Minutes - Executive Policy Committee - March 17, 2004

REPORTS

Minute No. 227 Local Improvements on John Huyda Drive
File SL-3

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee referred the following recommendation of the Standing Committee on Fiscal Issues to the Standing Policy Committee on Public Works, namely:

1. That the following proposed Local Improvement Projects to be funded and constructed in 2005 be proceeded with, namely:

   A. Work Order No. 99-03-020-1-03, Land Drain Sewer (Lateral Only) in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

   B. Work Order No. 99-03-010-1-02, Waste Water Sewer in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

   C. Work Order No. 99-03-060-1-02, Watermain in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

   D. Work Order No. 99-03-200-1-04, 25'X 6'' Concrete Street Pavement on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way;

   E. Work Order No. 99-03-270-1-03, Ornamental Street Lighting on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

2. That the private property owners having rearage on John Huyda be deemed to benefit from the proposed local improvements and the local improvement levies not be deferred.

Further, the Executive Policy Committee received as information the following recommendation of the Standing Committee on Fiscal Issues, namely, that Lot 12 (David Scott, Certificate of Title No. 1253365) be protected from a planning (development) perspective to ensure the ability to service any future subdivision of Lot 12.

Minutes - Executive Policy Committee - March 17, 2004

DECISION MAKING HISTORY:

Moved by Councillor Clement,
That Recommendation Nos. 1 and 2 of the Standing Committee on Fiscal Issues be referred to the Standing Policy Committee on Public Works.

Carried

Moved by Councillor Eadie,
That Recommendation No. 3 of the Standing Committee on Fiscal Issues be received as information.

Carried

STANDING COMMITTEE DECISION:

On March 9, 2004, the Standing Committee on Fiscal Issues concurred in the administrative recommendation and received the report as information.

STANDING COMMITTEE RECOMMENDATION:

On March 9, 2004, the Standing Committee on Fiscal Issues recommended to the Executive Policy Committee:

1. That the following proposed Local Improvement Projects to be funded and constructed in 2005 be proceeded with, namely:

    A. Work Order No. 99-03-020-1-03, Land Drain Sewer (Lateral Only) in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

    B. Work Order No. 99-03-010-1-02, Waste Water Sewer in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

    C. Work Order No. 99-03-060-1-02, Watermain in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

    D. Work Order No. 99-03-200-1-04, 25'x 6'' Concrete Street Pavement on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way;

DECISION MAKING HISTORY (continued):

E. Work Order No. 99-03-270-1-03, Ornamental Street Lighting on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

2. That the private property owners having rearage on John Huyda be deemed to benefit from the proposed local improvements and the local improvement levies not be deferred.

DECISION MAKING HISTORY (continued):

Further, the Standing Committee on Fiscal Issues recommended to the Executive Policy Committee that Lot 12 (David Scott, Certificate of Title No. 1253365) be protected from a planning (development) perspective to ensure the ability to service any future subdivision of Lot 12.

On November 4, 2003, the Standing Committee on Fiscal Issues requested a report containing information on the ownership status of the properties on John Huyda Drive that could potentially be affected by local improvement levies.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Public Works that the Standing Committee on Fiscal Issues be requested to review the recommendation from the East Kildonan-Transcona Community Committee for a deferral of local improvement taxes and allow the work to proceed in 2005.

STANDING COMMITTEE RECOMMENDATION:

On October 7, 2003, the Standing Policy Committee on Public Works passed the following motion, namely:

> WHEREAS the East Kildonan-Transcona Community Committee is desirous that the following proposed Local Improvement Projects to be funded and constructed in 2005 be proceeded with, namely:
>
> 1. Work Order No. 99-03-020-1-03, Land Drain Sewer (Lateral Only) in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way;
>
> 2. Work Order No. 99-03-010-1-02, Waste Water Sewer in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way;
>
> 3. Work Order No. 99-03-060-1-02, Watermain in the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way;
>
> 4. Work Order No. 99-03-200-1-04, 25'X 6'' Concrete Street Pavement on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way;

DECISION MAKING HISTORY (continued):

5. Work Order No. 99-03-270-1-03, Ornamental Street Lighting on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

AND WHEREAS a deferral of any local improvement taxes is allowed under Section 423 (1) of the City of Winnipeg Charter;

THEREFORE BE IT RESOLVED that the Standing Committee on Fiscal Issues be requested to review the recommendation from the East Kildonan-Transcona Community Committee for a deferral of local improvement taxes and allow the work to proceed in 2005;

THEREFORE BE IT FURTHER RESOLVED that the Standing Committee on Fiscal Issues notify Councillor Lubosch when this item will be considered.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 16, 2003, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted the matter to the Standing Policy Committee on Public Works.

Further, on September 16, 2003, the East Kildonan-Transcona Community Committee submitted the following resolution to the Standing Policy Committee on Public Works, namely:

WHEREAS the proposed local improvements are undefeatable by private property owners;

AND WHEREAS the majority of private property owners have stated they will receive no benefit from the proposed local improvements;

AND WHEREAS the property owners on John Huyda Drive would be the primary benefactors of the proposed local improvements;

AND WHEREAS there is precedence for deferring local improvement levies to private property owners within the context of development agreement and related local improvement requirements;

THEREFORE BE IT RESOLVED that the proposed local improvements be proceeded with and forwarded to the Standing Policy Committee on Public Works;

DECISION MAKING HISTORY:

> BE IT FURTHER RESOLVED that the private property owners that have rearage on John Huyda Drive, and do not benefit by the proposed local improvements, be granted a deferment of the local improvement levies until such time as the property on John Huyda Drive is further subdivided.

On September 16, 2003, Herb Bodnaruk submitted a map depicting properties with rearage on John Hudya Drive. In addition, Doug Henne, Doug Henne Planning Services, submitted a communication dated September 15, 2003 with respect to the proposed local improvements.

TO: Ms. Inga Skundberg, East Kildonan – Transcona Community Committee Clerk

FROM: Mr. Tim Austin, Co-ordinator of Tax Accounting & Administration

SUBJECT: RESULTS OF JULY 31, 2003 LOCAL IMPROVEMENT ADVERTISEMENT

DATE: September 9, 2003

Attached is the 'Local Improvement Project Status Report' indicating proposed Local Improvement projects within your Community & Ward boundary that were advertised on Thursday July 31, 2003 in the Winnipeg Free Press newspaper. The East Kildonan - Transcona Community Committee is, therefore requested, to specifically review and recommend to the Standing Committee on Public Works on the Local Improvement projects as follows:

Work Order No.	***Local Improvement***	***Location***
99-03-020-1-03	Land Drain Sewer (Lateral Only)	In the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

It is estimated that the total cost of the project is $10,500 of which **92.16**% is to be recovered from the property owners' share. Mr. Herb Bodnaruk of 738 Bonner Avenue requested an 'Objection Against Petition Form' on August 6, 2003 and subsequent to receipt of said 'Objection Against Petition Form' on August 25, 2003, no other objections apart from the petition were filed. In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the City Treasurer that the signatures obtained from the benefiting property owners represents 15.49% of the total assessable frontage.

Please note, with not including developer-owned lands at the time the 'Objection Against Petition Form' was issued, signatures obtained from the benefiting property owners represents 23.42% of the total assessable frontage, short of the necessary 60% to defeat the project. However, since the 'Objection Against Petition Form' was issued, it has come to our attention that the developer has acquired additional lands, therefore the signatures obtained from the benefiting property owners represents 56.85% of total assessable frontage, which is still short of the required 60% to defeat the project.

City's Administration Recommendation: The undertaking of this Local Improvement should proceed, since the petitioners were unable to attain the required 60% of the total assessable frontage.

Work Order No.	***Local Improvement***	***Location***
99-03-010-1-02	Waste Water Sewer	In the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson

		Way.

It is estimated that the total cost of the project is $**22,000** of which **92.86**% is to be recovered from the property owners' share. Mr. Herb Bodnaruk of 738 Bonner Avenue requested an 'Objection Against Petition Form' on August 6, 2003 and subsequent to receipt of said 'Objection Against Petition Form' on August 25, 2003, no other objections apart from the petition were filed. In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the City Treasurer that the signatures obtained from the benefiting property owners represents 15.49% of the total assessable frontage.

Please note, with not including developer-owned lands at the time the 'Objection Against Petition Form' was issued, signatures obtained from the benefiting property owners represents 23.42% of the total assessable frontage, short of the necessary 60% to defeat the project. However, since the 'Objection Against Petition Form' was issued, it has come to our attention that the developer has acquired additional lands, therefore the signatures obtained from the benefiting property owners represents 56.85% of total assessable frontage, which is still short of the required 60% to defeat the project.

City's Administration Recommendation: The undertaking of this Local Improvement should proceed, since the petitioners were unable to attain the required 60% of the total assessable frontage.

Work Order No.	***Local Improvement***	***Location***
99-03-060-1-02	Watermain	In the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

It is estimated that the total cost of the project is $**21,000** of which **92.16**% is to be recovered from the property owners' share. Mr. Herb Bodnaruk of 738 Bonner Avenue requested an 'Objection Against Petition Form' on August 6, 2003 and subsequent to receipt of said 'Objection Against Petition Form' on August 25, 2003, no other objections apart from the petition were filed. In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the City Treasurer that the signatures obtained from the benefiting property owners represents 15.49% of the total assessable frontage.

Please note, with not including developer-owned lands at the time the 'Objection Against Petition Form' was issued, signatures obtained from the benefiting property owners represents 23.42% of the total assessable frontage, short of the necessary 60% to defeat the project. However, since the 'Objection Against Petition Form' was issued, it has come to our attention that the developer has acquired additional lands, therefore the signatures obtained from the benefiting property owners represents 56.85% of total assessable frontage, which is still short of the required 60% to defeat the project.

City's Administration Recommendation: The undertaking of this Local Improvement should proceed, since the petitioners were unable to attain the required 60% of the total assessable frontage.

Work Order No.	*Local Improvement*	*Location*
99-03-200-1-04	25'x6" Concrete Street Pavement	25 feet by 6 inches thick concrete street pavement on the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

It is estimated that the total cost of the project is $**251,000** of which **27.84**% is to be recovered from the property owners' share. Mr. Herb Bodnaruk of 738 Bonner Avenue requested an 'Objection Against Petition Form' on August 6, 2003 and subsequent to receipt of said 'Objection Against Petition Form' on August 25, 2003, no other objections apart from the petition were filed. In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the City Treasurer that the signatures obtained from the benefiting property owners represents 15.49% of the total assessable frontage.

Please note, with not including developer-owned lands at the time the 'Objection Against Petition Form' was issued, signatures obtained from the benefiting property owners represents 23.42% of the total assessable frontage, short of the necessary 60% to defeat the project. However, since the 'Objection Against Petition Form' was issued, it has come to our attention that the developer has acquired additional lands, therefore the signatures obtained from the benefiting property owners represents 56.85% of total assessable frontage, which is still short of the required 60% to defeat the project.

City's Administration Recommendation: The undertaking of this Local Improvement should proceed, since the petitioners were unable to attain the required 60% of the total assessable frontage.

Work Order No.	*Local Improvement*	*Location*
99-03-270-1-03	Ornamental Street Lighting	On the east-west leg of John Huyda Drive from the north-south leg of John Huyda Drive to Mitchelson Way.

It is estimated that the total cost of the project is $**33,000** of which **15.31**% is to be recovered from the property owners' share. Mr. Herb Bodnaruk of 738 Bonner Avenue requested an 'Objection Against Petition Form' on August 6, 2003 and subsequent to receipt of said 'Objection Against Petition Form' on August 25, 2003, no other objections apart from the petition were filed. In accordance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the City Treasurer that the signatures obtained from the benefiting property owners represents 15.49% of the total assessable frontage.

Please note, with not including developer-owned lands at the time the 'Objection Against Petition Form' was issued, signatures obtained from the benefiting property owners represents 23.42% of the total assessable frontage, short of the necessary 60% to defeat the project. However, since the 'Objection Against Petition Form' was issued, it has come to our attention that the developer has acquired additional lands, therefore the signatures obtained from the benefiting property owners represents 56.85% of total assessable frontage, which is still short of the required 60% to defeat the project.

City's Administration Recommendation: The undertaking of this Local Improvement should proceed, since the petitioners were unable to attain the required 60% of the total assessable frontage.

(Original Signed)

Co-ordinator of Tax Accounting & Administration

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ADMINISTRATIVE REPORT

RE: OWNERSHIP STATUS ON JOHN HUYDA DRIVE

FOR SUBMISSION TO: STANDING COMMITTEE ON FISCAL ISSUES

ORIGINAL REPORT SIGNED BY: CHIEF FINANCIAL OFFICER

REPORT DATE: March 3, 2004

RECOMMENDATION(S):

That this report be received as information.

REPORT SUMMARY:

Key Issue(s):

At its meeting on November 4, 2003, the Standing Committee on Fiscal Issues requested a report containing information on the ownership status of the properties on John Huyda Drive that could potentially be affected by local improvement levies.

Implications of the Recommendation(s):

General Implications

- [X] **None**
- [ ] **For the organization overall and/or for other departments**
- [ ] **For the community and/or organizations external to the City**
- [ ] **Involves a multi-year contract**

Comment(s):

Policy Implications

- [X] **No**
- [ ] **Yes**

Comment(s):

Environmental Implications:

- [X] **No**
- [ ] **Yes**

Comment(s):

Human Resources Implications:

X	**No**
	Yes
	Comment(s):

Financial implications

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required
	Comment(s): There are no financial implications associated with this report as it is for information purposes only.

REASON FOR THE REPORT:

The Standing Committee on Fiscal Issues has requested Administration prepare a report determining the ownership status of the affected properties on John Huyda Drive. This report is to be received as information.

HISTORY:

On July 31, 2003, five proposed local improvements for John Huyda Drive were advertised in the Winnipeg Free Press at the request of the developer, North Grassie Properties Inc.

On August 6, 2003, Mr. Herb Bodnaruk (738 Bonner Avenue) requested an *"Objections Against Petition"* form from the Taxation and Revenue Division. This petition was returned on August 25, 2003 and included an insufficient number of signatures to defeat the proposed local improvement. No other objections against the proposed local improvement were filed.

On September 16, 2003, the East Kildonan – Transcona Community Committee concurred in the Administrative recommendation that the proposed local improvements should proceed and submitted the matter to the Standing Policy Committee on Public Works.

Further, on September 16, 2003, the East Kildonan – Transcona Community Committee resolved that the private property owners that have rearage on John Huyda Drive, and do not benefit by the proposed local improvements, be granted a deferment of the local improvement levies until such time as the property on John Huyda Drive is further subdivided.

On October 7, 2003, the Standing Policy Committee on Public Works resolved that the Standing Committee on Fiscal Issues be requested to review the recommendation from the East Kildonan – Transcona Community Committee for a deferral of local improvement taxes and allow the work to proceed in 2005.

On October 15, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Public Works, namely, that the Standing Committee on Fiscal Issues be requested to review the recommendation from the East Kildonan – Transcona Community Committee for a deferral of local improvement taxes and allow the work to proceed in 2005.

On November 4, 2003, the Standing Committee on Fiscal Issues recommended:

1. That the matter be referred to the Chief Administrative Officer with direction that the Administration advise the property owners of the procedures for requesting a deferment of local improvement levies and that a report be prepared with recommendations concerning any applications that are received for consideration by the appropriate Committee of Council.

2. That the Chief Administrative Officer be requested to determine the ownership status of the affected properties and report back to the Standing Committee on Fiscal Issues.

DISCUSSION:

Pursuant to the first recommendation made by the Standing Committee on Fiscal Issues on November 4, 2003, an information package has been prepared and sent to the property owners on John Huyda Drive outlining the procedures for requesting a deferment of local improvement levies. The communication package includes a letter explaining how and when to apply for a deferment as well as an *"Application for Deferment of Local Improvement Levies"* (see Appendix 1).

When applying for deferment, the property owner must complete and submit the *"Application for Deferment of Local Improvement Levies"*. The Application must be submitted to the Taxation and Revenue Division on or before December 31st in the year in which the subject local improvement tax is first imposed. It should be noted that the local improvement tax for John Huyda Drive will not be imposed until 2006 and therefore the deadline for receipt of the deferment application will be December 31, 2006.

The Taxation and Revenue Division will review and assess the merits of all deferment Applications on a case-by-case basis and submit a report with recommendations for consideration to the appropriate Committee of Council.

With respect to the second recommendation made by the Standing Committee on Fiscal Issues on November 4, 2003, a review of the ownership status of the properties affected

by the local improvements on John Huyda Drive has been completed. The result of the Certificate of Title searches is summarized in Appendix 2 and 3.

Financial Impact Statement

There is no financial impact as this report is for information purposes only.

"Original Signed by Carrie Erickson"
Carrie Erickson
Manager of Finance & Administration

IN PREPARING THIS REPORT, THERE WAS CONSULTATION AND CONCURRENCE BY:

Corporate Services Department, Legal Services Division

THIS REPORT SUBMITTED BY:

Corporate Finance Department
Taxation and Revenue Division
Prepared by: Bob Weselowski, Manager of Taxation and Revenue

File No.: John Huyda Drive – Ownership Status.doc

Appendix 1

Date

Name
Address
Winnipeg, Manitoba

Dear:

Re: Process to Defer Local Improvement Levies

This letter is intended to provide you with information on applying for a deferment of local improvement taxes. These local improvements relate specifically to those to be developed on John Huyda Drive.

Subsection 423(1) of *The City of Winnipeg Charter* provides City Council with the authority to defer the payment of the whole or a part of any local improvement taxes. Pursuant to Council policy, requests for deferment of local improvement taxes are only considered after the subject local improvement taxes appear on the property tax roll.

To apply for deferment, the property owner must complete and submit an *"Application for Deferment of Local Improvement Taxes"*. The application form is enclosed with this letter and is also available from the Taxation and Revenue Office. The application for deferment must be submitted on or before December 31st in the year that the subject local improvement tax first appears on the property tax bill. It is anticipated that the subject local improvement tax for John Huyda Drive will not be imposed until 2006 and therefore the deadline for receipt of the deferment application will be December 31, 2006.

It should be noted that in accordance with Council policy any property owner who signs a petition in favour of a local improvement or fails to oppose it when given the opportunity to do so is automatically disqualified from any consideration for deferment of the taxes for that improvement. Also, a deferment of local improvement taxes is not a substitute for an appeal of the local improvement taxes. A successful deferment application will delay the imposition of the local improvement charge for only a period of time whereas a successful appeal of a local improvement tax can result in the permanent removal of these taxes from the subject property. Registered owners can simultaneously apply for an appeal against, and a deferment from, local improvement taxes when the taxes are imposed.

If you have any questions regarding the deferment application process, please call George Wladyka at 986-2539 or myself at 986-2088.

Yours truly,

Tim Austin, CGA
Coordinator of Tax Accounting & Administration
Taxation and Revenue Division

cc: Councilor Mark Lubosch

Enclosures: Application for Deferment of Local Improvement Taxes
Definitions and Conditions for the Deferment of Local Improvements (Attachment B)

Attachment B

THE CITY OF WINNIPEG
APPLICATION FOR DEFERMENT OF LOCAL IMPROVEMENT TAXES

In accordance with and subject to the provisions contained herein,

I (we) _____

of _____
Address

being the registered owner(s) of the lands describe as follows:

Roll: _____

Legal Description:

_____

_____

_____

Herein make application for the deferment of the local improvement taxes (to be) imposed for local improvements that have been installed as described below:

Improvement	**Location**	**Term**	**Annual Levy**

I (we) hereby declare that the foregoing improvement(s) do(es) not directly nor immediately provide a useable benefit to the subject property on the basis of the present conditions and/or land use as stated hereunder:

I (we) further declare that the above described property is:

(a) My (our) principal residence; or
(b) Being used for agricultural purposes from which I (we) derive my (our) primary source of income as defined in the definition of agricultural land (see over).

I (we) further declare that I (we) have opposed the installation of the subject improvement(s) and have registered that opposition by formally petitioning against same, having been given the opportunity to do so.

I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act".

Declared before me at the _____

Of _____

In the Province of _____

This ___ Day of _____

A.D., 20_____ _

_____
Applicant

_____
A Commissioner of Oaths

DEFINITIONS AND CONDITIONS FOR THE DEFERMENT OF LOCAL IMPROVEMENTS

1. Definitions:

a) Local Improvements means a work or service as defined in Section 406, division 5 of The City of Winnipeg Charter.

b) Principal Residence means:

(I) "single dwelling unit" being a complete building or portion of a building in which a family or person lives, eats and sleeps, and that is entered as a separate parcel on the real property assessment tax roll of a municipality as one dwelling unit and which is classified as farm and residential property as defined in Part IX of The Public Schools Act:

(II) "principal residence" includes the residence occupied by the applicant which is his residence but which is not part of a condominium or co-operative housing scheme of which he is a member, shareholder, participant or partner; and in case of an applicant who owns and resides in a farm residence, includes the parcel of land on which the residence is located.

c) Agricultural Lands means:

(I) a parcel of land not less than four contiguous acres of land improved and used for the purpose of grain growing, raising or keeping of farm stock or market gardening where the net income derived by the applicant from the sale or disposal of the grain, farm stock or market produce raised, kept or grown on the land exceeds the net income which the applicant derives from any other sources.

(II) where the registered owner of the land in (I) above is a corporation this application shall not apply unless at least ninety percent in number and value of the shares of the corporation are held by individuals.

(a) whose principal occupation is growing grain, raising or keeping farm stock, or market gardening, and whose net income from grain growing, raising or keeping farm stock or market gardening is more than his net income from other sources; or

(b) who are parents, spouses, children, brothers or sisters of individuals described in (a) above.

d) *Double Frontage Lot means:* a lot that extends from one street to another, where the streets are 33 feet in width or greater.

2. Conditions:

a) To qualify the holding must be a principal residence and/or agricultural lands.

b) That deferments, if granted, shall be in effect for a maximum period of 5 years or less if one of the following occurs:

(I) registration of a plan of subdivision or resubdivision affecting part or all of the property.

(II) where part or all of the property enjoying deferment is rezoned permitting a change in land use.

(III) granting of a variance, allowing change in land use.

(IV) any other condition which, in the opinion of City Council, would remove or alter the reasons originally advanced to support the deferment, such as a consent to convey a portion of the site to a developer, where a change in land use is contemplated. * (Amended by Order in Council, October 20, 1982 – See below)

c) Application for deferment must be submitted on or before December 31st in the year that the subject local improvement tax is first imposed.

d) Deferment will only be granted in qualifying cases for a principal residence in which case the maximum deferral will be restricted to 100 feet frontage or for the agricultural uses when the owner's principal occupation is growing grain, raising or keeping stock or market gardening, the net income from which is more than the income from all other sources.

e) Deferment may be granted, only on the basis of no immediate useable benefit to the owner of the property involved, and subject to condition 2(b), as long as that and other qualifying conditions continue to exist. Whether or not the property changes hands, the deferment may stand. It is also recognized that any property owner who signs a petition in favour of a local improvement or fails to oppose it when given the opportunity to do so would automatically disqualify himself from any consideration for deferment of that improvement.

f) There shall be no deferments of district levies, water or sewer maintenance frontage levies, boulevard, ornamental lights, granular surface roads or sidewalks.

g) Deleted by Order in Council dated April 15, 1981.

h) Reinstatement of levies as provided for in the deferment by-law shall be at the then prevailing City rates including interest at the City's current capital borrowing rate.

i) The subject property shall be encumbered by the provisions for future liability contained herein and/or as prescribed by Council from time to time and that any such encumbrances which are required to be registered at the Winnipeg Land Titles Office shall be so registered.

* This clause is amended by Order in Council dated October 20, 1982 by adding:
That should a property owner who has been granted a deferment propose to subdivide or sever any part of the holding, where such part does not abut the local improvement(s) for which the assessment of levies has been deferred, the property owner may, at the time he files for approval of a development application, apply for exemption from the effect of part (I) of this paragraph, each such application to be considered on its own merits.

Appendix 2

	Property Owner	Certificate Number	Registration Date	Property Address
1	The City of Winnipeg	1566095	04/17/98	No Civic Address
2	Henryk & Irene Koscinczyk	1180282	10/12/90	734 Bonner Avenue
3	Herbert & Hazel Bodnaruk	1779720	02/05/01	738 Bonner Avenue
4	Anne Kostynyk	1791491	03/26/01	No Civic Address
5	North Grassie Properties Inc.	1977337	10/30/03	No Civic Address
6	Raymond & Phyllis Haines	1791204	03/21/01	750 Bonner Avenue
7	North Grassie Properties Inc.	1975224	10/06/03	No Civic Address
8	Daniel & Gail Moroz	C73036	05/02/72	754 Bonner Avenue
9	North Grassie Properties Inc.	1997736	10/30/03	No Civic Address
10	North Grassie Properties Inc.	1854000		No Civic Address
11	North Grassie Properties Inc.	1981556	11/06/03	No Civic Address
12	David Scott	1363365	07/12/94	774 Bonner Avenue
13	Marion & Jaroslawa Jaworski	1187307	12/04/90	12 John Huyda Drive
14	North Grassie Properties Inc.	1977252 & 1977254	10/30/03	No Civic Address
15	North Grassie Properties Inc.	1977113, 1977216, 1977219, 1977220, 1977221, 1977223, 1977225, 1977226, 1977233, 1977236, 1977237, 1977242, 1977250	10/30/03	No Civic Address
16	Arthur & Evenlyn Koop	1530135	10/17/97	22 Mitchelson Way

Appendix 3

1


BONNER AV
JOHN HUYDA DR
JOHN HUYDA DR
MITCHELSON WY
PT A
PT 3
PT 3