Minutes – Appeal Committee – September 2, 2026

PUBLIC HEARINGS

Item No. 2 Appeal – Conditional Use – 508 Harvard Avenue E (Transcona Ward) File DCU 151690A/2026B

COMMITTEE DECISION:

The Appeal Committee denied the appeal, concurred in the decision of the Director of Planning, Property and Development, confirmed Conditional Use Order DCU 151690/2026B and approved a Conditional Use to permit on "the land as follows:

1. A day care use (maximum 12 children), having two (2) non-resident employees, providing a personal service on the premises to establish as a home-based business.

Subject to the following conditions:

1. That the hours of operation on the premises be limited to between 7:00 am and 5:00 pm Monday to Friday.

2. That the operator of the home-based business must be a resident of the dwelling where the home-based business is conducted.

3. That there shall be no more than two (2) non-resident employees on the premises.

4. That no other home-based business shall be conducted on the premises.

5. That care shall be provided to not more than twelve (12) children on the premises and that the daycare shall be licensed in accordance with the Provincial Day Care Licensing authority.

6. That a pickup/drop off area shall be provided on the property to ensure the safety of persons entering and exiting the premises.

7. That there shall be no exterior indication of the home-based business except for one (1) non-illuminated identification sign maximum 2 square feet (0.6 metres) in area.

8. That, the Conditional Use granted by this Order to establish a daycare, maximum twelve (12) children providing a personal service as a home-based business on the premises shall terminate June 30th, 2028.

DECISION MAKING HISTORY:

The Winnipeg Public Service advised that all statutory requirements with respect to this appeal have been complied with.

Moved by Councillor Allard,
That the report of the Winnipeg Public Service be taken as read.

Carried

Moved by Councillor Allard,
That the receipt of public representations be concluded.

Carried

Moved by Councillor Allard,
That in accordance with Section 254 and Subsection 247(3) of The City of Winnipeg Charter, the Conditional Use,

(a) [✓] is consistent [ ] is not consistent
with Plan Winnipeg, and any applicable secondary plan;

(b) [✓] does not create [ ] does create
a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway; and

(d) [✓] is [ ] is not
compatible with the area in which the property to be affected is situated.

Supporting Reasons:

1. Winnipeg needs more daycares and the Public Service has deemed this is an appropriate site and this should go forward.

Carried

DECISION MAKING HISTORY (continued):

Moved by Councillor Allard,
That the appeal denied and the decision of the Director of Planning, Property and Development be concurred in.

Carried

Moved by Councillor Allard,
That Conditional Use Order DCU 151690/2026B be confirmed.

Carried

Moved by Councillor Allard,
That the public hearing with respect to this appeal be concluded.

Carried

Winnipeg

THE CITY OF WINNIPEG
CONDITIONAL USE APPEAL ORDER
APPEAL COMMITTEE

DCU 151690A/2026B

Before:	Appeal Committee Councillor Santos, Chairperson Councillor Allard Councillor Durand-Wood Councillor Gilroy
Hearing	September 2, 2026 Council Building, 510 Main Street
Applicant:	Gracey Home Childcare (Olajumoke Babatunde)
Premises Affected:	508 Harvard Avenue E
Legal Description:	LOT 37 BLOCK 64 PLAN 1504 4/5 11 4E , hereinafter called "the land"
Property Zoned:	"R1-M Mature Communities PDO-1" (Residential Single-Family-Medium Planned Development Overlay – 1 (District))
Nature of the Application:	For a Conditional Use under the Winnipeg Zoning By-law No. 200/2006 to permit a day care use (maximum 12 children), having two (2) non-resident employee, providing a personal service on the premises to establish as a home-based business.

ORDER MADE BY THE DIRECTOR OF PLANNING, PROPERTY AND DEVELOPMENT:

The Director of Planning, Property and Development approved a Conditional Use, File DCU 151690/2026B to Gracey Home Childcare (Olajumoke Babatunde), for the premises located at 508 Harvard Avenue E, to permit on "the land" as follows:

1. a day care use (maximum 12 children), having two (2) non-resident employees, providing a personal service on the premises to establish as a home-based business.

Subject to the following conditions:

1. That the hours of operation on the premises be limited to between 7:00 am and 5:00 pm Monday to Friday.

2. That the operator of the home-based business must be a resident of the dwelling where the home-based business is conducted.

3. That there shall be no more than two (2) non-resident employees on the premises.

4. That no other home-based business shall be conducted on the premises.

5. That care shall be provided to not more than twelve (12) children on the premises and that the daycare shall be licensed in accordance with the Provincial Day Care Licensing authority.

6. That a pickup/drop off area shall be provided on the property to ensure the safety of persons entering and exiting the premises.

7. That there shall be no exterior indication of the home-based business except for one (1) non-illuminated identification sign maximum 2 square feet (0.6 metres) in area.

8. That the Conditional Use granted by this Order to establish a daycare, maximum twelve (12) children providing a personal service as a home-based business on the premises shall terminate June 30th, 2028.

Pursuant to the provisions of The City of Winnipeg Charter, Louise Fillion, appealed the Conditional Use Order DCU 151690/2026B, and after Notice, the appeal was heard on September 2, 2026.

Upon consideration of the evidence adduced and submissions made, the Appeal Committee is of the opinion that, subject to the condition imposed, if any, this Appeal Order meets the statutory criteria as outlined in Section 254 and Subsection 247(3) of The City of Winnipeg Charter, in that it:

(a) [✓] is consistent [ ] is not consistent
with Plan Winnipeg, and any applicable secondary plan;

(b) [✓] does not create [ ] does create
a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway; and

(d) [✓] is [ ] is not
compatible with the area in which the property to be affected is situated.

Supporting Reasons:

1. Winnipeg needs more daycares and the Public Service has deemed this is an appropriate site and this should go forward.

ORDER:

The Appeal Committee orders that the appeal is dismissed and that Conditional Use Order DCU 151690/2026B dated July 6, 2026, is confirmed.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: September 4, 2026

CERTIFIED BY:



Karly Dolski
Senior Committee Clerk

THE FOLLOWING PERSONS MADE REPRESENTATIONS:

In Support of the Appeal:

Louise Fillion
Carol Green

In Opposition to the Appeal:

Christian Okwudiwa
Olajumoke Babatunde
Anderson Agbugba

For Information on the Appeal:

Nil

For the City:

D. Kane, Development Planning Officer, Planning, Property and Development Department
M. Robinson, Principal Planner, Planning, Property and Development Department
S. Nuttall, Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DCU 151690A/2026B

1. Order DCU 151690/2026B dated July 6, 2026
2. Notice of Appeal filed by Louise Fillion, received July 20, 2026
3. Notification of Public Hearing dated September 14, 2026
4. Manitoba Status of Title 3408055/1
5. Letter of authorization dated April 27, 2026, from Christian Okwudiwa to Olajumoke Babatunde
6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
7. Petition in support of the application purporting to contain 4 signatures, submitted by the applicant
8. Plans, Sheets 1 to 2, for File DCU 151690A/2026B dated June 1, 2026
9. Report from the Urban Planning Division dated June 11, 2026
10. Inspection Report
11. Communication from Olajumoke Babatunde in opposition to the appeal
12. Communication dated August 28, 2026, from Anderson Agbugba in opposition to the appeal
13. Communication from Carol Green in support of the appeal

Exhibit "9" referred to in File DCU 151690A/2026B

PLANNING ADMINISTRATIVE REPORT

Title: DCU 26-151690\B – 508 Harvard Ave E

Issue: For consideration of a Conditional Use for a home-based business (daycare) increasing from 8 to 12 children with two (2) non-resident employees.

Critical Path: Director of Planning, Property, and Development

AUTHORIZATION

Author	Department Head	CFO	CAO
Donna Kane	n/a	n/a	

DECISION AND CONDITIONS

The Urban Planning and Design Division **approves** the application for a Conditional Use under Winnipeg Zoning By-Law No. 200/2006 to permit a day-care use (maximum 12 children), having two (2) non-resident employee, providing a personal service on the premises to establish as a home-based business.

Subject to the following condition(s):

1) That, the hours of operation on the premises be limited to between 7:00 am and 5:00 pm Monday to Friday.
2) That, the operator of the home-based business must be a resident of the dwelling where the home-based business is conducted.
3) That, there shall be no more than two (2) non-resident employees on the premises.
4) That, no other home-based business shall be conducted on the premises
5) That, care shall be provided to not more than twelve (12) children on the premises and that the day shall be licensed in accordance with the Provincial Day Care Licensing authority.
6) That, a pickup/drop off area shall be provided on the property to ensure the safety of persons entering and exiting the premises.
7) That, there shall be no exterior indication of the home-based business except for one (1) non-illuminated identification sign maximum 2 square feet (0.6 metres) in area.
8) That, the Conditional Use granted by this Order to establish a day-care, maximum twelve (12) children providing a personal service as a home-based business on the premises shall terminate June 30th, 2028.

REASON FOR THE REPORT

- The applicant is proposing to establish a day-care use as a home-based business and requires a Conditional Use.
- This report provides information regarding the subject application's compliance with *The City of Winnipeg Charter*, section 249.

FILE/APPLICANT DETAILS

FILE:	**DCU 26-151690\B**
RELATED FILES:	N**/A**
COMMUNITY:	East Kildonan - Transcona Committee
NEIGHBOURHOOD #:	4.406 - (KERN PARK)
SUBJECT:	For a Conditional Use under Winnipeg Zoning By-Law No. 200/2006 to permit a day-care use (maximum 12 children), having two (2) non-resident employee, providing a personal service on the premises to establish as a home-based business.
LOCATION:	508 Harvard Ave E
LEGAL DESCRIPTION:	LOT 37 BLOCK 64 PLAN 1504 4/5 11 4E
APPLICANT:	Olajumoke Babatunde (Gracey Home Childcare) 508 Harvard Ave E Winnipeg, MB R2C 0M2
OWNER:	Christian Okwudiwa 508 Harvard Ave E Winnipeg, MB R2C 0M2

HISTORY

N/A

DISCUSSION

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a Conditional Use with respect to a property may be approved if the Conditional Use:

(a) is consistent with *Plan Winnipeg* and any applicable secondary plan;

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(d) is compatible with the area in which the property to be affected is situated.

SITE DESCRIPTION

- The subject property is located on the south side of Harvard Ave E, east of Leola St in the Kern Park neighbourhood of the Transcona ward.
- The subject site is 3,300 square feet (306.5 square metres) in area. The site is currently occupied by a two (2) storey 1,015 single-family dwelling building built in 2002 used as a private residence.
- The subject site is accessed by a paved back lane.



Figure 1: Aerial photo of subject site and surrounding area *(flown 2024)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Single-family residential uses zoned “R1-M” Single-Family Medium

South: Single-family residential uses zoned “R1-M” Single-Family Medium

East: Single-family residential uses zoned “R1-M” Single-Family Medium

West: Single-family residential uses zoned “R1-M” Single-Family Medium



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to establish a home-based business as a daycare for twelve (12) children and two (2) non-resident employees.
- The existing driveway on site will provide a safe drop-off/pick-up area.
- Hours of operation will be Monday to Friday from 7:00 am – 5:00 pm.

Reason for Conditional Use

In the “R1-M” District, a home-based business is proposing to have twelve (12) children and two (2) non-resident employees attend the premises. For this reason, a Conditional Use is required.

ANALYSIS AND ISSUES

ANALYSIS OF CONDITIONAL USE

The proposed home-based business having twelve (12) children and two (2) non-resident employees attending the premises is compatible in a residential district.

The proposed home-based business will operate out of the main floor of the dwelling and will be compatible with the existing uses in the neighbourhood.

However, due to the nature of the home-based business, it is recommended that the home-based business should be permitted for a two (2) year probationary period to monitor its operation and effect.

CONDITIONS OF APPROVAL

1) That, the hours of operation on the premises be limited to between 7:00 am and 5:00 pm Monday to Friday.
2) That, the operator of the home-based business must be a resident of the dwelling where the home-based business is conducted.
3) That, there shall be no more than two (2) non-resident employees on the premises.
4) That, no other home-based business shall be conducted on the premises
5) That, care shall be provided to not more than twelve (12) children on the premises and that the day shall be licensed in accordance with the Provincial Day Care Licensing authority.
6) That, a pickup/drop off area shall be provided on the property to ensure the safety of persons entering and exiting the premises.
7) That, there shall be no exterior indication of the home-based business except for one (1) non-illuminated identification sign maximum 2 square feet (0.6 metres) in area.
8) That, the Conditional Use granted by this Order to establish a day-care, maximum twelve (12) children providing a personal service as a home-based business on the premises shall terminate June 30th, 2028.

REASONS FOR DECISION

In the context of Section 247(3), the Urban Planning and Design Division **approves** the application for the following reasons:

(a) is consistent with *Plan Winnipeg* and any applicable secondary plan;

In that, it provides an additional range of services and amenities within walking distance to meet daily needs.

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

In that, due to the small scale and provided drop-off/pick-up area there will be no adverse effect upon the adjacent properties or neighbourhood.

(d) is compatible with the area in which the property to be affected is situated.

In that, there are many similar home-based businesses of this nature approved throughout the City without disruption to the neighbourhood.

CONSULTATION

In preparing this report there was internal consultation with: N/A

OURWINNIPEG 2045 POLICY ALIGNMENT

OurWinnipeg Goal: City Building
Objective 1: Responsibly plan, prioritize and accommodate growth in areas that best support *Complete Communities* principles, to achieve this Plan's sustainable development goals.

- Facilitate growth and change strategically within Winnipeg's unique Transformative Areas and Established Neighbourhoods, to enhance the ability of the urban environment to contribute towards this Plan's goals.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given to whether this report connects to any of the specific Goals and Objectives in the Winnipeg Climate Action Plan and it was determined the PRS is not applicable to this specific report.

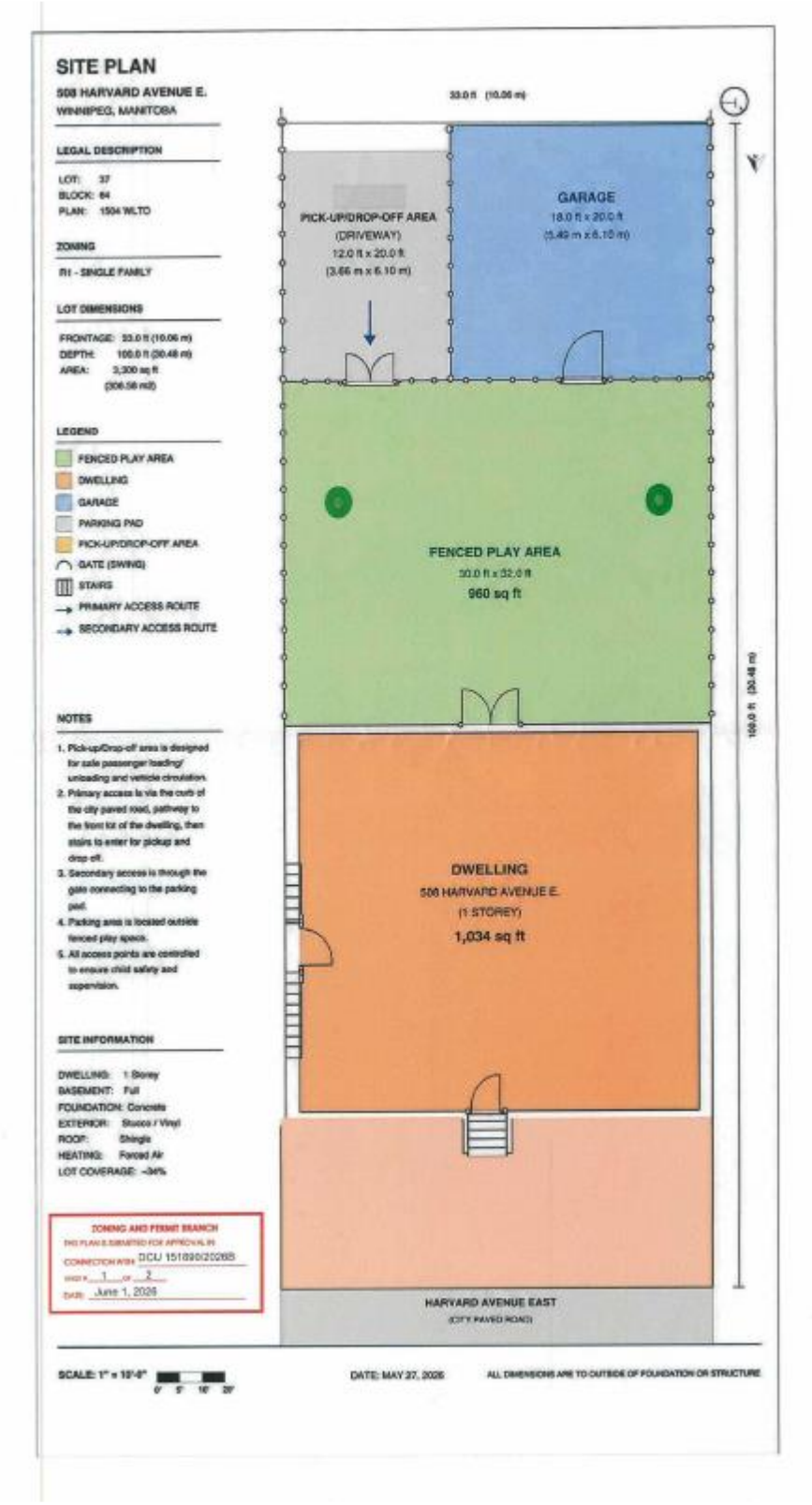
WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

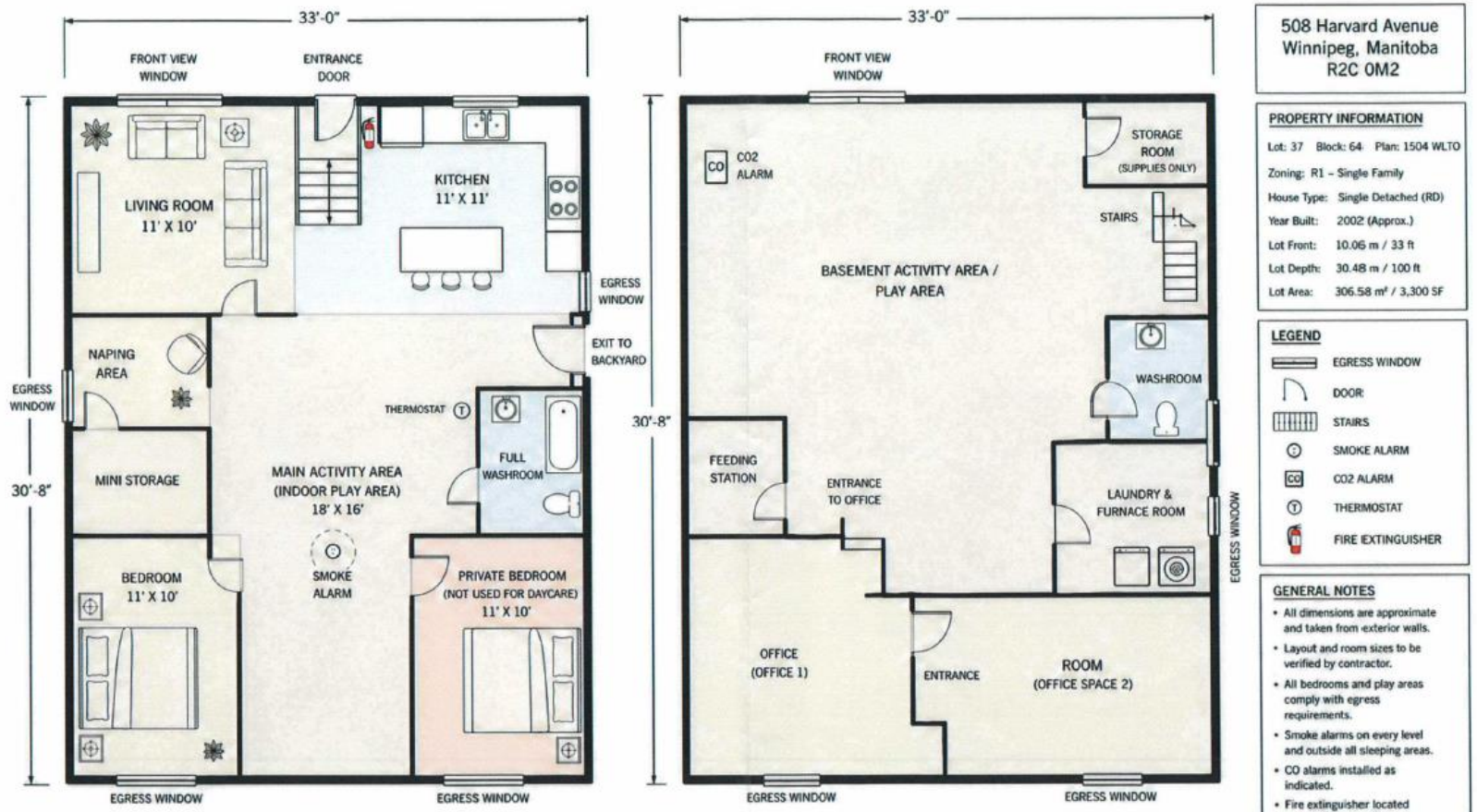
Consideration was given to whether this report connects to any of the specific Goals and Objectives in the *PRS* and it was determined the *PRS* is not applicable to this specific report.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning and Design
Prepared by:	Donna Kane
Date:	Thursday, June 11, 2026
File No.	DCU 26-151690\B

Exhibit “8” referred to in File DCU 151690A/2026B





MAIN FLOOR PLAN

LIVING AREA: 96.06 M² (1,034 SF)

BASEMENT FLOOR PLAN

FINISHED BASEMENT: 51.84 M² (558 SF)

ZONING AND PERMIT BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL IN
CONNECTION WITH: DCU 151690/2026B
SHEET # 2 OF 2
DATE: June 1, 2026

508 Harvard Avenue
Winnipeg, Manitoba
R2C 0M2

PROPERTY INFORMATION

Lot: 37	Block: 64 Plan: 1504 WLTO
Zoning:	R1 – Single Family
House Type:	Single Detached (RD)
Year Built:	2002 (Approx.)
Lot Front:	10.06 m / 33 ft
Lot Depth:	30.48 m / 100 ft
Lot Area:	306.58 m² / 3,300 SF

LEGEND

- EGRESS WINDOW
- DOOR
- STAIRS
- SMOKE ALARM
- CO2 ALARM
- THERMOSTAT
- FIRE EXTINGUISHER

GENERAL NOTES

- All dimensions are approximate and taken from exterior walls.
- Layout and room sizes to be verified by contractor.
- All bedrooms and play areas comply with egress requirements.
- Smoke alarms on every level and outside all sleeping areas.
- CO alarms installed as indicated.
- Fire extinguisher located beside kitchen entrance / back exit.

SCALE: 1/8" = 1'-0"
0 4' 8' 12'
N
DATE: May 17, 2025

Exhibit “2” referred to in File DCU 151690A/2026B

From: Louise Fillion
Sent: Tuesday, July 7, 2026 10:12 PM
Subject: Re: Conditional Use Application – Proposed Home Daycare at 508 Harvard Avenue E
CONDITIONAL USE: 26-151690/B

To Whom It May Concern,

I am a resident of , writing to formally submit my comments regarding the conditional use application for the proposed home daycare at this location.

While I support the establishment of home-based daycares, I have significant concerns regarding the potential impact on local parking and traffic. The area currently faces considerable parking challenges; vehicles utilize the back lane (side of 506 Harvard Ave East) or no parking street zones for drop-offs (preventing vehicles from passing), which creates safety risks for pedestrians and children.

Several factors have already intensified the demand for parking in this vicinity:

- The condominium/apartment development at Leola Street and Harvard Avenue has notably increased the need for on-street parking.
- The Manitoba Métis Federation facility at 509 Harvard Avenue East generates high vehicle volume.
- Limited parking availability often forces my visitors, including my elderly parents, to park a significant distance from my residence and sometimes on a different street all together.

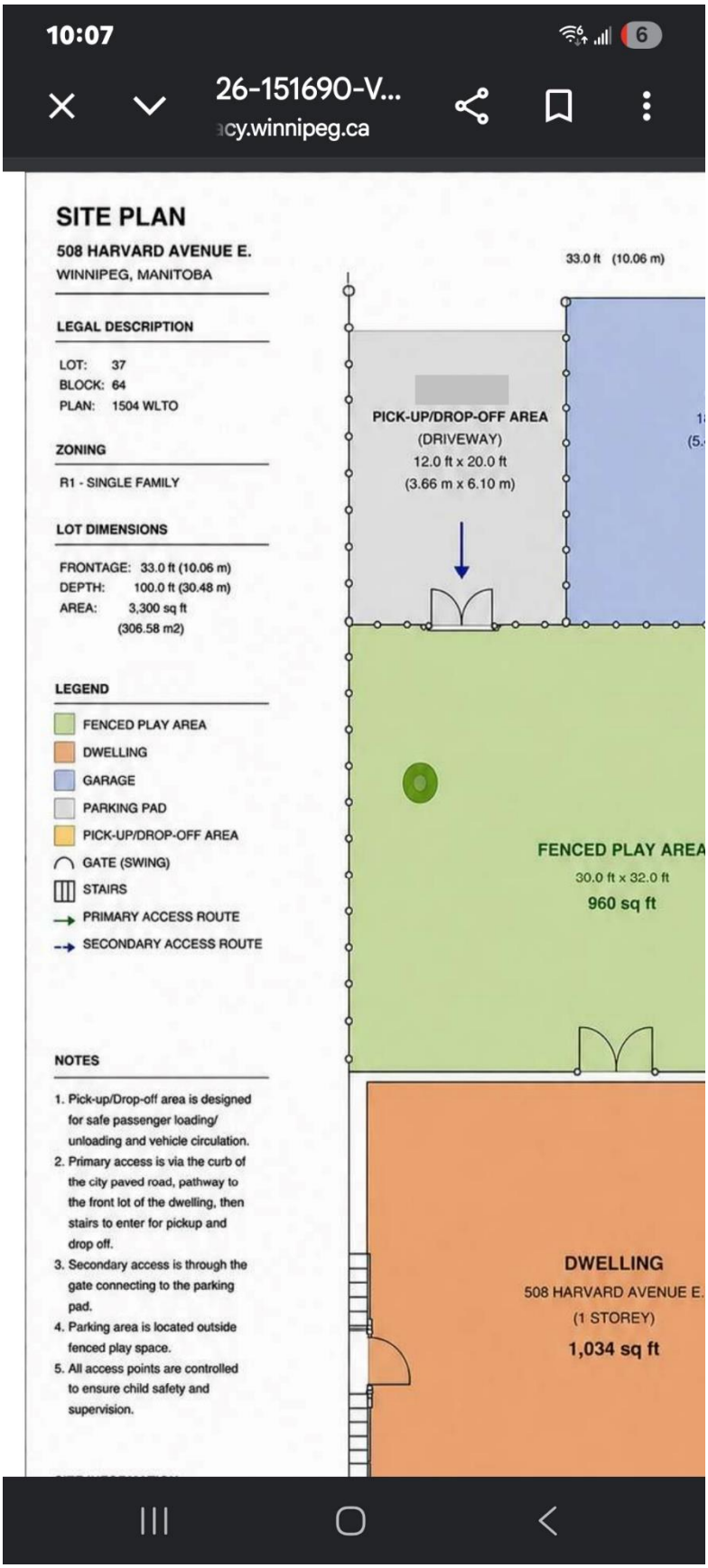
To mitigate these impacts, I request that any approval of this application be contingent upon a requirement that all daycare drop-offs and pickups occur strictly within the designated backyard drop-off zone and parking pad as outlined in the site plans on page 7. Requiring off-street loading is essential to reducing congestion and preserving street parking for residents. My children attend a daycare that successfully utilizes a similar off-street system, which has proven effective in preventing negative impacts on the surrounding neighborhood.

I respectfully ask that you consider these concerns and impose formal conditions requiring the use of designated off-street parking should this application be approved.

Thank you for your time and consideration.

Sincerely,

Louise Fillion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26-151690-V...
cy.winnipeg.ca
SITE PLAN
508 HARVARD AVENUE E.
WINNIPEG, MANITOBA
LEGAL DESCRIPTION
LOT: 37
BLOCK: 64
PLAN: 1504 WLTO
ZONING
R1 - SINGLE FAMILY
LOT DIMENSIONS
FRONTAGE: 33.0 ft (10.06 m)
DEPTH: 100.0 ft (30.48 m)
AREA: 3,300 sq ft
(306.58 m2)
LEGEND
FENCED PLAY AREA
DWELLING
GARAGE
PARKING PAD
PICK-UP/DROP-OFF AREA
GATE (SWING)
STAIRS
PRIMARY ACCESS ROUTE
SECONDARY ACCESS ROUTE
NOTES
1. Pick-up/Drop-off area is designed for safe passenger loading/ unloading and vehicle circulation.
2. Primary access is via the curb of the city paved road, pathway to the front lot of the dwelling, then stairs to enter for pickup and drop off.
3. Secondary access is through the gate connecting to the parking pad.
4. Parking area is located outside fenced play space.
5. All access points are controlled to ensure child safety and supervision.
33.0 ft (10.06 m)
PICK-UP/DROP-OFF AREA
(DRIVEWAY)
12.0 ft x 20.0 ft
(3.66 m x 6.10 m)
FENCED PLAY AREA
30.0 ft x 32.0 ft
960 sq ft
DWELLING
508 HARVARD AVENUE E.
(1 STOREY)
1,034 sq ft

Exhibit “1” referred to in File DCU 151690A/2026B

Planning, Property and Development Department
Service de l'urbanisme, des biens et de l'aménagement
Unit 31 – 30 Fort Street • 30, rue Fort, unité 31 • Winnipeg • Manitoba R3C 4X7

CONDITIONAL USE ORDER

DCU 26-151690/B

APPLICANT: Olajumoke Babatunde Gracey Home Childcare
508 Harvard AVE
Winnipeg, MB, R2C 0M2
CAN
PREMISES AFFECTED: 508 Harvard Avenue E
LEGAL DESCRIPTION: LOT 37 BLOCK 64 PLAN 1504 4/5 11 4E hereinafter called "the land".
PROPERTY ZONED: R1-M Mature Communities PDO-1
ZONING ATLAS SHEET: Z36
NATURE OF APPLICATION:

For a Conditional Use under Winnipeg Zoning By-Law No. 200/2006 to permit a day care use (maximum 12 children), having two (2) non-resident employee, providing a personal service on the premises to establish as a home-based business.

It is the opinion of the Director of Planning, Property and Development Department that subject to conditions listed below, if any, this order meets the statutory criteria of the City of Winnipeg Charter in that it:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway; and
(d) is compatible with the area in which the property to be affected is situated.

C.W. Charter Section 254 and Subsection 247(3)

ORDER:
RE: 508 Harvard Avenue E

The Director of Planning, Property and Development Department hereby orders that to permit a day care use (maximum 12 children), having two (2) non-resident employee, providing a personal service on the premises to establish as a home-based business **is Approved with Condition(s),** subject to the following condition(s) which the Director of Planning, Property and

Development Department considers necessary to ensure compliance with criteria (a) to (d) above, namely:

1) That, the hours of operation on the premises be limited to between 7:00 am and 5:00 pm Monday to Friday.

2) That, the operator of the home-based business must be a resident of the dwelling where the home-based business is conducted.

3) That, there shall be no more than two (2) non-resident employees on the premises.

4) That, no other home-based business shall be conducted on the premises

5) That, care shall be provided to not more than twelve (12) children on the premises and that the day shall be licensed in accordance with the Provincial Day Care Licensing authority.

6) That, a pickup/drop off area shall be provided on the property to ensure the safety of persons entering and exiting the premises.

7) That, there shall be no exterior indication of the home-based business except for one (1) non-illuminated identification sign maximum 2 square feet (0.6 metres) in area.

8) That, the Conditional Use granted by this Order to establish a day-care, maximum twelve (12) children providing a personal service as a home-based business on the premises shall terminate June 30th, 2028.

DATE OF ORDER: July 06, 2026

CERTIFIED BY:



for the Director Planning, Property and Development Department

HOW TO APPEAL

You can appeal this order by filing a letter of appeal with the City Clerk. Note that, in filing the appeal, the entirety of the order is subject to review by the designated committee at the appeal hearing. The appeal letter must:

(a) be addressed as set out below,

(b) be received at that office not later than 4:30 p.m. on July 20, 2026
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Conditional Use Order DCU 26-151690/B, give brief reasons and describe whether you appeal the whole order or only part(s) of it.

You can attend the appeal hearing and speak on issues raised in someone else's appeal; but the designated committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address: City Clerk, City of Winnipeg
c/o Appeals Committee
Susan A. Thompson Bldg.
510 Main Street
Winnipeg, MB, R3B 1B9
Fax 204-947-3452
Email: clk-appeals@winnipeg.ca