



CITY OF YELLOWKNIFE

## MUNICIPAL SERVICES COMMITTEE AGENDA

**Monday, February 9, 2015 at 12:05 p.m.**

Chairman: Mayor M. Heyck,  
Councillor R. Alty,  
Councillor A. Bell,  
Councillor B. Brooks,  
Councillor L. Bussey,  
Councillor N. Konge,  
Councillor P. Son,  
Councillor C. Vanthuyne, and  
Councillor D. Wong.

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<b><u>Item</u></b>	<b><u>Description</u></b>
1.	Approval of the agenda.
2.	Disclosure of pecuniary interest and the general nature thereof.
ANNEX A	
3.	A memorandum regarding whether to dispose and rezone a portion of City owned land adjacent to Lot 28, Block 27, Plan 1388 ("Yellowknife Apartments") to facilitate a mixed use redevelopment opportunity.
ANNEX B	
4.	A memorandum regarding whether to amend Development Incentive Program By-law No. 4534, as amended, and Land Administration By-law No. 4596, as amended, to further encourage revitalization and residential intensification of targeted areas of the City.
ANNEX C	
5.	A memorandum regarding whether to discontinue discussions regarding the transfer of ownership of the Robertson Headframe from Newmont Mining Corporation to the City of Yellowknife for the purposes of preserving of the structure.
ANNEX D	
6.	A memorandum regarding whether to select properties to auction for tax arrears, when to hold the auction and what minimum price will be established for each property.



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**Item No.**      **Description**

**ADDITIONAL COUNCIL ITEMS**

ANNEX E

7.            A memorandum regarding whether to appoint Ricky Lee Sutherland and Sean Couvrette as By-law Officers for the City of Yellowknife.



CITY OF YELLOWKNIFE

**MEMORANDUM TO COMMITTEE**

**COMMITTEE:** Municipal Services

**DATE:** February 9, 2015

**DEPARTMENT:** Planning & Development

**ISSUE:** Whether to dispose and rezone a portion of City owned land adjacent to Lot 28, Block 27, Plan 1388 ("Yellowknife Apartments") to facilitate a mixed use redevelopment opportunity.

**RECOMMENDATION:**

That:

1. By-law No. XXXX, a by-law to dispose portions of Lot 32, Block 27, Plan 4297; portions of Lot 29, Block 27, Plan 1388; and portions of ROAD, Plan 176 to 506548 NWT Ltd. (Yellowknife Apartments Ltd) for consolidation with Lot 28, Block 27, Plan 1388 to facilitate mixed-use redevelopment;
2. By-law No. YYYY, a by-law to rezone portions of Lot 32, Block 27, Plan 4297; portions of Lot 29, Block 27, Plan 1388; and portions of ROAD, Plan 176 from PR- Parks and Recreation to DT – Downtown; and
3. By-law No. ZZZZ, a by-law to amend General Plan By-law No. 4656: "Map 1- Land Use Designations" to redesignate portion of Lot 32, Block 27, Plan 4297 and portion of Lot 29, Block 27, Plan 1388 from "Residential Community" to "Downtown";

be presented for adoption.

**BACKGROUND:**

Lot 28, Block 27, Plan 1388, also known as Yellowknife Apartments, is a 1950's multi-residential 8-plex. The former owners approached the City several years ago about selling the property. Based on an appraisal and building inspection at the time it was determined the only viable long-term use would be demolition and redevelopment. The City did not proceed with the purchase and the property was subsequently purchased by 506548 NWT Ltd with intentions to redevelop the site.

506548 NWT Ltd. has prepared conceptual plans (see Attachment 3) which include demolition of the existing building and redevelopment into a mixed-use development consisting of 18 residential units and approximately 350 square metres of ground floor commercial. To facilitate the siting of the building and the associated parking, 506548 NWT Ltd. has submitted a Land Application to acquire additional municipal land. Subject to Council approval for the disposal and rezoning of required lands, the Applicant will submit a Development Permit and Building Permit prior to development. It is noted that this development would be eligible for the Residential Intensification incentive under the Development Incentive Program By-law.

**COUNCIL POLICY / RESOLUTION OR GOAL:**

Council Goal #1	Building a sustainable future.
Objective 1(a)	Realize opportunities to encourage economic growth and diversity.
Council Goal #2	Stewards of our natural and building environment.
Objective 2(d)	Promote a range of commercial, residential and institutional development and revitalization opportunities.
Action 2.4	Develop an implementation plan for Downtown Revitalization.

**APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:**

1. Council Strategic Plan;
2. Zoning By-law No. 4404, as amended;
3. Yellowknife General Plan (2011), as amended;
4. Yellowknife Smart Growth Plan (2010); and
5. Creating Housing Affordability (2009);
6. Land Administration By-law No. 4596; as amended; and
7. Development Incentive Program By-law No. 4534, as amended.

**CONSIDERATIONS:**

Zoning By-law

The Applicant's (506548 NWT Ltd) property is within the DT – Downtown Zone which permits multi-family residential and mixed-use developments. The lands identified for disposal require rezoning from PR- Parks and Recreation to DT – Downtown to facilitate the proposed development.

Smart Growth Development Plan

Downtown revitalization is the cornerstone of the Smart Growth Development Plan. In addition to strengthening the local economy of Yellowknife it promotes culture, identity, efficient land use, affordable housing, and active transportation. The Plan recommends the residential intensification of the Downtown, land assembly for redevelopment, and facilitating opportunities for mixed-use development. The disposal of the lands to facilitate the proposed mixed use redevelopment supports all of these objectives.

General Plan

A minor amendment is recommended to the General Plan to redesignate the property in question from "Residential Community" to "Downtown" to be consistent with the designated Lot 28, Block 27, Plan 1388.

General Plan By-law No. 4656, as amended, targets 31% of the total targeted (1,500) residential development to occur in the DT – Downtown zone over the next 10 years. To date only 40 of the 430 projected units have been built over a 3 year period, whereas “greenfield” residential builds (280) plus assembled lots for units (454) have nearly already reached the 10 year target. This implies a greater need for the City to focus its efforts to encourage residential intensification, particularly in the Downtown. Since access to land is one of the challenges, the proposed disposal of the subject lands is one step to facilitating such development. Another which is noted in the General Plan is consideration for development incentives.

#### Land Administration By-law

Land Administration By-law No. 4596, as amended, stipulates that in absence of requirements for municipal purposes, municipal land may be sold by by-law at appraised value. An appraisal was conducted in December of 2014 at \$161 per square metre with an estimated 363m<sup>2</sup> of land area for an estimated sale price of \$58,500. The price of the land will be adjusted subject to completion of the survey and determination of the final land area.

#### Development Incentive Program

The proposed redevelopment would be eligible for a five-year tax abatement on the assessed improvements under the Residential Intensification Incentive of Development Incentive Program By-law No. 4534, as amended. Additional incentives may be made available to facilitate the development subject to Council making appropriate recommended amendments to By-law No. 4534 (i.e. residential development with ground floor commercial).

#### Financial

The sale of the above noted lands will provide additional funds to the Land Development Fund to realize further development opportunities in the City. The disposal of the property will increase the Lot area of Lot 28, Block 27 by 65% along with the appraised land value. Most importantly the site is currently occupied by YK Apartments, a 1950’s multi-family 8-plex building, which will be demolished and replaced with a new building. This proposed four-storey building will consist of 18 residential units and approximately 350 square metres of ground floor commercial space will over time generate significantly greater tax revenue for the City while encouraging further revitalization of the neighbourhood.

#### **ALTERNATIVES TO RECOMMENDATION:**

That Council not dispose of Lot 32, Block 27, Plan 4297; and portions of Lot 29, Block 27, Plan 1388, and ROAD, Plan 176 to the owners of Lot 28, Block 27, Plan 1388 (“Yellowknife Apartments”) to facilitate a mixed use redevelopment.

#### **RATIONALE:**

The disposal and rezoning of a portion of lands adjacent Lot 28, Block 27, Plan 1388 (Yellowknife Apartments Ltd.) is necessary to facilitate the envisioned mixed use redevelopment. The redevelopment will serve to revitalize the Downtown, provide affordable housing, increase active transportation, and Land Development Fund and tax revenue to the City.

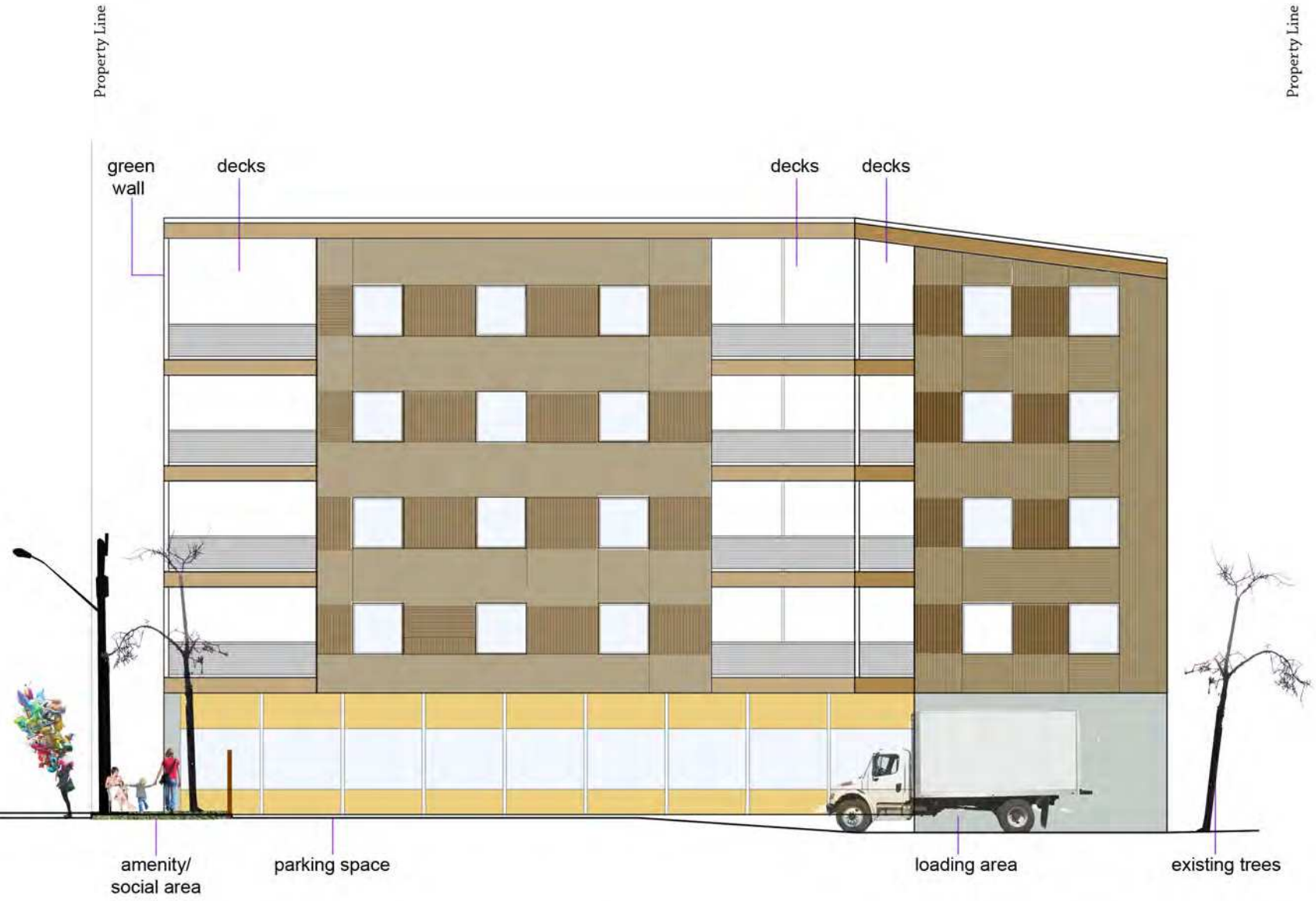
**ATTACHMENTS:**

1. Mixed-Used Redevelopment Concept Plan (Docs#406427);
2. Disposal By-law No. XXXX (Docs#414169 and #414659);
3. By-law No. YYYY: Zoning Amendment from “PR – Parks and Recreation” to “DT – Downtown” (Doc#414170 and #414660);
4. By-law No. ZZZZ: General Plan Amendment from “Residential Community” to “Downtown” (Doc #417821 and #417831).

Prepared: January 10, 2015; JH



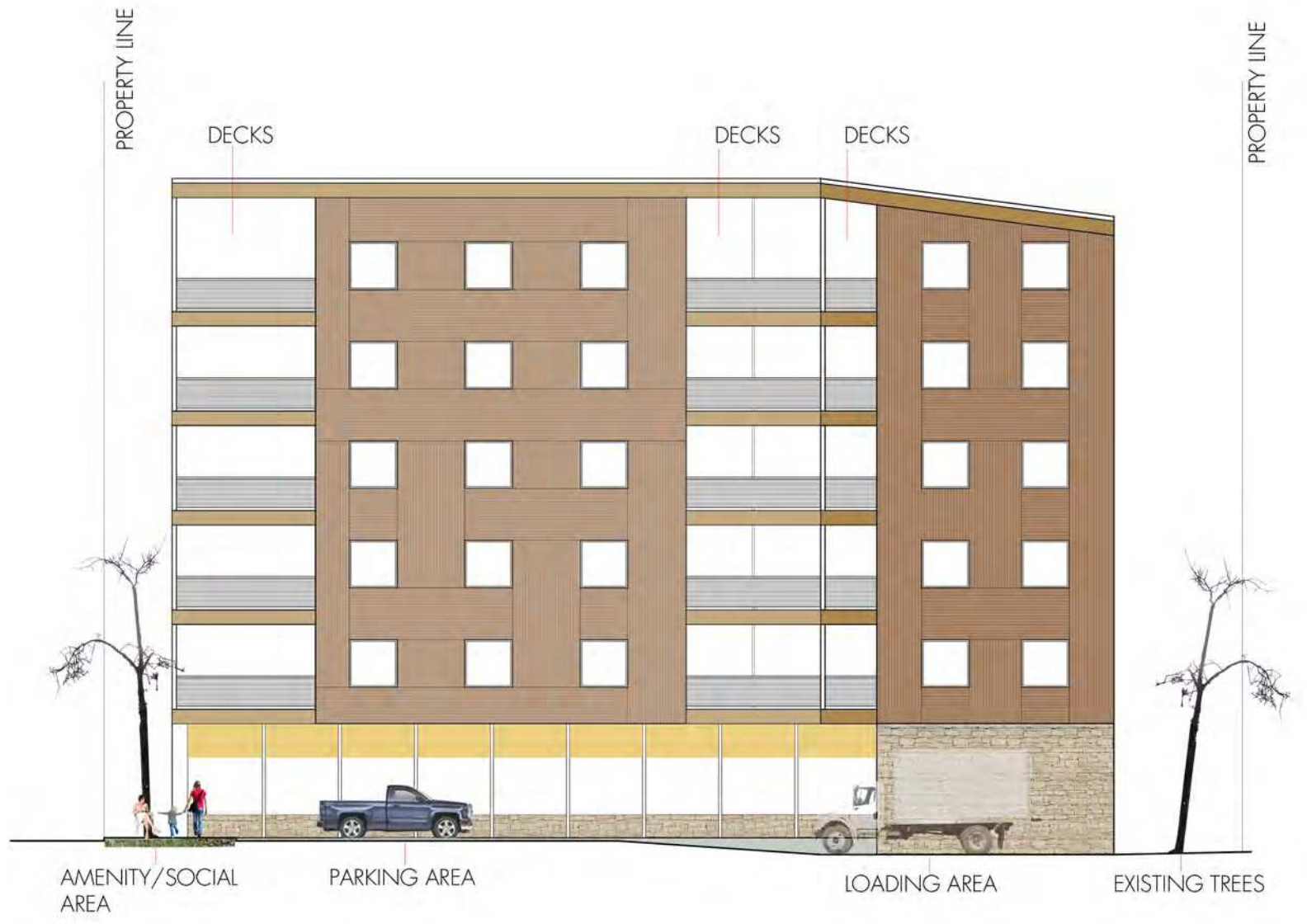
Elevation 1



Elevation 2

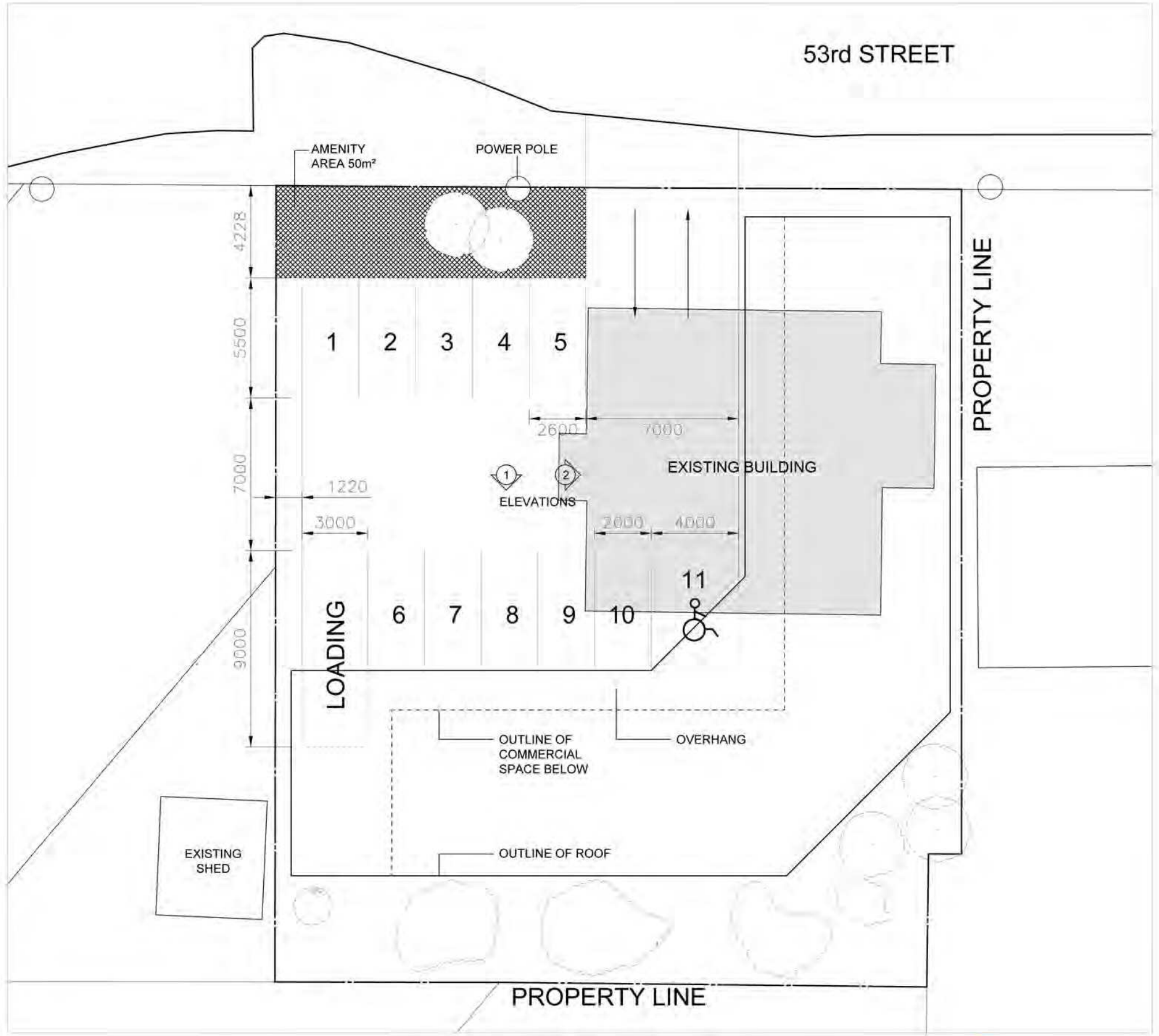
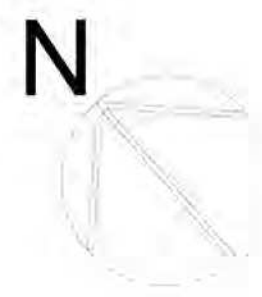
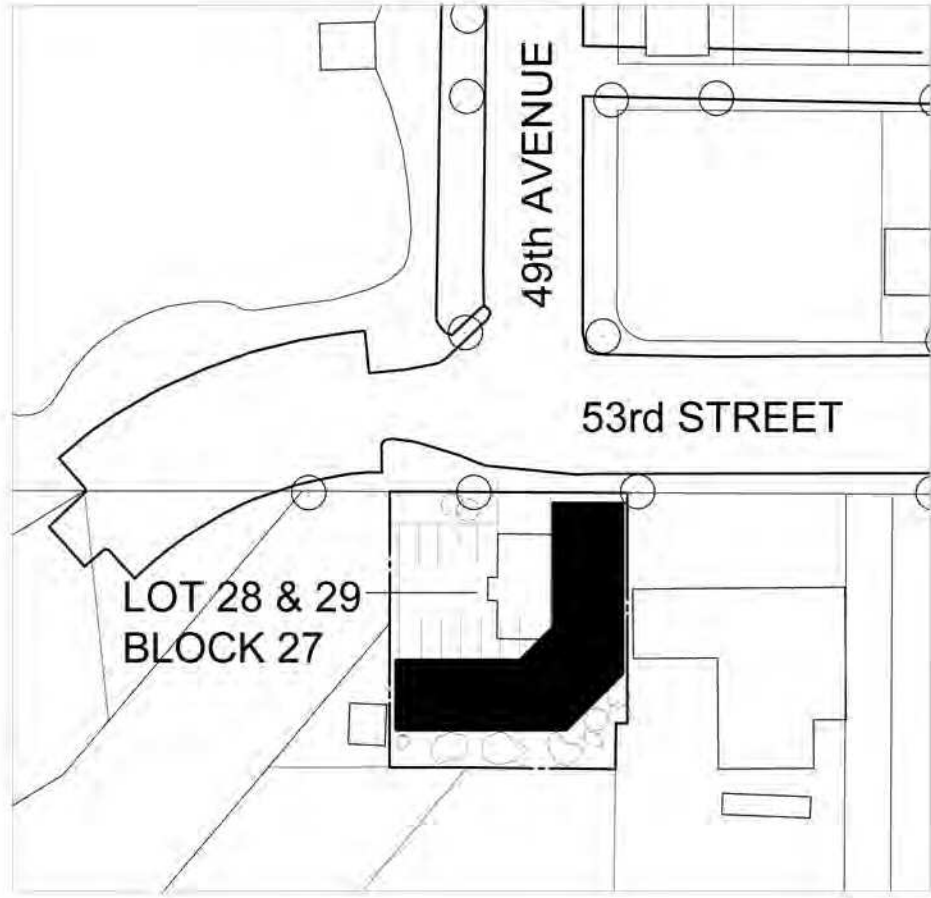


ELEVATION 1



ELEVATION 2







CITY OF YELLOWKNIFE

**BY-LAW NO. XXXX**

**BS XXX**

A by-law of the Council of the Municipal Corporation of the City of Yellowknife authorizing the Municipal Corporation of the City of Yellowknife to dispose of a freehold interest in land for the Municipal Corporation of the City of Yellowknife, in the Northwest Territories.

PURSUANT to Section 54 of the *Cities, Towns and Villages Act*, S.N.W.T., 2003, c. 22;

WHEREAS the said parcel of land is not required for municipal purposes by the Municipal Corporation of the City of Yellowknife;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

**APPLICATION**

1. That the Municipal Corporation of the City of Yellowknife is hereby authorized to dispose of a freehold interest in land more particularly described as:

All that portion of Lot 29, Block 27 , Plan 1388, Lot 32, Block 27, Plan 4287 and Road, Plan 176 as in a hatched pattern on Schedule "A" attached hereto and forming part of this by-law.

2. THAT the Mayor and City Administrator of the Municipal Corporation of the City of Yellowknife, or lawful deputy of either of them, are hereby authorized in the name and on the behalf of the Municipal Corporation of the City of Yellowknife, to execute all such forms of application, deeds, indentures, and other documents as may be necessary to give effect to this by-law and to affix thereto the corporate seal of the Municipal Corporation of the City of Yellowknife as the act and deed thereof, subscribing their names in attestation of such execution.

**EFFECT**

3. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Read a Second Time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Read a Third Time and Finally Passed this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2015.

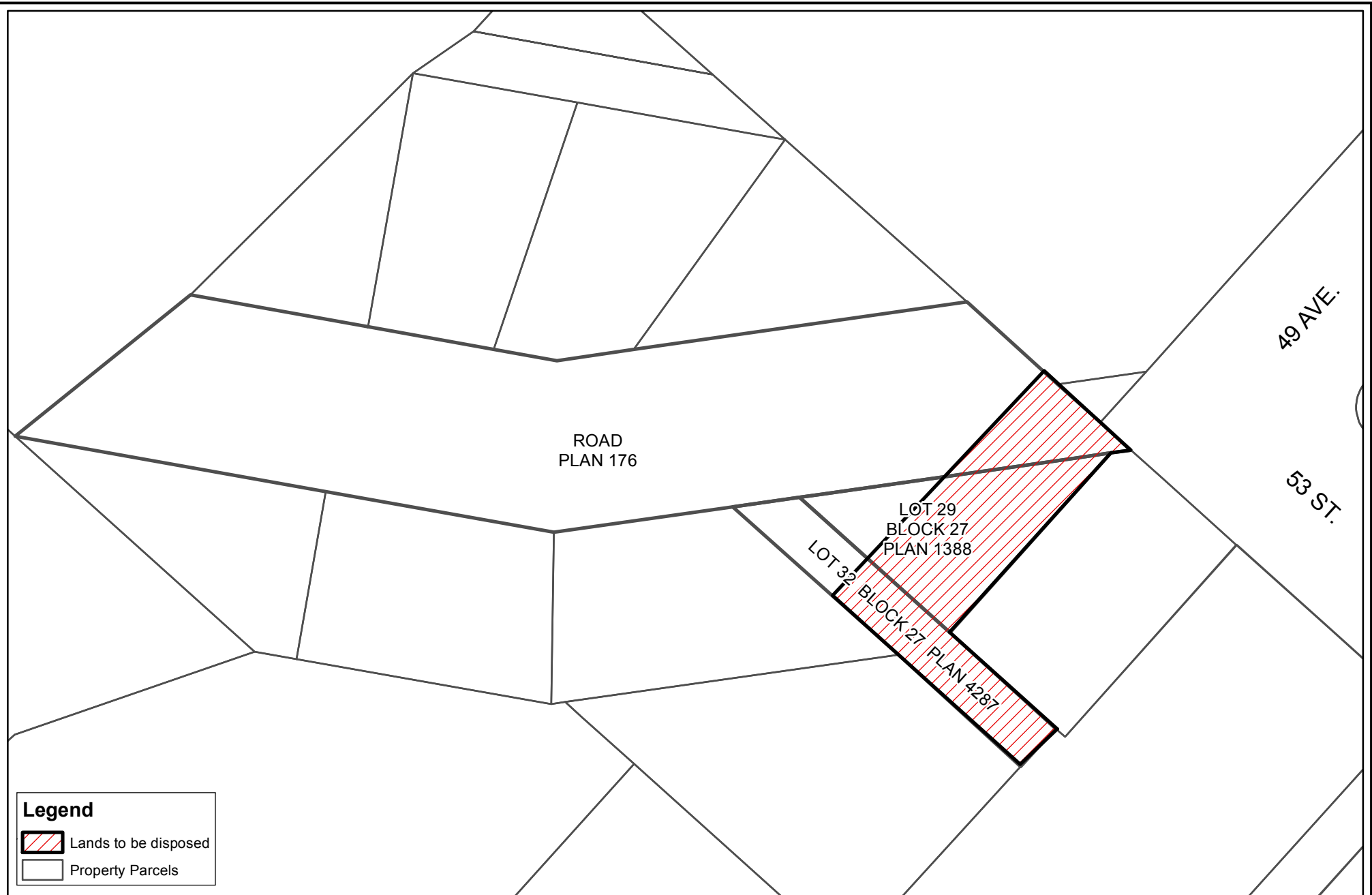
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator



I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.

\_\_\_\_\_  
City Administrator

Schedule A (DM #414659)



**Legend**

-  Lands to be disposed
-  Property Parcels



**CITY OF YELLOWKNIFE**  
 Planning & Development

PROJECT:	Land Disposal
TITLE:	By-law No. XXXX - Schedule "A"

SCALE:	1:610	CREATED BY:	M.Nguyen
FILE:	YKApartments_disposal.mxd		
DATE:	January 5, 2014		



CITY OF YELLOWKNIFE

**BY-LAW NO. YYYY**

**BZ YYY**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, authorizing the Municipal Corporation of the City of Yellowknife to amend City of Yellowknife Zoning By-law No. 4404, as amended.

PURSUANT TO:

- a) Sections 12 to 32 inclusive of the *Community Planning and Development Act*, S.N.W.T., 2011, c.22; and
- b) Due notice to the public, provision for inspection of this by-law and due opportunity for objections thereto to be heard, considered and determined; and

WHEREAS the Municipal Corporation of the City of Yellowknife has enacted Zoning By-law No. 4404, as amended;

AND WHEREAS the Municipal Corporation of the City of Yellowknife wishes to amend Zoning By-law No. 4404, as amended;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

**APPLICATION**

1. That Zoning By-law No. 4404, as amended, be amended by:
  - A) Rezoning a portion of Lot 29, Block 27, Plan 1388, Lot 32, Block 27, Plan 4287 and Road, Plan 176 from PR – Parks and Recreation to DT – Downtown, as shown on Schedule “A” attached hereto and forming part of this by-law;
  - B) Amending Schedule No. 1 to Zoning By-law No. 4404, as amended, in accordance with Schedule “A” attached hereto and forming part of this by-law.

**EFFECT**

- 2. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Read a Second Time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Read a Third Time and Finally Passed this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2015.

\_\_\_\_\_  
Mayor

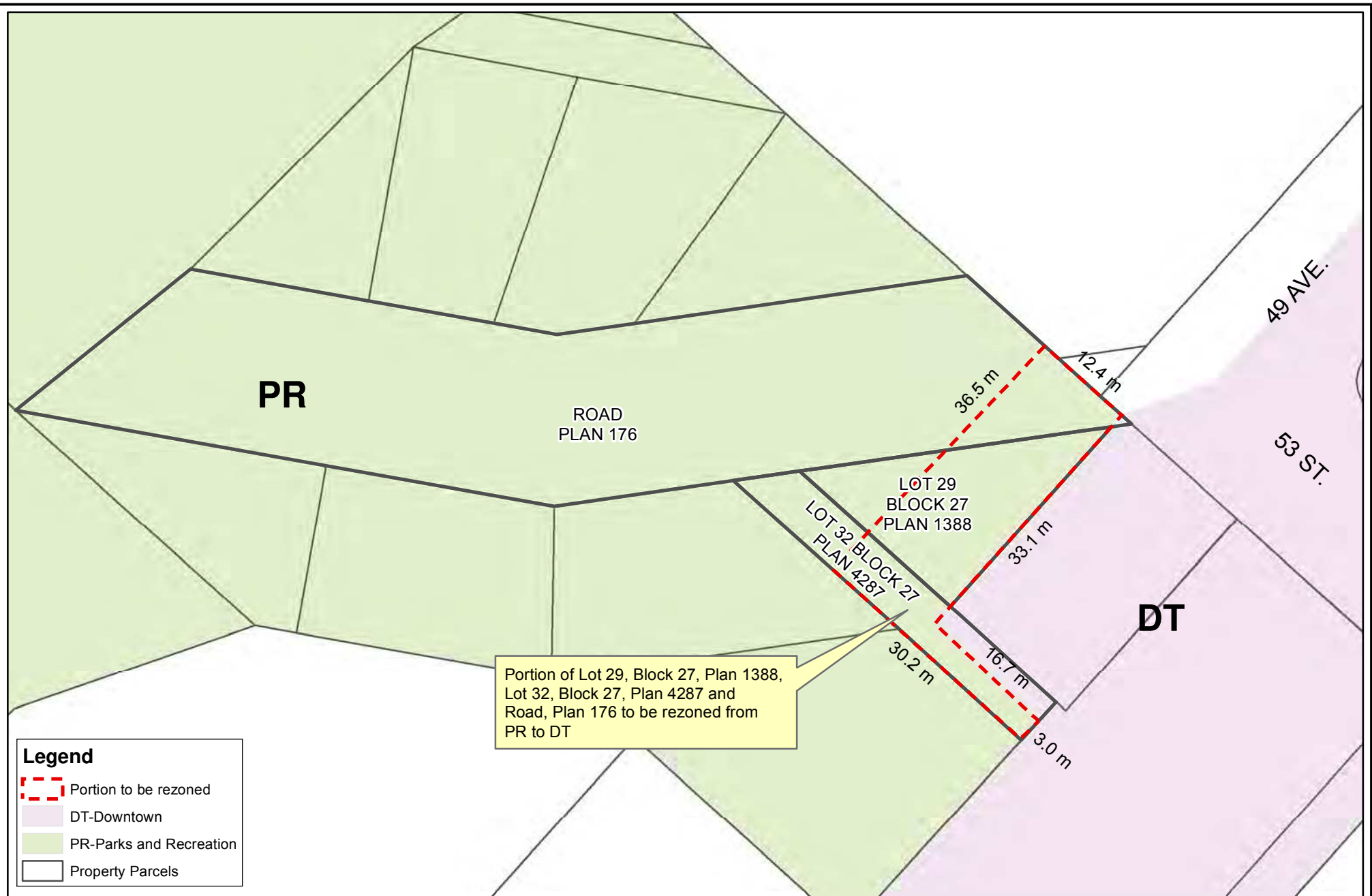
\_\_\_\_\_  
City Administrator

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.

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City Administrator

Schedule "A" (DM #414660)



**Legend**

	Portion to be rezoned
	DT-Downtown
	PR-Parks and Recreation
	Property Parcels



**CITY OF YELLOWKNIFE**  
Planning & Development

PROJECT:	Re-designation from "PR" to "DT" - Yellowknife Apartments
TITLE:	By-law No. YYYY - Schedule "A"

SCALE:	1:610	CREATED BY:	M.Nguyen
FILE:	YKApartments_rezoning.mxd		
DATE:	January 5, 2014		





CITY OF YELLOWKNIFE

**BY-LAW NO. ZZZZ**

**BZ ZZZ**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, authorizing the Municipal Corporation of the City of Yellowknife to amend City of Yellowknife General Plan By-law No. 4656, as amended.

PURSUANT TO:

- a) Sections 3 to 7 inclusive of the *Community Planning and Development Act*, S.N.W.T., 2011, c.22; and
- b) Due notice to the public, provision for inspection of this by-law and due opportunity for objections thereto to be heard, considered and determined; and
- c) The approval of the Minister of Municipal and Community Affairs, certified hereunder.

WHEREAS the Municipal Corporation of the City of Yellowknife has enacted General Plan By-law No. 4656;

AND WHEREAS the Municipal Corporation of the City of Yellowknife wishes to amend General Plan By-law No. 4656;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

**APPLICATION**

1. That General Plan By-law No. 4656, as amended, be amended by:
  - A) Amending the land use designation for a portion of Lot 29, Block 27, Plan 1388 and Lot 32, Block 27, Plan 4287 from "Residential Community" to "Downtown", as shown on Schedule "A" attached hereto and forming part of this by-law; and
  - B) Amending Map 1 and Map 1A of General Plan By-law No. 4656, as amended, in accordance with Schedule "A" attached hereto and forming part of this by-law.

**EFFECT**

- 2. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Read a Second Time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

APPROVED by the Minister of Municipal and Community Affairs of the Northwest Territories this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

\_\_\_\_\_  
Minister  
Municipal and Community Affairs

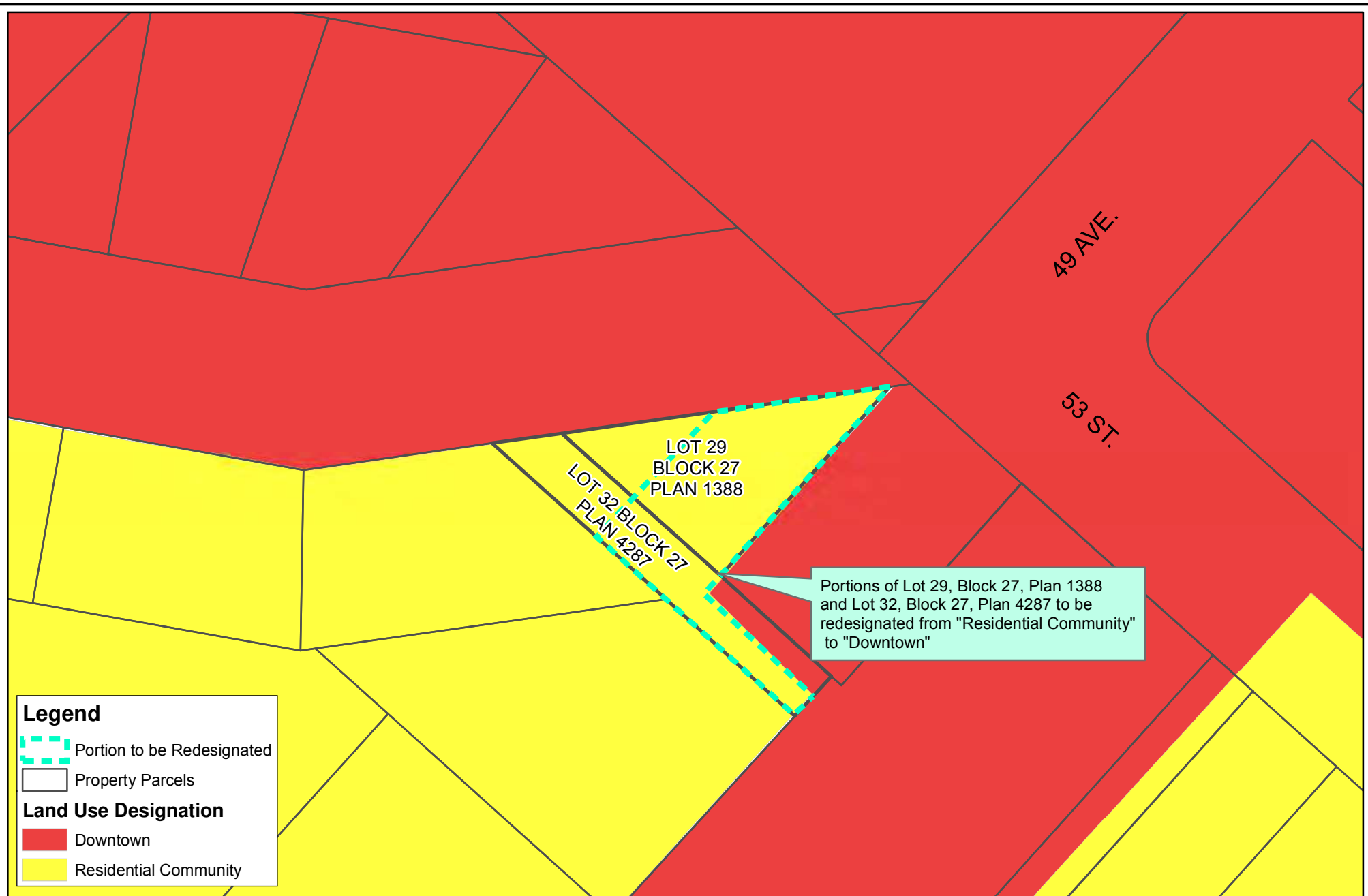
Read a Third Time and Finally Passed this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
Mayor



\_\_\_\_\_  
City Administrator

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.



\_\_\_\_\_  
City Administrator



**Legend**

-  Portion to be Redesignated
-  Property Parcels

**Land Use Designation**

-  Downtown
-  Residential Community



**CITY OF YELLOWKNIFE**  
 Planning & Development

PROJECT: Lot 29, Block 27, Plan 1388 and Lot 32, Block 27, Plan 4287  
 - Re-designation from "Residential Community" to "Downtown"

TITLE: By-law No. ZZZZ - Schedule "A"

SCALE: 1:580

CREATED BY: M.Nguyen

FILE: YKApartments\_Rezoning\_ScheduleA\_By-law\_ZZZZ.mxd

DATE: February 2, 2015



CITY OF YELLOWKNIFE

**MEMORANDUM TO COMMITTEE**

**COMMITTEE:** Municipal Services

**DATE:** February 9, 2015

**DEPARTMENT:** Planning & Development

**ISSUE:** Whether to amend Development Incentive Program By-law No. 4534, as amended, and Land Administration By-law No. 4596, as amended, to further encourage revitalization and residential intensification of targeted areas of the City.

**RECOMMENDATION:**

1. That Council amend the Development Incentive Program By-law No. 4534, as amended, to:
  - a. Provide for a five-year tax abatement on the commercial portion of eligible Residential Intensification applications which have a ground floor commercial component; and
  - b. Provide the option for Council to extend the five-year tax abatement for Residential Intensification projects at their discretion up to an additional five-years of full improvement abatement (or declining abatement at their discretion) for both the *Primary* and *Secondary Area* based on the revitalization merits of a project based on Smart Growth principles.
2. That Council direct Administration to explore with Municipal and Community Affairs of the GNWT options for amending the Development Incentive Program By-law No. 4534 to provide the option for the five-year (and any extended period) tax abatement on improvements for Residential Intensification in the form of an upfront payment refund (with a 5% administrative charge) on the present value of the projected tax abatement in the first year in which the abatement is eligible.
3. That Council amend Land Administration By-law No. 4596, as amended, to provide Council the discretion to dispose of land below the appraised value to facilitate developments which support "Revitalization Initiatives" as defined in the Land Administration By-law.
4. That Council direct Administration to bring forward a memorandum to explore options for rezoning the portion of Old Airport Road from Byrne Road to the northern portion of Borden

Drive to permit multi-family and multi-attached residential as a conditionally permitted use to promote residential intensification as outlined in various municipal Plans.

**BACKGROUND:**

The Development Incentive Program By-law No. 4534, as amended, was adopted by Council in 2009 to promote smart growth development and revitalization of targeted neighbourhoods throughout the City. The program includes five broad areas: residential intensification, industrial relocation, brownfield redevelopment, Leadership in Energy and Environmental Design, and heritage preservation.

In October 2013 an additional incentive was added to promote efficient land use in the Downtown via an “Integrated Parking Structure”. In the March of 2014 another incentive was added to promote standalone “Downtown Parking Structure Development” to reduce the number of surface parking lots and better balance the building footprint to surface parking ratio in the Downtown. Concurrently Council expanded the five-year declining Industrial Relocation Tax abatement (100%-80%-60%-40%-20%) to a seven year declining abatement (100%-90%-80%-70%-60%-50%-40%) which has served to boost sales in the Engle Business District.

On November 10, 2014, Council passed a motion directing Administration to review the Downtown Residential Intensification Incentive Program and report back to Council. This memorandum provides several practical recommendations based on this review.

**COUNCIL POLICY / RESOLUTION OR GOAL:**

Council Goal #1	Building a sustainable future.
Objective 1(a)	Realize opportunities to encourage economic growth and diversity.
Council Goal #2	Stewards of our natural and building environment.
Objective 2(d)	Promote a range of commercial, residential and institutional development and revitalization opportunities.
Action 2.4	Develop an implementation plan for Downtown Revitalization.
Council Motion # 0363-14:	That Council direct Administration to review the infill component of the Residential Intensification Incentive Program and report its findings back to Council.

**APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:**

1. *Cities Towns and Villages Act;*
2. *Property Assessment and Taxation Act;*
3. *Smart Growth Development Plan;*
4. General Plan By-law No. 4656, as amended;
5. Development Incentive Program By-law No. 4534, as amended;
6. Land Administration By-law No. 4596, as amended; and
7. Zoning By-law No. 4404, as amended.

## **CONSIDERATIONS:**

### Legislative

Under the *Property Assessment and Taxation Act* the City is designated the taxation authority and therefore is empowered to determine how mill rates are applied to various properties. The *Cities, Towns and Villages Act* specifies that land is to be disposed as outlined in the City's Land Administration By-law.

### Smart Growth Development Plan

Smart Growth is characterized by compact growth, active transportation, vibrant downtowns, mixed-use neighbourhoods, open space preservation, and a strong sense of place. For Yellowknife the vision is one which promotes diversity of development while placing a greater emphasis on revitalization and redevelopment. The recommendations provided herein provide further support in this direction.

### General Plan

Based on the Smart Growth vision which supports compact growth, the 2011 General Plan targets 31% of residential dwelling units (430) over the next 10 years to be in the Downtown. Over the past 3 years less than 10% (40 units) of these Downtown units have been constructed. Similarly the General Plan projects 10% (138 units) of all new dwellings to be built within Old Airport Road, whereas none have been constructed since the Plan's adoption; and 4% (55 units) of all new dwellings in Old Town where only one unit has been built.

This compares to the other outlying neighbourhoods throughout the City which the General Plan projects to build 53% (734) of all units over 10 years. In this case more than 280 (38%) of the targeted number of units have been built over the 3 year period and there is significant land (lots) to be made available by end of 2015 to absorb the remaining targeted number units. This includes Block 501 (200 units); Niven Lake V (76 units); Niven VII (38 units); Grace Lake Phase I and II (32 units); Bartesko Court (24 units); Hordal and Bagon (36 units); and School Draw/Tin Can Hill (48 units).

Based on the above, it is evident that to meet the residential growth objectives of the General Plan, greater emphasis should be placed on residential intensification of the built-up areas versus efforts concentrated primarily on the existing "greenfield development" opportunities.

### Development Incentive Program Initiatives

Despite the broad range of development incentives for revitalization, it is evident that most are insufficient to encourage the intended revitalization and redevelopment. For the time being the vast majority of developers and builders continue to concentrate their efforts on "greenfield" development opportunities outside the built-up areas of the Downtown, Old Town, Old Airport Road, and Kam Lake. This is largely due to common challenges associated with redevelopment and revitalization including higher land costs, difficulty in assembling sufficient land, parcel configuration, demolition costs, environmental contamination (of building or site); market and economic risks, zoning, parking, social issues, and neighbourhood sensitivities (NIMBY).

To date, uptake of the Development Incentive Program has occurred in two areas: 1) Residential Intensification and 2) Industrial Relocation. In terms of Residential Intensification, two Downtown residential projects have been built with this program: (a) the Redcliff Developments 6-plex on 51<sup>st</sup> Street and (b) The Point (15 units) on 47<sup>th</sup> Street. These developments, eligible for a five-year

abatement on improvements from 2013 to 2017, have to date received \$15,500 and \$47,300 respectively. For the life of the project these abatements will total \$37,500 and \$115,000 in present value. Thereafter they will generate approximately \$30,000 in additional tax revenue to the City which was not provided prior to the revitalization initiative.

Despite a declining abatement for Residential Intensification (100%-80%-60%-40%-20%) on Old Airport Road no such projects have developed. The benefits of residential development on such a commercial corridor are well documented in the Smart Growth Development Plan. While Administration has received applications, and made several attempts to get a portion (i.e. Byrne Road to Borden Drive) of Old Airport Road rezoned to permit multi-family residential, this has not received Council approval. Residential intensification of this area obviously will not occur until such rezoning proceeds.

The Industrial Relocation Incentive had very little uptake until this year (2014) when Council adopted appropriate amendments in Engle Business District to encourage development. In addition to extending the Incentive from a five year period (100%-80%-60%-40%-20%) to a seven year period (100%-90%-80%-70%-60%-50%-40%), other additional incentives include discounting land prices, financing the purchase up to five years, and extending development timelines from two to six years. This change has resulted in not only record annual sales in \$3.4 million, but in multiple contract agreements for industrial relocation which is spurring redevelopment opportunities on Old Airport Road and in Kam Lake. This change demonstrates that measured and appropriate modifications to existing policies, programs, and by-laws can tip the scale toward desired growth and development.

The two aspects of the first recommendation - *(a) ground floor commercial use as an eligible abatement, and (b) Council discretion to extend tax abatement beyond five years* - would further encourage revitalization. The latter would be assessed per revitalization merits based upon alignment with Smart Growth principles. The second recommendation - *upfront payment of five-year residential tax abatement* – is relatively straight forward administratively, and would be very beneficial to encouraging revitalization; but requires confirmation from Municipal and Community Affairs of the GNWT to determine the best method for this to occur.

#### Land Administration By-law

In 2013 Council amended Land Administration By-law No. 4596, to provide up to a 12% financial contribution to any development for off-site development levies and certain on-site expenses (i.e. paving, curbing, sidewalk, or park space) provided the land was owned by the City and sold for a value greater than the 12% subsidy. This financial incentive supports “greenfield development”, but cannot benefit redevelopment areas such as the Downtown where infrastructure is in place and large subdivisions (i.e. Block 501) are not possible.

The Land Administration By-law requires a minimum of 30% of revenues toward “revitalization initiatives”, however the actual investment has been closer to 20%. A “Revitalization Initiative” is defined in the Land Administration By-law as:

*“land assembly initiatives undertaken for subsequent land disposal, which support the redevelopment and revitalization of existing neighbourhoods, defined in the zoning by-law and prioritized as follows: DT – Downtown, OM – Old Town Mix, CS Commercial Service (Old Airport Road), and I – Industrial (Kam Lake), or as otherwise deemed appropriate by Council.”*



As a result, greater emphasis on investment in this area is warranted. Administration is recommending Council discretion be provided to establish the sale price of land below the appraised value for such “Revitalization Initiatives”. This process would still require an appraisal for such lands, with any reductions classified as a financial contribution incentive through the Land Development Fund, the General Fund or the Smart Growth (formerly Downtown) Reserve. This level of discretion provides Council with the ability to discount land on a case by case basis based on the merits of proposed “revitalization initiatives”.

### Financial

Currently the annual tax abatements for the Development Incentive Program are revenues that would go toward the City’s General Fund. These abatements are based on “improvements”, while the land is still taxed. Under the proposed amendment (recommendation #2) the funding process would change. Administration is seeking clarification from Municipal and Community Affairs (GNWT) whether the five year abatement could be provided upfront by borrowing from the Land Development Fund with a transfer occurring from the General Fund each year. A potential alternative to this would make such a Development Incentive a grant similar to the Heritage Preservation Grant which would come entirely from the Land Development Fund. A third alternative would be to utilize the City’s Smart Growth Reserve (formerly Downtown Reserve) to treat this kind of incentive as a grant, similar to the Façade Improvement Grant which was formerly provided under this Reserve.

Due to the additional administrative and financing costs associated with this arrangement, Administration would impose a 5% charge on the upfront abated funds, versus no charge if they opt for the current payment over five years option. If the LDF were utilized its operations, in terms of investing in land assembly and development opportunities, would not be impacted. It would also provide developers with additional upfront funding to support bank financing for their project. Alternatively there is ample funds in the Smart Growth Reserve with a balance of \$472,000, and an additional \$78,000 added annually from a portion of Downtown on-street parking meter revenue.

The second recommendation herein - *providing Council discretion to adjust the land sale price for “revitalization initiatives”* – would not have significant financial impacts on the Land Development Fund. Factors such as whether or how much the City paid for the land, the amount of discount, and the tax base the redevelopment project would generate could be evaluated at time of application. Given the unique challenges associated with redevelopment of targeted areas, this amendment provides an expanded framework for the City to attract beneficial projects to the City. Note that two amendments of this nature have been made by this Council include 12% financial contribution for infrastructure (i.e. Block 501) and reduced land costs for Habitat for Humanity. Additionally all such discounts can only be provided by Council upon consideration of a redevelopment opportunity.

It is noted the Land Development Fund and land sale inventory can sustainably support the recommendations herein. With strong 2014 land sales, the fund had a year end closing balance of \$2.2 million, including the 50<sup>th</sup> Street “revitalization initiative” purchases. Additionally the City has \$15 million in commercial and residential inventory that is currently on the market. This position provides the City with ample room to continue pursuing “greenfield development” opportunities such as Grace Lake Phase II, while simultaneously placing a more focused emphasis on “revitalization initiatives” through programs noted herein.

### Zoning By-law

A broader framework of residential intensification and mixed-use development incentives is recommended to encourage growth, development, and neighbourhood revitalization, particularly in the Downtown. The third recommendation herein, pertaining to Old Airport Road, offers greater choice and opportunity for residential development. Administration has received applications and previously recommended rezoning portions of Old Airport Road (Byrne Road to north Borden Drive intersection) to allow for multi-family residential. As this remains a recommendation in the Smart Growth Development Plan and the General Plan, and is part of the projected residential growth targets noted above, it is raised in this context for Council's consideration.

### **ALTERNATIVES TO RECOMMENDATION:**

That Council not support amendments to the Development Incentive Program By-law, Land Administration By-law or Zoning By-law to promote Downtown residential intensification.

### **RATIONALE:**

The Development Incentive Program By-law No. 4534, as amended, has been in place since 2009 with a primary purpose of encouraging revitalization and development of built-up mixed use neighbourhoods in the City (i.e. Downtown, Old Town, Old Airport Road, and Kam Lake). The program has had minimal uptake to date and, as demonstrated by the successful amendments to the Industrial Relocation Incentive, residential intensification incentives are warranted. Given that the City is exceeding its "greenfield development" residential growth targets, and that the Land Development Fund is in a stable and sustainable position, the City can now afford to concentrate its efforts on residential intensification.

### **ATTACHMENTS:**

1. By-law No. XXXX, a by-law to amend Development Incentive Program By-law No. 4534, as amended (DM#414265);
2. By-law No. YYYY, a by-law to amend Land Administration By-law No. 4596 (DM#414300); and
3. Powerpoint Presentation (DM#405786).

Prepared: January 7, 2015; JH



CITY OF YELLOWKNIFE

**BY-LAW NO. XXXX**

**BI XXX**

A by-law of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, to amend Development Incentive Program By-law No. 4534, as amended.

PURSUANT TO Section 73 of the *Cities, Towns and Villages Act*, S.N.W.T.2003, c.22;

WHEREAS the Municipal Corporation of the City of Yellowknife has enacted Development Incentive Program By-law No. 4534, as amended;

AND WHEREAS the Municipal Corporation of the City of Yellowknife wishes to amend Development Incentive Program By-law No. 4534, as amended;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

**APPLICATION**

1. That Development Incentive Program By-law No. 4534 of the Municipal Corporation of the City of Yellowknife, is hereby amended by:
  - A. Amending the first paragraph of Section 3a as follows:
    - a. Residential Intensification – The Residential Intensification Incentive component of the Program is targeted toward new residential construction or adaptive re-use of existing buildings. Any ground floor commercial improvement or development of an eligible Residential Intensification project shall be included for tax abatement calculation. The prescribed target areas are divided into two categories, illustrated in Appendix A:
      - i. *Primary Area* – includes Downtown (“DT” – Downtown Zone); and
      - ii. *Secondary Area* – includes Old Airport Road (“CS” –Commercial Service, and “GM” Growth Management zoning districts).

- B. Removing and replacing Section 4 as follows:
4. Property and improvement tax exemptions and grants are classified into five categories:
    - a. Residential intensification of two types:
      - i. Full Five-Year Abatement – The full tax abatement (100% over five years) is only available for property in the *Primary Area* of the Residential Intensification incentive which includes the Downtown (“DT” – Downtown Zone).
      - ii. Declining Five Year Abatement – The declining five-year abatement reduces in equal increments over five-years (100%-80%-60%-40%-20%) and applies to the *Secondary Area* of the Residential Intensification incentive which includes Old Airport Road (“CS”- Commercial Services, “GM” – Growth Management, and “NP” Nature Preservation Zones).
      - iii. Council may, at its sole discretion, extend the five-year tax abatement for *Primary* and *Secondary Area* Residential Intensification projects up to an additional five-year period (at full or declining increment basis) based on the revitalization merits of the project which may be measured based on alignment with Smart Growth principles.
    - b. Declining Five Year Abatement – The declining five year abatement reduces in equal increments over five-years (100%-80%-60%-40%-20%). This abatement formula applies to the following:
      - i. Brownfield Remediation and Development (City-wide)
      - ii. Leadership in Energy and Environmental Design (LEED)
      - iii. Downtown Parking Structure Development (Downtown)
    - c. Full One-Year Abatement – The full tax abatement (100% for one year) is only available on the assessed improvements of developments which incorporate an integrated parking structure.
    - d. Heritage Preservation Grant – The Heritage Preservation abatement will grant an abatement for eligible work costs to restore or preserve architecturally significant elements of a building or structure. The total abatement shall be the lesser of (i) 50% of eligible work costs, (ii) \$50,000, or (iii) ten years of total property taxes (land and improvements) payable on the property and existing improvements.

- e. Industrial Relocation Abatement - The declining seven year tax abatement reduces in equal increments over seven years (100%-90%-80%-70%-60%-50%-40%). This abatement formula applies to industrial relocation.

**EFFECT**

- 2. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Read a Second Time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Read a Third Time and Finally Passed this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.

\_\_\_\_\_  
City Administrator



CITY OF YELLOWKNIFE

**BY-LAW NO. YYYY**

**BG YYY**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, authorizing the Municipal Corporation of the City of Yellowknife to amend City of Yellowknife Land Administration By-law No. 4596, as amended;

PURSUANT TO:

- a) Sections 53, 54, and 55 of the *Cities, Towns and Villages Act* S.N.W.T. 2003, c.22;
- b) Due notice to the public, provision for inspection of this by-law and due opportunity for objections thereto to be heard, considered and determined;

WHEREAS the Municipal Corporation of the City of Yellowknife has enacted Land Administration By-law No. 4596, as amended;

AND WHEREAS the Municipal Corporation of the City of Yellowknife wishes to amend Land Administration By-law No. 4596, as amended;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

**APPLICATION**

1. That Land Administration By-law No. 4596, as amended, of the Municipal Corporation of the City of Yellowknife, is hereby amended by:
  - A. Replacing “CC – Core Area Commercial” with “DT – Downtown” in the definition of Revitalization Initiative” under Section 2.
  - B. Adding the following subsection under Section 7:
    - “(b) notwithstanding Section 7 (a), Council may, at its sole discretion, dispose of land below the appraised value to facilitate developments which support Revitalization Initiatives as defined in this by-law.”

**EFFECT**

2. This by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Read a Second Time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Read a Third Time and Finally Passed this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator



I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.

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City Administrator

# Residential Intensification Incentives



February 9, 2015



CITY OF YELLOWKNIFE

# Overview

1. Purpose
2. Municipal Plans and By-laws
3. Benefits of an Effective Incentive Program
4. Recommended Amendments



CITY OF YELLOWKNIFE

# Purpose

***Council Motion # 0363-14***

That Council direct Administration to review the infill component of the Residential Intensification Incentive Program and report its findings back to Council.

1. Provide overview of residential intensification targets, and evaluate progress pursuant to General Plan.
2. Outline appropriate incentive-based amendments to relevant by-laws to promote residential intensification and revitalization.



# Municipal Plans

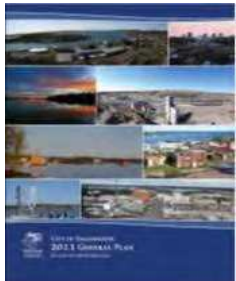
## Smart Growth Development Plan



### *Strategy 4.9 Downtown Revitalization*

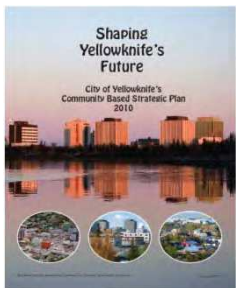
Redevelop and revitalize the Downtown core by encouraging reinvestment, residential intensification and mixed-use development.

## General Plan



Encourages a Downtown redevelopment focused on mixed use development, residential intensification, and targeted revitalization.

## Council Goals and Objectives (2013-15)



### *Objectives*

- 1(a) Realize opportunities to encourage economic growth and diversity.
- 2(d) Promote a range of commercial, residential and institutional development and revitalization opportunities.



CITY OF YELLOWKNIFE

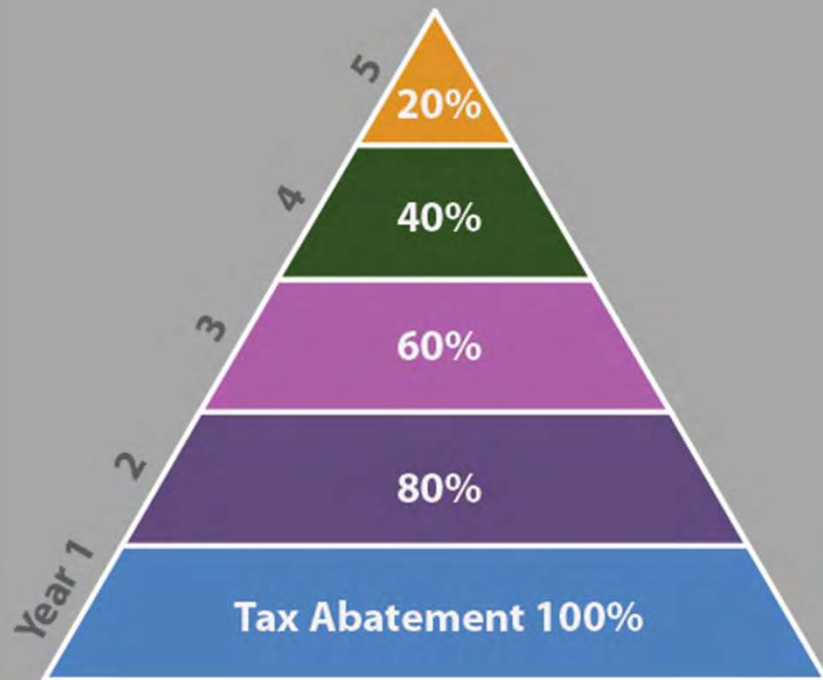
# General Plan (2011)

Neighbourhood	Residential Target (units)	Developed	Assembled
Downtown	430 (31%)	40	42
Old Town	55 (4%)	1	0
Old Airport Road	138 (10%)	0	0
<b>Intensification Areas</b>	<b>623 (45%)</b>	<b>41</b>	<b>42</b>
Block 501		25	200
Niven Lake V		94	76
Niven Lake VII		133	38
Grace Lake I & II		28	32
Hordal and Bagon		0	28
School Draw/TCH		0	48
Bartlesko Court			24?
<b>Existing Areas Total</b>	<b>762 (55%)</b>	<b>280</b>	<b>446</b>





# Residential Intensification Incentive



Secondary Area: Old Airport Road



CITY OF YELLOWKNIFE

# Zoning By-law

1. Despite recommendations of Smart Growth Development Plan, General Plan, and Development Incentive Program By-law, Old Airport Road still does not permit medium density residential.
2. A range of recommended residential intensification amendments from General Plan have been made:
  - Secondary Suites (laneway housing);
  - Relaxed off-street parking provisions; and
  - Flexible floor area provisions.





# Land Administration By-law

1. Allocates a minimum of 30% of all Land Development Fund Revenue toward revitalization initiatives. Actual investment to date date is closer to 20%.
2. Amended (2013) to allow Council to provide a 12% financial contribution to any development for off-site development levies or certain on-site expenses (i.e. paving, curbing, sidewalk or park space).



# Benefits of an effective incentive program.



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# Example: Engle District



## Issue:

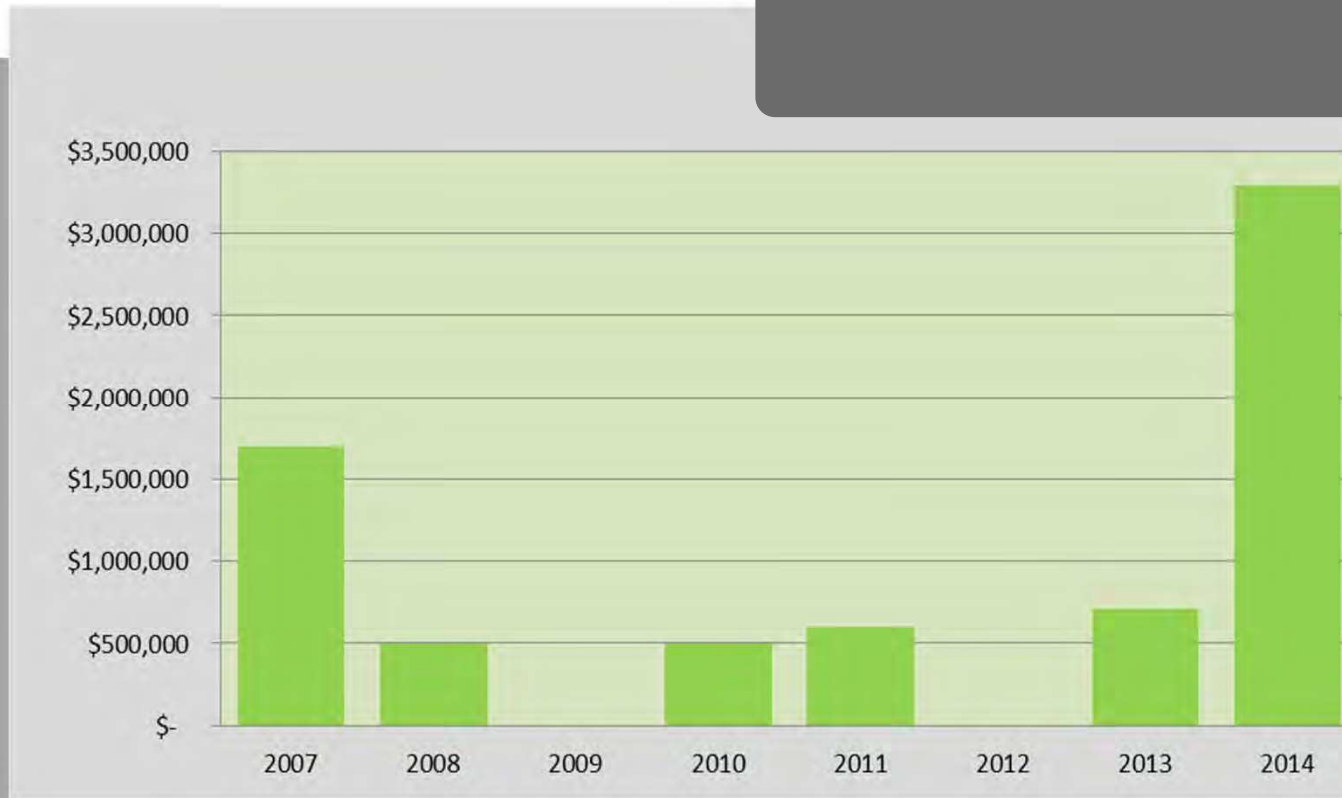
Between 2007-2013 sales in Engle Business District were stagnant.



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# Example: Engle District

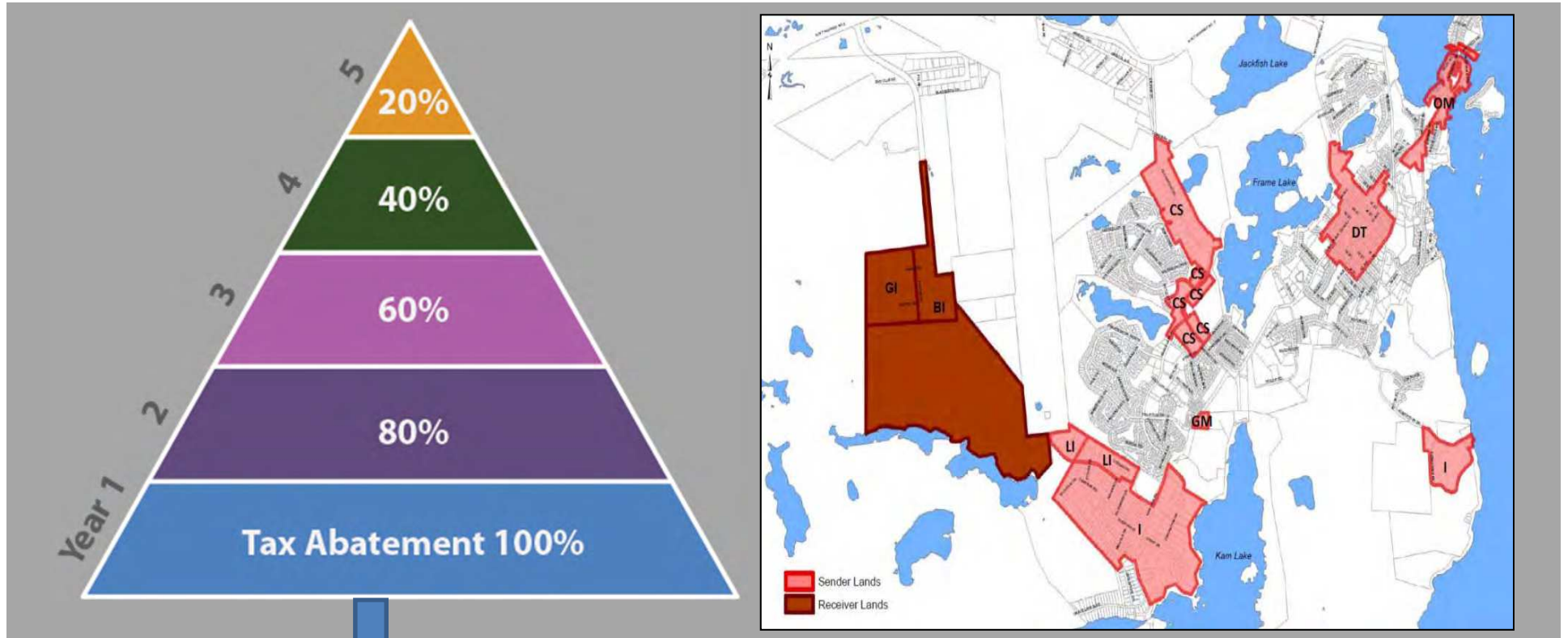
## Lot Sale Revenue



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# Industrial Relocation Incentive



100%-90%-80%-70%-60%-50%-40%





# Incentive Benefits: Engle District



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# Incentive Benefits: Engle District

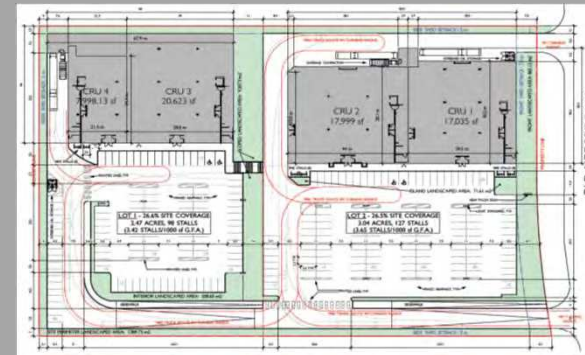
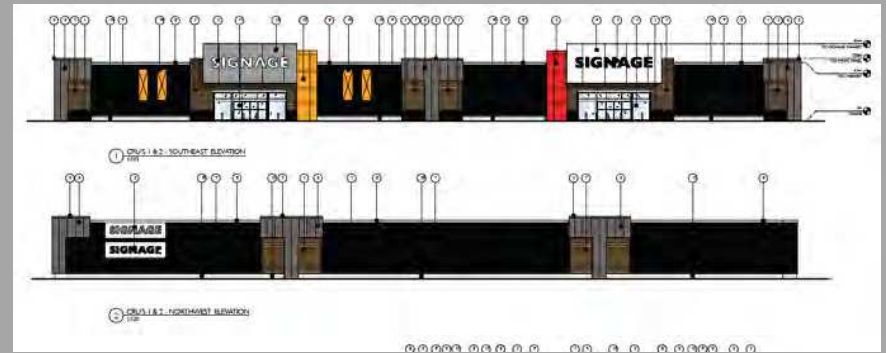
Engle Lot (Existing)	Engle Lot (post deal)
Use: Vacant	Use: Industrial Storage/Truck Staging
Building Area: NA	Building Area: 500m2
Tax Revenue: None	Tax Revenue: \$18,000



CITY OF YELLOWKNIFE

# Incentive Benefits: Engle District

Redevelopment Site (Existing)	Redevelopment Site (post deal)
Use: Industrial Storage	Use: Commercial Retail
Building Area : 500m2	Building Area: 5900m2
Tax Revenue: \$22,000	Tax Revenue (y1): \$18,000 (y2): \$30,000 (y8): \$140,000





# Recommended Amendments

**Development Incentive Program Bylaw:** (1) extend to ground floor commercial abatement of residential intensification developments; and (2) Council discretion to extend abatement up to an additional five-years (in both Primary or Secondary Areas) based on revitalization merits.

**Development Incentive Program By-law:** Explore with Municipal and Community Affairs (GNWT) options for payment of five year (and extended) abatement(s) upfront.



# Recommended Amendments

**Land Administration By-law:** Council discretion to dispose of land below appraised value for “revitalization initiatives”.

**Zoning By-law:** Memo seeking Old Airport Road rezoning (Byrne Road to Borden Drive) to permit multi-family and multi-attached residential as a conditionally permitted use.



# Benefits of Recommendations

1. Housing diversity and affordability;
2. Mixed-use Development;
3. Active Transportation;
4. Increased revenue (assessment and land sales);
5. Reduced infrastructure deficit; and
6. Neighbourhood revitalization.



# Comments & Questions



CITY OF YELLOWKNIFE



CITY OF YELLOWKNIFE

## MEMORANDUM TO COMMITTEE

**COMMITTEE:** Municipal Services

**DATE:** February 9, 2015

**DEPARTMENT:** Administration

**ISSUE:** Whether to discontinue discussions regarding the transfer of ownership of the Robertson Headframe from Newmont Mining Corporation to the City of Yellowknife for the purposes of preserving the structure.

### RECOMMENDATION:

That the City of Yellowknife cease discussions regarding the transfer of ownership of the Robertson Headframe from Newmont Mining Corporation to the City of Yellowknife for the purposes of preserving the structure.

### BACKGROUND:

As part of the *Con Mine Abandonment and Restoration Plan*, the Newmont Mining Corporation (Newmont) has planned for the demolition of the Robertson Headframe (Shaft) for several years. In 2008, Newmont retained the services of Structure All Engineering to complete a structural review of the structure. The review found that there were several items that would need to be repaired in order to bring the structure up to a standard that it could be safely occupied. There was no further work completed on the headframe as there was no decision on the future of the headframe. There was no investment from outside entities, and Newmont was not prepared to invest funds into a structure that is scheduled for demolition.

In the fall of 2013 there was a renewed effort in the community to again attempt the preservation of the headframe. Administration was directed to expedite a request for proposals (RFP) for an updated structural review of the structure and Class D estimate on what it would cost to make repairs to the structure. There were three proponents that submitted proposals. Concentric Engineering from Iqaluit was selected as the successful proponent. They had significant experience in the mining sector and have produced structural reviews of several other headframe structures throughout Canada, predominantly in Ontario. They also had the lowest fee structure of the submissions at approximately \$6,400.00 (plus GST).

A memorandum was brought forward to Municipal Services Committee on June 24, 2014 detailing the results and recommendations from the structural assessment, as well as other considerations associated with the preservation of the headframe. At that time Committee asked Administration to continue discussions with Newmont to determine if the City can legally assume responsibility of the asset and if Newmont would provide costs that would have been used for demolition to the City to aid in the preservation of the structure. Since that time, Administration has been in discussions with both Newmont and Municipal and Community Affairs regarding these issues.

**COUNCIL POLICY / RESOLUTION OR GOAL:**

Council Goal #3	Enhancing Communications and Community Engagement.
Council Objective #3(b)	Promote Heritage, Culture, Arts and Unique Characteristics of Yellowknife.
Council Motion #0253	That Council authorize Administration to enter into negotiations with the Newmont Mining Corporation for the possible transfer of ownership of the Robertson Headframe and direct Administration to bring forward information to Council regarding: <ul style="list-style-type: none"><li>a) Whether the City can legally accept the transfer;</li><li>b) Whether MACA is able to restructure the lease agreement;</li><li>c) Whether the headframe can be transferred to a third party;</li><li>d) The negotiated amount that Newmont Mining Corporation will provide to the City, given that it will not incur demolition costs; and</li><li>e) Provide a cost estimate for an environmental analysis of the structure and compound.</li><li>f) Whether an Accounting Liability has to be established.</li></ul>

**APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:**

“Robertson Headframe – Structural & Environmental Review”, Concentric Associates International Incorporated, April 17, 2014.

**CONSIDERATIONS:**

Financial Considerations

There are two principal areas of financial consideration regarding the preservation of the headframe.

1. Structural Remediation; and
2. Environmental Remediation.

Structural remediation costs are detailed in the report by Concentric. Summarized they state the short term costs are approximately \$235,000 (or more) to make repairs to cross bracing, exterior cladding, door replacement, roof replacement and other smaller items. There were also long-term expenses that could range from \$50,000 to \$150,000, depending on the maintenance activity specified or required.

Environmental remediation is a much more difficult budget to quantify due to so many unknowns surrounding the structure and the contaminated nature of the Con Mine site in general. Administration posed the question to Concentric who is the most recently familiar with the area, what potential budget figures could be. In an email, dated October 15, 2014, Concentric's "National Lead, for Environment" Eric Shilts, provided the range of \$45,000-\$75,000 for a Phase 1 and 2 ESA (Environmental Site Assessment) to determine a baseline for remediation costs. They also stated that, "it would not be out of the realm of possibility that a full remediation of the subject site could be in excess of \$500,000." They go on to state that remediation costs are very difficult to estimate with any level of certainty.

#### Newmont Mining and Mackenzie Valley Land and Water Board Considerations

Newmont currently has a water licence as well as an *Abandonment and Restoration Plan* with the Water Board. The demolition and proper disposal of the headframe is noted in this plan. Newmont, as well as the City, would need Board approvals to take on an asset of this nature considering the complexities on site and associated with remediation.

#### Legal Considerations

Newmont has advised that it is not able to transfer the Robertson Headframe to the City unless the City is able to fully indemnify Newmont of any financial or environmental liabilities that might be associated with the Robertson Headframe.

As a result, the City contacted Municipal and Community Affairs (MACA) to determine whether the City has the legal authority to provide such an indemnity. MACA confirmed that that the City does not have the legal authority to assume such a liability or to grant an indemnity for liabilities arising from the Robertson Headframe.

#### **ALTERNATIVES TO RECOMMENDATION:**

There are no alternatives to this recommendation.

#### **RATIONALE:**

The recommendations made in this memo are based on the following:

1. Newmont Mining Corporation has unequivocally stated that they will not transfer ownership to any entity, the City of Yellowknife or otherwise, without full indemnification of the structure and site it resides on.
2. Municipal and Community Affairs has confirmed that the City of Yellowknife cannot legally provide an indemnity to Newmont for the purposes of transferring ownership of the headframe.

#### **ATTACHMENTS:**

None.

Prepared: January 29, 2015; CG/

Revised: February 4, 2015; CG/



CITY OF YELLOWKNIFE

**MEMORANDUM TO COMMITTEE**

**COMMITTEE:** Municipal Services

**DATE:** February 9, 2015

**DEPARTMENT** Corporate Services

**ISSUE:** Whether to select properties to auction for tax arrears, when to hold the auction and what minimum price will be established for each property.

**RECOMMENDATION:**

That, in accordance with the *Property Assessment and Taxation Act*, Council direct Administration to auction those properties listed in Appendix A, at City Hall at 9:00 a.m. (MST) on Friday, June 12, 2015. The minimum price shall be 50% of the assessed value as listed for each property in Appendix A.

**BACKGROUND:**

In accordance with the *Property Assessment and Taxation Act* (s.97.6), Council may offer for sale, at a public auction, properties on the tax arrears list. Council chooses which properties to offer for sale. The minimum price is 50% of the assessed value.

The *Property Assessment and Taxation Act* requires the City to follow specific procedures to notify the assessed owners and encumbrances of the tax arrears and the tax sale provisions. Each year the City notifies the assessed owner of the balance of taxes owed on the interim tax invoice sent in January and the final tax invoice sent in June as well as on statements of account throughout the year.

For the taxes in arrears for 2013 taxation year, the City:

- Sent a registered letter notifying the assessed owner of the arrears and tax sale provisions on April 30, 2014;
- Published the tax arrears list in the *Yellowknifer* on July 25, 2014;
- Notified parties with an interest registered against the property on July 30, 2014; and
- Posted a list of arrears at City Hall, Library, Multiplex, Fieldhouse and Pool on July 31, 2014.



The assessed owners were offered a payment plan on April 30, 2014 and reminded of the offer on subsequent notices. The assessed owner can accept the offer of the payment plan any time before the public auction.

**COUNCIL POLICY / RESOLUTION OR GOAL:**

On March 27, 2000, Council adopted the following policy:  
Motion #0091-00 That the City sell property at public auction, in accordance with the *Property Assessment and Taxation Act*, when taxes are two years in arrears.

On January 28, 2002, Council adopted the following policy:  
Motion #0039-02 That the City bid the minimum price on property offered at a tax auction if the property remained unsold after a previous auction.

On April 8, 2002, Council amended the above policy to state:  
Motion #0161-02 That the City sell property at the public auction, in accordance with the *Property Assessment and Taxation Act*, when the taxes are two years in arrears and if auctioning of the property maximizes the amount of taxes the City is able to collect.

**APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:**

1. *Property Assessment and Taxation Act*; and
2. Property Assessment and Taxation Regulations.

**CONSIDERATIONS:**

Legislative

The *Property Assessment and Taxation Act* prescribes the tax auction process, including notification, conduct of the auction and transfer of the property. The City has followed the notice requirements and the City's solicitor conducts the auction and property transfers.

Council decides, by resolution, which properties, if any it wishes to offer for sale at public auction. Council sets, by resolution, the date of the auction and the minimum sale price of each property.

Procedural Considerations

It is Council policy to sell property at public auction, in accordance with the *Property Assessment and Taxation Act*, when the taxes are two years in arrears. Taxpayers with arrears less than \$100 have not been included.

Under section 97.3(3) and (4) of the *Property Assessment and Taxation Act*, after entering into an installment payment agreement, the City is authorized to proceed with the sale of the taxable property if the assessed owner fails to comply with the terms of the agreement.

As part of the tax auction process, the regulations require that the minimum sale price be no less than 50% of the assessed value. The taxpayer can redeem the property within 30 days of the auction by paying the tax arrears.

The City may bid on and purchase a property that is offered for sale so long as the purchase falls within the circumstances that the City is able to acquire property under the *Cities, Towns and Villages Act*. No municipal council member, officer or employee may purchase, on his or her own behalf, any taxable property offered for sale, unless the Minister of Finance has given prior approval.

**ALTERNATIVES TO RECOMMENDATION:**

1. That Council approve an amended list of properties to auction.
2. That Council not approve a public auction date and the minimum sale price.

**RATIONALE:**

The recommendation follows the same principles as applied in previous years. If taxpayers know the exact conditions under which a tax auction will be held, property taxes are more likely to be paid before the tax auction process starts.

**ATTACHMENTS:**

2015 Tax Auction List.

Prepared: January 15, 2015; CS

## Appendix A

## 2015 TAX AUCTION LIST

Municipal Address	Legal Description			2013 Total Arrears	2015 Assessed Value	Minimum Auction Price
	Lot	Block	Plan			
603 NEGUS A & B	NEGUS	603	1004	\$110.70	\$607,700	\$303,850
16 HEARNE HILL RD	3	5	68	\$252.31	\$194,430	\$97,215
13 CALDER CRES	2	517	1237	\$271.79	\$406,330	\$203,165
84 HORDAL RD	16	552	1894	\$462.78	\$170,520	\$85,260
130 DEMELT CRES	16	551	3826	\$484.32	\$280,260	\$140,130
432 NORSEMAN DR	UNIT 140	163	C2090	\$511.02	\$48,050	\$24,025
559 CATALINA DR	UNIT 74	163	C2090	\$611.34	\$209,090	\$104,545
	2	154	1137	\$677.08	\$6,550	\$3,275
22 CAMERON RD	20	536	2094	\$846.85	\$99,320	\$49,660
5310 44 ST #605	UNIT 5	91	C3531	\$982.14	\$216,720	\$108,360
4211 49A AVE	12	71	632	\$1,194.71	\$88,500	\$44,250
254 BORDEN DR	7	562	2072	\$1,250.33	\$247,490	\$123,745
538 CATALINA DR	UNIT 102	163	C2090	\$1,318.63	\$110,970	\$55,485
123 KAM LAKE RD #A	32	503	1578	\$1,319.41	\$723,800	\$361,900
638 ANSON DR	UNIT 36	163	C2090	\$1,660.33	\$68,430	\$34,215
326 BELLANCA AVE	UNIT 192	163	C2090	\$3,169.62	\$180,840	\$90,420
5504 50A AVE	16	105	483	\$3,696.45	\$249,950	\$124,975
1 BROMLEY DR	1	508	1080	\$4,515.00	\$430,010	\$215,005
5059 FINLAYSON DR	7	527	1704	\$6,329.42	\$443,530	\$221,765
4310 50 AVE	13,PT26,27	70	69	\$36,483.51	\$878,220	\$439,110



CITY OF YELLOWKNIFE

**MEMORANDUM TO COMMITTEE**

**COMMITTEE:** Municipal Services/Council

**DATE:** February 9, 2015

**DEPARTMENT:** Public Safety

**ISSUE:** Whether to appoint Ricky Lee Sutherland and Sean Couvrette as a By-law Officers for the City of Yellowknife.

**RECOMMENDATION:**

That:

1. Pursuant to s. 137 of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22, Ricky Lee Sutherland be appointed as a By-law Officer II for the City of Yellowknife and assume the rank of Constable;
2. Pursuant to s. 137 of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22, Sean Couvrette be appointed as a By-law Officer I for the City of Yellowknife and assume the rank of Constable;
3. The terms of appointment shall expire upon termination of employment with the City of Yellowknife as a By-law Officer.

**BACKGROUND:**

Mr. Jamie Fudge is no longer employed by the City of Yellowknife as a By-law Officer II and Mr. Ricky Lee Sutherland has been hired to replace him. Mr. Satish Garikaparathi resigned from the position of By-law Officer I, the parking enforcement officer, and Mr. Sean Couvrette has been hired to replace him. The *Cities, Towns and Villages Act* states that Council may appoint By-law Officers to enforce any or all of its by-laws.

**COUNCIL POLICY / RESOLUTION OR GOAL:**

The appointment of By-law Officers for the City of Yellowknife coincides with direction from Council by ensuring the fair and consistent enforcement of City By-laws for all City residents.

**APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:**

*Cities, Towns and Villages Act*

**CONSIDERATIONS:**

Legislation

Pursuant to the *Cities, Towns and Villages Act*, By-law Officers must be appointed by Council.

Public Safety

The timely appointment of By-law Officers helps ensure that proper levels of staffing and enforcement are achieved.

**ALTERNATIVES TO RECOMMENDATION:**

No viable alternative has been identified.

**RATIONALE:**

The timely appointment of By-law Officers helps ensure that proper levels of staffing and enforcement are achieved.

**ATTACHMENTS:**

None.

Prepared: February 3, 2015 DMG

Revised: