate share of unused servicing capacity utilized by that future Developer, calculated using the actual construction costs of the infrastructure divided by the total increase in servicing capacity, or by such other method as may be acceptable to the City.

   Reimbursement amounts shall escalate annually by six percent (6%) plus the Consumer Price Index (CPI) for a period of up to five (5) years following completion of the works and submission of detailed cost information to the City. Thereafter, any remaining reimbursement entitlement shall escalate annually at the rate of CPI only.

   The City shall not be responsible for any shortfall in reimbursement to the Developer unless Council has approved a fund specifically for the purpose of reimbursing the Developer for servicing capacity benefits. Reimbursement shall be limited to amounts recoverable from benefitting future Developer(s), as and when such amounts are collected.

3. Responsibilities

No changes