

**CITY OF WHITEHORSE**  
**REGULAR Council Meeting #2021-14**

**DATE:** Monday, July 12, 2021  
**TIME:** 5:30 p.m.

**Mayor** Dan Curtis  
**Deputy Mayor** Samson Hartland  
**Reserve Deputy Mayor** Stephen Roddick

**AGENDA**

**CALL TO ORDER** 5:30 p.m.

**AGENDA** Adoption

**PROCLAMATIONS**

**MINUTES** Regular Council meeting dated June 28, 2021

**DELEGATIONS**

**PUBLIC HEARING**

**STANDING COMMITTEE REPORTS**

**Development Services Committee** – *Councillors Curteanu and Roddick*

Public Input Report – Infrastructure Reconstruction and Local Improvement Policy

**Corporate Services Committee** – *Councillors Roddick and Curteanu*

Budget Amendment and Land Acquisition – 7720 7<sup>th</sup> Avenue

Semi-annual Procurement Report (January to June) – For Information Only

Upcoming Procurements (July and August) – For Information Only

**City Planning Committee** – *Councillors Hartland and Cabott*

Tank Farm Phase 1 – For Information Only

**City Operations Committee** – *Councillors Cabott and Hartland*

**Community Services Committee** – *Councillors Boyd and Stick*

**Public Health and Safety Committee** – *Councillors Stick and Boyd*

**NEW AND UNFINISHED BUSINESS**

**BYLAWS**

2021-25	Land Acquisition (Riverdale Water Well #6)	3 <sup>rd</sup> Reading
2021-32	Fees and Charges Amendment (2 <sup>nd</sup> Quarter Changes)	3 <sup>rd</sup> Reading
2021-37	Escarpment Land Acquisition (7720-7 <sup>th</sup> Avenue)	1 <sup>st</sup> & 2 <sup>nd</sup> Reading

**ADJOURNMENT**



MINUTES of **REGULAR** Meeting #2021-13 of the Council of the City of Whitehorse called for 5:30 p.m. on Monday, June 28, 2021, in Council Chambers, City Hall.

PRESENT: Mayor Dan Curtis  
Councillors Dan Boyd  
Laura Cabott  
Jocelyn Curteanu  
Samson Hartland – Electronic Participation  
Stephen Roddick  
Jan Stick

ALSO PRESENT: Acting City Manager Jeff O'Farrell  
Acting Director of Community Services Krista Mroz  
Director of Corporate Services Valerie Braga  
Acting Director of Development Services Mélodie Simard  
Director of Human Resources Lindsay Schneider  
Acting Director of Operations Jason Everitt  
Manager of Legislative Services Wendy Donnithorne  
Assistant City Clerk Norma Felker

Mayor Curtis called the meeting to order at 5:35 p.m.

**CALL TO ORDER**

**2021-13-01**

It was duly moved and seconded  
THAT the agenda be adopted as presented.

**AGENDA**

Carried Unanimously

I declare that I am on the board of the Whitehorse Food Bank Society, which is one of the organizations listed as a grant recipient on tonight's agenda. However, since my interest is not pecuniary, I will be participating in the debate and vote when the issue of the Community Service and Municipal Charges grants bylaw comes forward for third reading.

**Deputy Mayor Cabott**

**DECLARATION  
OF INTEREST**

**2021-13-02**

It was duly moved and seconded  
THAT the minutes of the regular Council meeting dated June 14, 2021 be adopted as presented.

**MINUTES**

June 14, 2021

Carried Unanimously

**COMMITTEE REPORTS**

**Development Services Committee**

In response to questions raised, Administration confirmed that the requirement for six metres of separation between a pop-up patio and an adjacent traffic lane is the minimum separation required for public safety.

UPDATE ON POP-UP  
PATIO APPLICATIONS

For Information Only

It was noted that this regulation applies to all of the downtown area, and therefore limits the potential for on-street patios on re-developed streets that have narrow roadways and broad boulevards. In these locations, the expectation would be that the boulevards would be used for the development of temporary patios.

**Corporate Services Committee**

**2021-13-03**

It was duly moved and seconded  
THAT the audited City of Whitehorse 2020 Financial Statements be approved as presented, and

2020 AUDITED  
FINANCIAL STATEMENTS

THAT the Water and Sewer Fund surplus of \$237,619 be transferred to the Water and Sewer Reserve.

Carried Unanimously

Administration confirmed that the work on right-sizing the Reserves would begin following the completion of second quarter variance reporting, and would be brought forward before the end of this Council's term of office.

Discussion

**2021-13-04**

It was duly moved and seconded  
THAT Bylaw 2021-32, a bylaw to amend the Fees and Charges Bylaw in accordance with the second quarter review, be brought forward for consideration under the bylaw process; and

BRING FORWARD  
FEES AND CHARGES  
BYLAW AMENDMENT  
2<sup>nd</sup> Quarter Review

THAT the 2021 to 2023 Operating and Maintenance Budgets be increased upon adoption of Bylaw 2021-32 in the amount of \$2,600 for 2021, \$7,800 for 2022, and \$7,800 for 2023, offset by transfers to the General Reserve for the additional revenue.

Carried Unanimously

**City Planning Committee**

**2021-13-05**

It was duly moved and seconded  
THAT Bylaw 2021-25, a bylaw to authorize the acquisition of a parcel of land from the Government of Yukon for the purpose of owning and operating Water Well 6, be brought forward for consideration under the bylaw process.

BRING FORWARD  
LAND ACQUISITION BYLAW  
Riverdale Water Well #6

Carried Unanimously

**2021-13-06**

It was duly moved and seconded  
THAT an agreement with Champagne and Aishihik First Nations for a housing development incentive be approved for the construction of a 20-unit rental housing development at 195 Olive May Way.

HOUSING DEVELOPMENT  
INCENTIVE AGREEMENT  
195 Olive May Way

Carried Unanimously

A Council member expressed a desire to have the current Housing Development Incentive Policy brought forward for a review in order to explore additional incentives for supportive and rental housing projects.

Discussion

**2021-13-07**

It was duly moved and seconded  
THAT Bylaw 2021-33, a bylaw to establish the zoning for phase 8 and adjacent lands of the Whistle Bend neighbourhood, be brought forward for consideration under the bylaw process.

BRING FORWARD  
ZONING AMENDMENT  
Whistle Bend Phase 8 and  
Adjacent Lands

Carried Unanimously

A Council member expressed concerns about the Yukon government's land lottery process, suggesting that it may allow a few developers to gain control of many lots.

Discussion

**City Operations Committee**

In response to a query from a Committee member, Administration advised that there has been limited impact to the organization as a result of the recent increase in COVID-19 cases. Service levels are not currently being effected, thanks to the high numbers of employees who have been vaccinated and the diligence of staff in maintaining Safe 6+1 distancing practices. A Committee member reminded the public that it is important for people to continue getting vaccinated.

UPDATE ON BUSINESS  
CONTINUITY PLANNING  
For Information Only

**Community Services Committee**

Keith Lay addressed the Committee on behalf of Active Trails Whitehorse Association to suggest that the survey regarding the draft Whitehorse South Trail Plan is flawed. He noted that the map being used for the survey does not indicate that snowmobile use will be allowed on non-motorized trails. The survey is scheduled to close at the end of the week, which means that people have completed the survey with the assumption that non-motorized trails are excluded from motorized use year round. Mr. Lay asked Council to direct Administration to take immediate steps to amend the Snowmobile Bylaw to reflect the intent of the 2020 Trail Plan as to the true meaning of a non-motorized multiple use trail.

WHITEHORSE SOUTH  
DRAFT TRAIL PLAN  
For Information Only

A Committee member asked if the closure of the survey could be postponed and more detailed information be provided to potential respondents. Administration advised that options in this regard will be considered and noted that the Whitehorse South Trail Plan is expected to be brought forward for adoption under the mandate of the new Council.

In response to questions raised, Administration provided an update on the history behind allowing snowmobile use on otherwise non-motorized trails. Administration also confirmed that the survey has been extended to July 11<sup>th</sup>, and that a charrette is being planned before the trail plan will be brought forward for adoption by the new Council.

Discussion

Administration advised that an update on the City's progress with respect to the Reconciliation Action Plan will be provided in the near future.

RECONCILIATION  
ACTION PLAN UPDATE  
For Information Only

**Public Health and Safety Committee**

There was no report from the Public Health and Safety Committee.

No Report

**BYLAWS**

**2021-13-08**

It was duly moved and seconded  
THAT Bylaw 2021-28, a bylaw to authorize the allocation of grants for community service and municipal charges for the year 2021, having been read a first and second time, now be given third reading.

Carried Unanimously

**BYLAW 2021-28**  
2021 GRANTS FOR  
COMMUNITY SERVICE AND/  
MUNICIPAL CHARGES  
THIRD READING

**2021-13-09**

It was duly moved and seconded  
THAT Bylaw 2021-35, a bylaw to amend the 2021 to 2024 Capital Expenditure Program by increasing the budget for the Building Consolidation – Services Building project, having been read a first and second time, now be given third reading.

Carried Unanimously

**BYLAW 2021-35**

BUDGET AMENDMENT –  
SERVICES BUILDING  
THIRD READING

Some Councillors spoke to concerns that have been raised regarding the increasing costs for this portion of the overall Building Consolidation project, but noted the benefits of replacing inefficient structures and systems.

Discussion

Some members of Council expressed regret that the processes and time lines surrounding the approvals for the Services Building project did not allow for earlier discussion of options and costs, and also did not allow for public input into the design for the new building.

**2021-13-10**

It was duly moved and seconded  
THAT Bylaw 2021-25, a bylaw to authorize the acquisition of a parcel of land in Riverdale for the purpose of owning and operating Water Well #6, be given first reading.

Carried Unanimously

**BYLAW 2021-25**

LAND ACQUISITION  
Water Well #6  
FIRST READING

**2021-13-11**

It was duly moved and seconded  
THAT Land Acquisition Bylaw 2021-25 be given second reading.

Carried Unanimously

SECOND READING

**2021-13-12**

It was duly moved and seconded  
THAT Bylaw 2021-32, a bylaw to amend the Fees and Charges Bylaw in accordance with second quarter changes, be given first reading.

Carried Unanimously

**BYLAW 2021-32**

FEES AND CHARGES  
AMENDMENT –  
Second Quarter Changes  
FIRST READING

**2021-13-13**

It was duly moved and seconded  
THAT Fees and Charges Amendment Bylaw 2021-32 be given second reading.

Carried Unanimously

SECOND READING

**2021-13-14**

It was duly moved and seconded

THAT Bylaw 2021-33, a bylaw to amend the Zoning Bylaw by establishing the zoning for the area known as Whistle Bend Phase 8 and adjacent lands, be given first reading.

Carried Unanimously

**BYLAW 2021-33**

ZONING AMENDMENT  
Whistle Bend Phase 8 and  
Adjacent Lands

FIRST READING

There being no further business, the meeting adjourned at 6:15 p.m.

**ADJOURNMENT**



## Minutes of the meeting of the Development Services Committee

<b>Date</b>	July 5, 2021	2021-14
<b>Location</b>	Council Chambers, City Hall	
<b>Committee Members Present</b>	Councillor Jocelyn Curteanu – Chair Councillor Stephen Roddick – Vice-Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Laura Cabott Councillor Samson Hartland Councillor Jan Stick	
<b>Staff Present</b>	Valerie Braga, Acting City Manager Krista Mroz, Acting Director of Community Services Wendy Donnithorne, Acting Director of Corporate Services Mike Gau, Director of Development Services Jason Everitt, Acting Director of Operations Patrick Ross, Manager of Land and Building Services Norma Felker, Assistant City Clerk	

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Your Worship, the Development Services Committee respectfully submits the following report:

### **1. Infrastructure Reconstruction and Local Improvement Policy**

Under the existing Local Improvement Policy, property owners have contributed a share of the cost of the public surface works through a local improvement charge. The proposed policy considers the replacement of essential basic City infrastructure assets as Infrastructure Reconstruction Projects. These include water, sewer, roads, commuter pathways and associated essential improvements. For such projects, public funds would pay for all costs on public property. Improvements on private property would be completely paid for by private property owners benefitting from the project.

The proposed policy would allow private property owners to opt-in or opt-out with respect to upgrades to their private infrastructure. If they “opt in”, property owners would have upgrades on their property done at the same time the City is doing the work on public land. The policy also provides for an infrastructure loan to property owners who opt-in. This loan would be paid back in a manner similar to how current local improvement charges are applied to taxes over a period of time.

In May, Council directed Administration to release the proposed Infrastructure Reconstruction and Local Improvement Policy to the public and carry out a public engagement process. An information webinar was advertised in social media and in local newspapers, and direct notification was sent to the Downtown Resident's Association and the Hillcrest Community Association. Ten residents participated in the webinar. Thereafter, the recorded video was watched 22 times and the project page was viewed 142 times prior to the cut-off date for comments.

Ten submissions were received regarding the proposed policy. Eight asked questions about the reconstruction process and specific questions related to their own properties. Two submissions expressed support for the policy and one expressed concern about fairness to those who have paid local improvement charges under the existing policy.

The proposed policy is now being brought forward for adoption.

**The recommendation of the Development Services Committee is**

THAT the Infrastructure Reconstruction and Local Improvement Policy be adopted as presented.



## Minutes of the meeting of the Corporate Services Committee

<b>Date</b>	July 5, 2021	2021-14
<b>Location</b>	Council Chambers, City Hall	
<b>Committee Members Present</b>	Councillor Stephen Roddick – Chair Councillor Jocelyn Curteanu – Vice-Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Laura Cabott Councillor Samson Hartland Councillor Jan Stick	
<b>Staff Present</b>	Valerie Braga, Acting City Manager Krista Mroz, Acting Director of Community Services Wendy Donnithorne, Acting Director of Corporate Services Mike Gau, Director of Development Services Jason Everitt, Acting Director of Operations Brittany Dixon, Acting Manager of Financial Services Patrick Ross, Manager of Land and Building Services Norma Felker, Assistant City Clerk	

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Your Worship, the Corporate Services Committee respectfully submits the following report:

### **1. Budget Amendment and Land Acquisition – 7220 7<sup>th</sup> Avenue**

The Escarpment Land Acquisition Program was initiated in the early 1970s as a result of drainage and erosion problems as well as concerns over the risk of potential mudslides onto properties located at the foot of the downtown escarpment.

The owner of the property located at 7220–7<sup>th</sup> Avenue passed away in 2019 and an agreement to purchase the property has been negotiated with the executor of the estate. Structures remaining on the property after the City acquires ownership will be removed, but they contain hazardous materials that will require special handling and disposal. Backfilling and revegetation will also be required. All costs related to the acquisition of this property are proposed to come from the Land Bank Reserve, and a budget amendment is required.

After demolition, the property will remain vacant until a future use is determined in accordance with the Downtown Escarpment Land Use Policy.

**The recommendation of the Corporate Services Committee is**

THAT the 2021 to 2024 Capital Expenditure Program be amended to create a new capital project titled “Acquisition of 7220 7<sup>th</sup> Avenue” for the purchase of escarpment land and the demolition of structures on that land in the amount of \$380,000, funded from the Land Bank Reserve; and

THAT Bylaw 2021-37, a bylaw to acquire title to the escarpment property located at 7220 7<sup>th</sup> Avenue, be brought forward for consideration under the bylaw process.

**2. Semi-Annual Procurement Report (January to June) – For Information Only**

In accordance with the requirements of the Procurement Policy, Administration provided an update on procurement projects to June 30, 2021, including:

- Contract awards with a value of \$100,000 and over;
- Procurements with a value of over \$100,000 that have incorporated requirements related to economic, social and/or environmental sustainability in their solicitation documents;
- Procurements with an estimated value of \$500,000 or more.
- Non-Competitive, single source or sole source procurements with a value over \$50,000;
- Emergency procurements, including their value; and
- Instances of non-compliance with the policy and ensuing actions taken in each instance.

**3. Upcoming Procurements (July and August) – For Information Only**

In accordance with the Procurement Policy, a list of forthcoming procurements with an anticipated value greater than \$100,000 must be provided to council on a bi-monthly basis. Department managers reviewed their capital projects and operating requirements and have provided a list of anticipated procurements valued at over \$100,000 for July and August 2021. Only one procurement is scheduled, and that is the Website Redesign project.



## Minutes of the meeting of the City Planning Committee

<b>Date</b>	July 5, 2021	2021-14
<b>Location</b>	Council Chambers, City Hall	
<b>Committee Members Present</b>	Councillor Samson Hartland – Chair Councillor Laura Cabott – Vice Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Jocelyn Curteanu Councillor Stephen Roddick Councillor Jan Stick	
<b>Staff Present</b>	Valerie Braga, Acting City Manager Krista Mroz, Acting Director of Community Services Wendy Donnithorne, Acting Director of Corporate Services Mike Gau, Director of Development Services Jason Everitt, Acting Director of Operations Patrick Ross, Manager of Land and Building Services Sidharth Agarwal, Planner Norma Felker, Assistant City Clerk	

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Your Worship, the City Planning Committee respectfully submits the following report:

### **1. Zoning Amendment and Land Exchange Agreement – Tank Farm Phase 1**

The owner of the Tank Farm property has applied to amend the Zoning Bylaw to allow for the development of industrial/commercial lots on the Phase 1 portion of the site. The applicant proposed two options for consideration. The Development Review Committee has recommended the option involving a land exchange with the City as the preferred approach, as it provides for increased separation between commercial/industrial and residential uses, and more area to accommodate public amenities and infrastructure.

The current zoning of the Tank Farm portion of the subject area is FP–Future Planning, which is intended to protect land until planning has occurred to determine appropriate zoning. The current zoning of the City-owned buffer strip is PG–Greenbelt, which is intended to provide areas of public land for buffers, trails and passive recreation.

DC–Direct Control District is being proposed as a new zone in the Zoning Bylaw to reflect the unique nature and additional regulations applicable to areas established as Direct Control Districts in the Official Community Plan. The DC zoning would be used in

combination with other zoning designations, meaning that additional regulations would apply along with the normal regulations of the zone.

The proposed bylaw establishes three new zones for the subject property:

- The commercial/industrial lots will be zoned DC-CIMx–Direct Control Mixed-Use Commercial/Industrial (modified);
- The grade-separated buffer strip at the western edge of the commercial/industrial lots will be zoned DC-PG–Direct Control Greenbelt. This will provide a buffer between the commercial/industrial lots and future residential development, as well as a location for a portion of a future trail/active transportation connection through the Tank Farm site; and
- The remaining Tank Farm site will be zoned DC-FP–Direct Control Future Planning, as additional planning work is required to determine appropriate zoning for the remaining portion of the site.

The proposed land exchange would secure the City's tenure within a portion of the buffer strip between the commercial/industrial lots and the future residential subdivision. There will be no cost to the City to exchange the lands, and the survey costs will be paid by the applicant.

The zoning amendment and land exchange bylaws are being introduced together, with third reading of the land exchange bylaw being dependent upon the passage of the zoning amendment. The applicant will subsequently apply to subdivide the commercial/industrial area, and the land exchange will be finalized when the subdivision application and development agreement for the property are brought forward for Council approval. The development agreement will be registered on the title of the property and will be in effect when further development of the remainder of the Tank Farm site is proposed in the future.

**The recommendation of the City Planning Committee is**

THAT Bylaw 2021-29, a bylaw to amend the zoning of the Tank Farm and Buffer, Hillcrest Industrial Subdivision, to designate the Tank Farm as a Direct Control District and allow commercial/industrial development on Tank Farm Phase 1; and

THAT Bylaw 2021-34, a bylaw to authorize a land exchange agreement with respect to the Tank Farm, be brought forward for consideration under the bylaw process; and

THAT third reading of Land Exchange Agreement Bylaw 2021-34 be scheduled to coincide with second and third reading of Zoning Amendment Bylaw 2021-29.



## Minutes of the meeting of the City Operations Committee

<b>Date</b>	July 5, 2021	2021-14
<b>Location</b>	Council Chambers, City Hall	
<b>Committee Members Present</b>	Councillor Laura Cabott – Chair Councillor Samson Hartland – Vice Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Jocelyn Curteanu Councillor Stephen Roddick Councillor Jan Stick	
<b>Staff Present</b>	Valerie Braga, Acting City Manager Krista Mroz, Acting Director of Community Services Wendy Donnithorne, Acting Director of Corporate Services Mike Gau, Director of Development Services Jason Everitt, Acting Director of Operations Norma Felker, Assistant City Clerk	

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Your Worship, the City Operations Committee respectfully submits the following report:

**1. Whistle Bend Pond – For Information Only**

In response to questions raised, Administration provided an update on the actions being taken to deal with the over-abundance of algae in the Whistle Bend pond. This is an ongoing project for this year, and capital budget submissions are being developed for measures to minimize the growth of algae in future years.





## Minutes of the meeting of the Community Services Committee

<b>Date</b>	July 5, 2021	2021-14
<b>Location</b>	Council Chambers, City Hall	
<b>Committee Members Present</b>	Councillor Dan Boyd – Chair Councillor Jan Stick – Vice-Chair Mayor Dan Curtis Councillor Laura Cabott Councillor Jocelyn Curteanu Councillor Samson Hartland Councillor Stephen Roddick	
<b>Staff Present</b>	Valerie Braga, Acting City Manager Krista Mroz, Acting Director of Community Services Wendy Donnithorne, Acting Director of Corporate Services Mike Gau, Director of Development Services Jason Everitt, Acting Director of Operations Norma Felker, Assistant City Clerk	

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Your Worship, there is no report from the Community Services Committee.





## Minutes of the meeting of the Public Health and Safety Committee

<b>Date</b>	July 5, 2021	2021-14
<b>Location</b>	Council Chambers, City Hall	
<b>Committee Members Present</b>	Councillor Jan Stick – Chair Councillor Dan Boyd – Vice Chair Mayor Dan Curtis Councillor Laura Cabott Councillor Jocelyn Curteanu Councillor Samson Hartland Councillor Stephen Roddick	
<b>Staff Present</b>	Valerie Braga, Acting City Manager Krista Mroz, Acting Director of Community Services Wendy Donnithorne, Acting Director of Corporate Services Mike Gau, Director of Development Services Jason Everitt, Acting Director of Operations Norma Felker, Assistant City Clerk	

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Your Worship, the Public Health and Safety Committee respectfully submits the following report:

### **1. Flooding/High Water Issues – For Information Only**

In response to questions raised, Administration provided an update on measures being used to ensure public safety and protect low-lying properties in the event of flooding due to high water levels up-river from the City.



## CITY OF WHITEHORSE

### BYLAW 2021-25

A bylaw to authorize the acquisition of a parcel of land.

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WHEREAS section 265 of the *Municipal Act* (R.S.Y. 2002) provides that Council may by bylaw authorize the municipality to acquire any real property; and

WHEREAS it is deemed desirable that the City acquire title to a parcel of land in the Riverdale Subdivision for the purpose of owning and operating Water Well 6;

NOW THEREFORE the Council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. The City of Whitehorse is hereby authorized to acquire title to approximately 282 m<sup>2</sup> of Block 317, Plan 92-83 LTO in the City of Whitehorse, Yukon Territory, as shown on the sketch attached hereto as Appendix "A" and forming part of this bylaw.
2. The said land is to be acquired from Government of Yukon for the nominal sum of one dollar (\$1.00).
3. The Mayor and Assistant City Clerk are hereby authorized to execute on behalf of the City of Whitehorse all documentation required for the completion of the acquisition of title for the said lands in an expeditious manner.
4. This bylaw shall come into full force and effect on the final passing thereof.

**FIRST and SECOND READING:** June 28, 2021

**THIRD READING and ADOPTION:**

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Mayor

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Assistant City Clerk



Gadzoosdaa  
Student  
Residence

**Subject  
Area**

18.5 m  
15.2 m

Selkirk Street

**BYLAW 2021-25**

A bylaw to authorize the acquisition of a 282 m<sup>2</sup> parcel of land, comprising a portion of Block 317, Plan 92-83 LTO, for the purpose of maintaining City owned Well 6.

LEGEND



SUBJECT AREA

## **CITY OF WHITEHORSE**

### **BYLAW 2021-32**

A bylaw to amend Fees and Charges Bylaw 2014-36

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WHEREAS section 220 of the *Municipal Act* provides that council may by bylaw amend or vary bylaws; and

WHEREAS all City of Whitehorse municipal fees and charges are consolidated into one bylaw; and

WHEREAS it is deemed desirable that the Fees and Charges Bylaw be amended to reflect changes required as a result of a quarterly review;

NOW THEREFORE the Council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. The fee schedule attached to and forming part of Fees and Charges Bylaw 2014-36 is hereby amended by repealing existing Schedule 5 and substituting therefore a new Schedule 5 attached hereto as Appendix "A" and forming part of this bylaw.
2. This bylaw shall come into full force and effect on and from final passage thereof.

**FIRST and SECOND READING:** June 28, 2021

**THIRD READING and ADOPTION:**

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Mayor

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Assistant City Clerk

## **CITY OF WHITEHORSE BYLAW 2021-32**

### **Explanatory Notes:**

The attached bylaw amends the Fees and Charges Bylaw to reflect changes required per a quarterly operational review.

The changes are highlighted and are detailed as follows:

- Increase the fee for Wellness Program Design for members and non-members to recover costs for expanded scope of services, including an additional assessment and an additional appointment. The revised fee aligns with the current market rate and addresses customer demand.

Bylaw 2021-32 - Appendix A  
Schedule 5 (Facilities)

FEE DESCRIPTION				Bylaw 2021-03		Bylaw 2021-32		Final Fee 5% GST Inc	UNITS
				Approved Base Fee	Date Fee Effective	Approved Base Fee	Date Fee Effective		
Rec Facilities	Administration	Withdrawal/Change	All Programs	25.00	1-Jul-13	25.00	1-Jul-13		Each
Rec Facilities	***non-profit groups charging admission pay the regular rate -				23-Feb-09		23-Feb-09		
Rec Facilities	***for profit groups minimum full cost recovery plus negotiated				1-Mar-11		1-Mar-11		
Rec Facilities	Rental, Leisure Ice	Dry-Floor Leisure Ice	1/3 of Dry floor arena rates	0.00	1-Jan-11	0.00	1-Jan-11	0.00	1/2 day
Rec Facilities	Damage Deposit	Dry floor rentals or any rentals where liquor is served or consumed-\$500 per booking		500.00	1-Jan-10	500.00	1-Jan-10	no gst	per booking
Rec Facilities	Dry Floor (Arenas)	Regular Rate + cost of staff	plus cost of staff	169.08	1-Sep-21	169.08	1-Sep-21	177.55	hour
Rec Facilities	Dry Floor (Arenas)	Y/S/D Non-Profit Discount	plus cost of staff	77.81	1-Sep-21	77.81	1-Sep-21	81.70	hour
Rec Facilities	Dry Floor (Arenas)	Adult Non-Profit Discount	plus cost of staff	116.62	1-Sep-21	116.62	1-Sep-21	122.45	hour
Rec Facilities	Rental, Fieldhouses	Y/S/D Non-profit Discount	Non-Prime Time 6am-3pm Mon-Fri & all summer	58.33	1-Sep-21	58.33	1-Sep-21	61.25	hour
Rec Facilities	Rental, Fieldhouses	Adult Non-profit Discount	Non-Prime Time 6am-3pm Mon-Fri & all summer	87.48	1-Sep-21	87.48	1-Sep-21	91.85	hour
Rec Facilities	Rental, Takhini Arena	Mezzanine	Summer(minimum 3 hr Rental)	66.67	1-Sep-20	66.67	1-Sep-20	70.00	hour
Rec Facilities	Rental, Outdoor Training Field (Takhini Arena)	April 1 - Sept 30 (based on field condition)		Actual Cost	23-Feb-09	Actual Cost	23-Feb-09	Actual Cost Plus GST	each
Rec Facilities	Rental, Snowball	Maximum 1.5 hours operation	With Leisure Ice rental	53.67	1-Sep-21	53.67	1-Sep-21	56.35	each 15 min
Rec Facilities	Rental, Parking Lot	Regular Rate	valid April 1-Sept 30, outside regular season	43.91	1-Sep-21	43.91	1-Sep-21	46.10	hour
Rec Facilities	Rental, Winter Ice	Adult Discount	Non-Prime Time 6am-3pm Mon-Fri	128.91	1-Sep-21	128.91	1-Sep-21	135.35	hour
Rec Facilities	Rental, Winter Ice	Y/S/D Discount	Non-Prime Time 6am-3pm Mon-Fri	81.79	1-Sep-21	81.79	1-Sep-21	85.90	hour
Rec Facilities	Rental, Winter Ice	Adult Non-Profit Discount	Sept -April	171.99	1-Sep-21	171.99	1-Sep-21	180.60	hour
Rec Facilities	Rental, Winter Ice	Y/S/D Non-Profit Discount	Sept-April	109.04	1-Sep-21	109.04	1-Sep-21	114.50	hour
Rec Facilities	Rental Ice	Regular rate	January 1-December 31	220.22	1-Sep-21	220.22	1-Sep-21	231.25	hour
Rec Facilities	Rental, Ice Summer	Non-Profit Discount	May - August	166.79	1-Sep-21	166.79	1-Sep-21	175.15	hour
Rec Facilities	Storage/Exclusive Use Space	Storage Locker	Less Than 100 Cu Ft	127.99	1-Sep-21	127.99	1-Sep-21	134.40	year
Rec Facilities	Storage/Exclusive Use Space	Small areas	100-299 cu ft.	510.87	1-Sep-21	510.87	1-Sep-21	536.40	year
Rec Facilities	Storage/Exclusive Use Space	Medium areas	300-699 cu ft.	765.97	1-Sep-21	765.97	1-Sep-21	804.25	year
Rec Facilities	Storage/Exclusive Use Space	Large areas	700-1000 cu ft.	1019.95	1-Sep-21	1019.95	1-Sep-21	1070.95	year
Rec Facilities	Storage/Exclusive Use Space	Other areas	Over 1000 Cu Ft. or has specialized services	1276.31	1-Sep-21	1276.31	1-Sep-21	1340.15	year
Rec Facilities	Office Space	office space rental		230.96	1-Sep-21	230.96	1-Sep-21	242.50	Monthly
Rec Facilities	Rental	Kiosk Space	Non-Profit	30.36	1-Sep-21	30.36	1-Sep-21	31.85	Day

Bylaw 2021-32 - Appendix A  
Schedule 5 (Facilities)

FEE DESCRIPTION				Bylaw 2021-03		Bylaw 2021-32		Final Fee 5% GST Inc	UNITS
				Approved Base Fee	Date Fee Effective	Approved Base Fee	Date Fee Effective		
Rec Facilities	Booking Amendment Fee	Request for changes to their rentals after being firmed up		5.00	1-Sep-15	5.00	1-Sep-15	No GST	Day
Rec Facilities	Rental	Static Display Space	with written approval by Manager	11.90	1-Sep-21	11.90	1-Sep-21	12.50	Day
Rec Facilities	Rental	Additional Staff	Extra rec staff required for rental or event support	hourly rate + staff	1-Sep-15	hourly rate + staff	1-Sep-15	hourly rate + staff	hour
Rec Facilities	Rental, Meeting Space	Large meeting area	Grey Mountain Room, Wellness Studio, Literacy Centre, Mezzanine	47.62	1-Sep-20	47.62	1-Sep-20	50.00	hour
Rec Facilities	Rental, Meeting Space	Large meeting area-per day (10-24 hr)	Grey Mountain Room, Wellness Studio, Literacy Centre, Mezzanine	476.19	1-Jan-21	476.19	1-Jan-21	500.00	per day
Rec Facilities	Rental, Meeting Space	Small meeting area	Meeting rooms, Kitchen and portion of Concourse	23.81	1-Sep-20	23.81	1-Sep-20	25.00	hour
Rec Facilities	Rental, Pool	Regular Rate	2 Lifeguards for up to 50 people	334.27	1-Sep-21	334.27	1-Sep-21	351.00	hour
Rec Facilities	Rental, Pool	Pool-Adult Non-Profit Discount	2 Lifeguards for up to 50 people	250.68	1-Sep-21	250.68	1-Sep-21	263.20	hour
Rec Facilities	Rental, Pool	Pool - Youth/Senior/Disabled Non-Profit Discount	2 Lifeguards for up to 50 people	167.13	1-Sep-21	167.13	1-Sep-21	175.50	hour
Rec Facilities	Rental, Pool	Pool - Youth/Senior/Disabled Non-Profit Discount	2 Lifeguards for up to 50 people	145.27	1-Sep-20	145.27	1-Sep-20	152.55	hour
Rec Facilities	Rental, Pool Lane	Pool Lane	1/8 of Pool Rental Rates	0.00	1-Jan-11	0.00	1-Jan-11	0.00	hour
Rec Facilities	Daily Single Admission	Adult	19 - 59 years	7.92	1-Sep-21	7.92	1-Sep-21	8.30	each
Rec Facilities	Daily Single Admission	Senior/Student	60 yrs. or older, or proof of current post-secondary enrollment	6.46	1-Sep-21	6.46	1-Sep-21	6.80	each
Rec Facilities	Daily Single Admission	Youth or Disabled	2 to 18 years or permanent disability	4.13	1-Sep-21	4.13	1-Sep-21	4.35	each
Rec Facilities	Daily Single Admission	Family	2 guardians with up to 5 dependents 18 and under, at the same address	18.31	1-Sep-21	18.31	1-Sep-21	19.25	each
Rec Facilities	Daily Single Admission	Small Child	Under 2	No Charge	15-Oct-05	No Charge	15-Oct-05	No Charge	each
Rec Facilities	6 Month Membership	Adult	19 - 59 years	295.31	1-Sep-21	295.31	1-Sep-21	310.00	per 6 Months
Rec Facilities	6 Month Membership	Senior/Student	60 yrs. or older, or proof of current post-secondary enrollment	242.86	1-Sep-21	242.86	1-Sep-21	255.00	per 6 Months
Rec Facilities	6 Month Membership	Youth or Disabled	2 to 18 years or permanent disability	147.66	1-Sep-21	147.66	1-Sep-21	155.00	per 6 Months
Rec Facilities	6 Month Membership	1 Adult Family	1 guardian with up to 5 dependents 18 and under, at the same address	378.86	1-Sep-21	378.86	1-Sep-21	398.00	per 6 Months
Rec Facilities	6 Month Membership	2 Adult Family	2 guardians with up to 5 dependents 18 and under, at the same address	645.03	1-Sep-21	645.03	1-Sep-21	677.00	per 6 Months
Rec Facilities	1 year Membership	Adult	19 - 59 years	532.34	1-Sep-21	532.34	1-Sep-21	559.00	annual
Rec Facilities	1 year Membership	Senior/Student	60 yrs. or older, or proof of current post-secondary enrollment	438.11	1-Sep-21	438.11	1-Sep-21	460.00	annual
Rec Facilities	1 year Membership	Youth or Disabled	2 to 18 years or permanent disability	272.00	1-Sep-21	272.00	1-Sep-21	286.00	annual
Rec Facilities	1 year Membership	1 Adult Family	1 guardian with up to 5 dependents 18 and under, at the same address	685.83	1-Sep-21	685.83	1-Sep-21	720.00	annual
Rec Facilities	1 year Membership	2 Adult Family	2 guardians with up to 5 dependents 18 and under, at the same address	1171.54	1-Sep-21	1171.54	1-Sep-21	1230.00	annual
Rec Facilities	30 Day Pass	Adult	19 - 59 years	54.40	1-Sep-21	54.40	1-Sep-21	57.00	each
Rec Facilities	30 Day Pass	Senior/Student	60 yrs. or older, or proof of current post-secondary enrollment	44.69	1-Sep-21	44.69	1-Sep-21	47.00	each

Bylaw 2021-32 - Appendix A  
Schedule 5 (Facilities)

FEE DESCRIPTION				Bylaw 2021-03		Bylaw 2021-32		Final Fee 5% GST Inc	UNITS
				Approved Base Fee	Date Fee Effective	Approved Base Fee	Date Fee Effective		
Rec Facilities	30 Day Pass	Youth or Disabled	2 to 18 years or permanent disability	27.20	1-Sep-21	27.20	1-Sep-21	29.00	each
Rec Facilities	30 Day Pass	1 Adult Family	1 guardian with up to 5 dependents 18 and under, at the same address	69.94	1-Sep-21	69.94	1-Sep-21	73.00	each
Rec Facilities	30 Day Pass	2 Adult Family	2 guardians with up to 5 dependents 18 and under, at the same address	119.49	1-Sep-21	119.49	1-Sep-21	125.00	each
Rec Facilities	Group Membership	On 6 Month & 1 Year Memberships	10 or more people in a group will receive 10% off individual memberships	0.00	1-Sep-20	0.00	1-Sep-20	0.00	
Rec Facilities	Adult Programming	min. 100% recoverable	Including all partnership Programs	See Leisure Guide	1-Jan-10	See Leisure Guide	1-Jan-10	See Active Living Guide	each
Rec Facilities	Children/Youth/Senior/Disabled Programming	min. 50% recoverable	not including day camp	See Leisure Guide	1-Jan-10	See Leisure Guide	1-Jan-10	See Active Living Guide	each
Rec Facilities	Day-camp Programming	min. 60% recoverable		See Leisure Guide	1-Mar-11	See Leisure Guide	1-Mar-11	See Active Living Guide	each
Rec Facilities	10-Day Flex Pass (max 2 year)	Adult	19 - 59 years and it expires in 2 years from the date of purchase	69.94	1-Sep-21	69.94	1-Sep-21	73.00	each
Rec Facilities	10-Day Flex Pass (max 2 year)	Senior/Student	60 yrs. or older, or proof of current post-secondary enrollment and expires in 2 years from the date of purchase	56.34	1-Sep-21	56.34	1-Sep-21	59.00	each
Rec Facilities	10-Day Flex Pass (max 2 year)	Child/Youth or Disabled	2 to 18 years or permanent disability and it expires in 2 years from the date of purchase	35.94	1-Sep-21	35.94	1-Sep-21	38.00	each
Rec Facilities	10-Day Flex Pass (max 2 year)	Family	2 guardians with up to 5 dependents 18 and under, at the same address and it expires in 2 years from the date of purchase	165.14	1-Sep-21	165.14	1-Sep-21	173.00	each
Rec Facilities	Rental, set up	1/2 of regular rental rate	1/2 of regular rental rate		1-Jan-10	2 of regular rental rate	1-Jan-10	1/2 of regular rental rate	per booking
Rec Facilities	Rental, Fieldhouses	Y/S/D Non-Profit Discount	Flexihall or Fieldhouse	77.81	1-Sep-21	77.81	1-Sep-21	81.70	hour
Rec Facilities	Rental, Fieldhouses	Adult Non-Profit Discount	Flexihall or Fieldhouse	116.62	1-Sep-21	116.62	1-Sep-21	122.45	hour
Rec Facilities	Rental, Fieldhouses	Regular Rate	Flexihall or Fieldhouse	155.57	1-Sep-21	155.57	1-Sep-21	163.35	hour
Rec Facilities	Rental Sports Equipment	skate rentals/badminton racquets		3.78	1-Sep-21	3.78	1-Sep-21	3.95	per unit
Rec Facilities	Rental	Portable Bleachers	Staff costs	Actual Cost	1-Sep-20	Actual Cost	1-Sep-20	Actual Cost	each
Rec Facilities	Rental	Mobile Electric Cart	240 Volts	102.19	1-Sep-21	102.19	1-Sep-21	107.30	each
Rec Facilities	Rental	Basic Equipment	Table, Podium	12.14	1-Sep-21	12.14	1-Sep-21	12.75	each
Rec Facilities	Rental	Minor Equipment	AV Equipment, Projector, Activity Bag	24.29	1-Sep-21	24.29	1-Sep-21	25.50	each
Rec Facilities	Rental	Major Equipment	Fitness, High Value or Set of Equipment	72.86	1-Sep-21	72.86	1-Sep-21	76.50	each
Rec Facilities	Rental	Chairs		2.43	1-Sep-21	2.43	1-Sep-21	2.55	each
Rec Facilities	Rental	Outside Hours Operation	Charges at Regular Rental Rate, Non-profit discounts do not apply	Per Rental Type	1-Sep-20	Per Rental Type	1-Sep-20	Per Rental Type	each
Rec Facilities	Floor covering installation	Staff Costs	Full Flexi is 8 hours	Actual Cost	1-Sep-20	Actual Cost	1-Sep-20	Actual Cost Plus GST	actual cost
Rec Facilities	Stage (4' X 8' Risers)	Staff Costs	One Section is one Hour	Actual Cost	1-Sep-20	Actual Cost	1-Sep-20	Actual Cost Plus GST	each
Rec Facilities	Advertising	Board Advertising - CGC	Board advertising for arenas and fieldhouses	864.76	1-Jan-20	864.76	1-Jan-20	908.00	annual

Bylaw 2021-32 - Appendix A  
Schedule 5 (Facilities)

FEE DESCRIPTION				Bylaw 2021-03		Bylaw 2021-32		Final Fee 5% GST Inc	UNITS
				Approved Base Fee	Date Fee Effective	Approved Base Fee	Date Fee Effective		
Rec Facilities	Advertising	Poster Ads	Poster Ads up to 11x17	26.67	1-Jan-20	26.67	1-Jan-20	28.00	Monthly
Rec Facilities	Advertising	4x8 Sign - CGC	4x8 Sign Advertising	570.48	1-Jan-20	570.48	1-Jan-20	599.00	annual
Rec Facilities	Advertising	Takhini Arena	65% of CGC Advertising rates	65% of CGC rates	1-Jan-20	65% of CGC rates	1-Jan-20	65% of CGC rates	annual
Rec Facilities	Advertising	Resurfacer - CGC	1 Side	1100.00	1-Jan-20	1100.00	1-Jan-20	1155.00	annual
Rec Facilities	Advertising	Resurfacer - CGC	2 Sides	1650.48	1-Jan-20	1650.48	1-Jan-20	1733.00	annual
Rec Facilities	Advertising	Resurfacer - CGC	Top	824.76	1-Jan-20	824.76	1-Jan-20	866.00	annual
Rec Facilities	Advertising	Resurfacer - CGC	Front	550.48	1-Jan-20	550.48	1-Jan-20	578.00	annual
Rec Facilities	Advertising	Resurfacer - CGC	Rear	275.24	1-Jan-20	275.24	1-Jan-20	289.00	annual
Rec Facilities	Advertising	Resurfacer - CGC	Entire Machine	2200.00	1-Jan-20	2200.00	1-Jan-20	2310.00	annual
Rec Facilities	Advertising	Ice Logo - CGC	1/2 Centre Ice	1650.48	1-Jan-20	1650.48	1-Jan-20	1733.00	annual
Rec Facilities	Advertising	Ice Logo - CGC	Full Centre Ice	2200.00	1-Jan-20	2200.00	1-Jan-20	2310.00	annual
Rec Facilities	Advertising	Ice Logo - CGC	Neutral Zone, End Zone, Blue Line	1100.00	1-Jan-20	1100.00	1-Jan-20	1155.00	annual
Rec Facilities	Advertising	Ice Logo - CGC	Face Off Dots	275.24	1-Jan-20	275.24	1-Jan-20	289.00	annual
Rec Facilities	Advertising	Hallway Beams	Takhini Arena Only	82.86	1-Jan-20	82.86	1-Jan-20	87.00	annual
Rec Facilities	Advertising	Active Living Guide-Non-Profit Organizations	HALF PAGE	87.62	1-Sep-20	87.62	1-Sep-20	92.00	each
Rec Facilities	Advertising	Active Living Guide-Non-Profit Organizations	FULL PAGE	145.71	1-Sep-20	145.71	1-Sep-20	153.00	each
Rec Facilities	Advertising	Active Living Guide - Profit Organizations	HALF PAGE	145.71	1-Sep-20	145.71	1-Sep-20	153.00	each
Rec Facilities	Advertising	Active Living Guide - Profit Organizations	FULL PAGE	259.05	1-Sep-20	259.05	1-Sep-20	272.00	each
Rec Facilities	Advertising	Active Living Guide - Cover Pages	10% off 2 editions, 15% off 3 editions	1566.24	1-Jan-14	1566.24	1-Jan-14	1644.55	each
Rec Facilities	Keys Deposit	all facilities	all facilities	50.00	1-Jan-10	50.00	1-Jan-10	no gst	each
Rec Facilities	Wellness Service	Basic Body Comp or Program Design	Individual Member	23.82	1-Sep-20	61.90	1-Sep-21	65.00	each
Rec Facilities	Wellness Service	Basic Body Comp or Program Design	Individual Non-member	47.62	1-Sep-20	71.43	1-Sep-21	75.00	each
Rec Facilities	Bag of Pins	Whitehorse Pins	Bag of 25	9.52	1-Jan-15	9.52	1-Jan-15	10.00	bag of 25

# CITY OF WHITEHORSE

## **BYLAW 2021-37**

A bylaw to authorize the acquisition of a parcel of escarpment land

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WHEREAS section 265 of the *Municipal Act* (R.S.Y. 2002) provides that Council may by bylaw authorize the municipality to acquire any real property; and

WHEREAS it is deemed desirable that the City acquire title to a parcel of escarpment land from the estate of Alphonse Kowalkowski;

NOW THEREFORE the Council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. The City of Whitehorse is hereby authorized to accept title to Lot 6, Block 145, Plan 20148 LTO in the City of Whitehorse, Yukon Territory (municipally addressed as 7220 7<sup>th</sup> Avenue), as shown on the sketch attached hereto as Appendix "A" and forming part of this bylaw.
2. The said land is to be acquired from the estate of Alphonse Kowalkowski for the sum of two hundred fifty thousand dollars (\$250,000.00), representing the negotiated purchase price for the property.
3. The Mayor and Clerk are hereby authorized to execute on behalf of the City of Whitehorse all documentation required for the completion of the acquisition of title for the said lands in an expeditious manner.
4. This bylaw shall come into full force and effect on the final passing thereof.

**FIRST and SECOND READING:**

**THIRD READING and ADOPTION:**

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Mayor

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Assistant City Clerk



CITY OF WHITEHORSE  
BYLAW 2021-37  
APPENDIX "A"



**BYLAW 2021-37**

A bylaw to authorize the acquisition of Lot 6, Block 145, Plan 20148 LTO (7220 7th Avenue).

LEGEND



SUBJECT PROPERTY

## **LAND SALE AGREEMENT**

**AGREEMENT** dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021

BETWEEN:

**GREGORY A. FEKETE, EXECUTOR OF THE ESTATE OF  
ALPHONSE KOWALKOWSKI, DECEASED**

(the "Vendor")

- and -

**THE CITY OF WHITEHORSE**

(the "Purchaser")

W H E R E A S:

A. The Vendor is the owner of property legally escribed as:

Lot 6  
Block 145  
Plan 20148 LTO  
Whitehorse, Yukon  
Territory  
(the "Property")

B. The Vendor has agreed to sell and the Purchaser has agreed to purchase the Property on the terms and conditions as hereinafter set out.

IN CONSIDERATION OF the premises, and the covenants, and agreements hereinafter set forth, the parties hereto agree as follows:

1. **SALE AND PURCHASE**

1.1 The Vendor hereby agrees to sell and the Purchaser hereby agrees to buy the Property on the terms and conditions herein contained. The Property is exempt from Goods and Services Tax, and if not the Vendor shall pay any such tax payable.

2. **PURCHASE PRICE**

2.1 The purchase price for the Property shall be the sum of Two Hundred, Fifty Thousand Dollars (\$250,000.00, which sum shall be paid on the Closing Date.

3. INCLUDED ITEMS

- 3.1 The Vendor is entitled to remove any buildings, improvements and fixtures from the Property prior to the Closing Date.
- 3.2 All chattels, including but not limited to furniture, appliances, vehicles, and any other personal effects, shall be removed from the Property prior to the Closing Date. If the Vendor leaves any chattels on the Property at the Closing Date for which the Purchaser incurs costs for removal of same, the Vendor shall pay to the Purchaser those reasonable costs.

4. COMPLETION AND TERMINATION

- 4.1 Balance of cash payments to be made and the sale completed on or before September 30, 2021 or such earlier date as agreed by the Vendor and the Purchaser (the "Closing Date"). In the event that the transaction is not closed on or before September 30, 2021, this Agreement shall terminate and be null and void.

5. POSSESSION

- 5.1 The Purchaser is to have vacant possession of the Property at 2:00 p.m. on the Closing Date.

6. ADJUSTMENTS

- 6.1 There shall be adjustments with respect to property taxes and utilities. The Vendor shall be responsible for all outstanding property taxes and utility charges owed by the Vendor up to the Closing Date. The Purchaser shall be responsible for property taxes and utility charges from and after the Closing Date.

7. CONDITIONS PRECEDENT

- 7.1 The Purchaser's obligation to complete the purchase of the Property is subject to the following conditions precedent:
- (a) City Council agreeing to proceed with the sale of the Property by the adoption of a land acquisition bylaw.
- 7.2 The Vendor acknowledges and agrees that the Purchaser is under no obligation to fulfil the condition precedent set out in paragraph 7.1(a) hereof and City Council may exercise their discretion and refuse to adopt the land acquisition bylaw.

8. COSTS

- 8.1 The Vendor and the Purchaser shall each pay their own legal fees. The Purchaser shall pay all fees in connection with the registration of the Transfer of Land at the Yukon Land Titles Office.

9. NO ENCUMBRANCES

- 9.1 The Property is being sold and shall be transferred by the Vendor free and clear of all encumbrances (including unregistered easement) except restrictive covenants, reservations and exceptions in the original grant from the Crown and easements in favour of utilities and public authorities. Encumbrances in this section includes tenancies, registered or unregistered.
10. RISK
- 10.1 The Property and any improvements located thereon will be and remain at the risk of the Vendor until 12:01 a.m. on the Closing Date. After that time, the Property and any improvements remaining thereon will be at the risk of the Purchaser.
11. GOVERNING LAW
- 11.1 This offer and the Agreement which will result from its acceptance shall be governed by and construed in accordance with the laws of the Yukon Territory.
12. CLOSING
- 12.1 Closing of the purchase and sale shall proceed to completion on the basis of reasonable undertakings settled between the Vendor and the Purchaser or their solicitors. Failing such agreement, tender of documents or money in the form of a certified cheque, bank draft or solicitor's trust cheque may be made at the Land Titles Office for the Yukon Land Registration District on the Closing Date at the hour of 10 o'clock in the forenoon.
- 12.2 The Vendor shall execute and deliver, no later than 10:00 a.m. the business day before the Closing Date, a duly registerable Transfer of the Property, along with the appropriate affidavits indicating the Goods and Services Tax exempt status of the Property, along with any consents required to grant clear title pursuant to the *Family Property and Support Act (Yukon)*.
13. TIME OF THE ESSENCE
- 13.1 Time shall be of the essence hereof, and unless the balance of the cash payment is paid and such formal agreement to pay the balance as may be necessary is entered into on or before the Closing Date the Vendor may at the Vendor's option cancel this agreement.
14. FINAL WALKTHROUGH
- 14.1 The Purchaser shall have the right to complete a final walkthrough of the Property within five (5) business days prior to the Closing Date, and the Vendor shall make reasonable accommodation for the Purchaser to conduct such a walkthrough.

15. REPRESENTATIONS

15.1 There are no representations, warranties, guarantees, promises or agreements other than those set out above and herein, all of which will survive the completion of the sale. The Vendor gives the following warranties and representations in regards to the Property which shall be true as of the Closing Date:

- (a) The Property is currently and will remain unoccupied until the Closing Date;
- (b) The Property will be left in a clean and tidy condition with all garbage and chattels not forming part of this Agreement removed; and
- (c) To the best of the Vendor's knowledge, the Property has not been insulated with urea formaldehyde or asbestos and there are no underground oil tanks located within the Property.

16. RESIDENT OF CANADA

16.1 The Vendor warrants and represents that the Vendor is a resident of Canada for the purposes of the Income Tax Act (Canada).

17. COUNTERPART AND FAX

17.1 This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which shall together constitute one and the same document. Delivery of a faxed copy of the Agreement shall be deemed to constitute sufficient delivery thereof.

18. ASSIGNMENT

18.1 This Agreement is not assignable by the Vendor or the Purchaser.

19. NUMBER AND GENDER

19.1 Wherever the singular or the masculine is used in this Agreement, the same shall be construed as meaning the plural or the feminine or the body corporate or politic where the context or the parties so require.

20. FURTHER ASSURANCES

20.1 The parties hereto shall execute such further documents and do such other things as may be necessary or desirable to give effect to the intent of this Agreement.

21. ENTIRE AGREEMENT

21.1 The provisions herein constitute the entire agreement between the parties and there are no representations or warranties, express or implied, statutory or otherwise and no agreements collateral hereto other than as expressly set forth or referred to herein.

22. AMENDMENTS

- 22.1 No modification, variation or amendment of any provision of this Agreement shall be made except by a written agreement and no waiver of any provision hereof shall be effective unless in writing.

**IN WITNESS WHEREOF** the Parties hereto have duly executed this Agreement as of the day and year first written above.

**THE CITY OF WHITEHORSE,**

per:

\_\_\_\_\_  
Mayor Dan Curtis

(SEAL)

\_\_\_\_\_  
Assistant City Clerk Norma Felker

**OWNER:**

Lot 6, Block 145, Plan 20148  
LTO, City of Whitehorse,  
Yukon Territory

\_\_\_\_\_  
Gregory A. Fekete, Executor of the  
Estate of Alphonse Kowalkowski,  
Deceased

\_\_\_\_\_  
Witness