

CITY OF WHITEHORSE
REGULAR Council Meeting #2024-07

DATE: Monday, April 8, 2024
TIME: 5:30 p.m.

Mayor Laura Cabott
Deputy Mayor Michelle Friesen
Reserve Deputy Mayor Ted Laking

AGENDA

CALL TO ORDER 5:30 p.m.

AGENDA Adoption

PROCLAMATIONS

MINUTES Regular Council meeting dated March 25, 2024

DELEGATIONS

PUBLIC HEARING Official Community Plan Amendment – 200 Lobird Road

STANDING COMMITTEE REPORTS

Development Services Committee – *Councillors Boyd and Murray*

City Operations Committee – *Councillors Curteanu and Friesen*

Community Services Committee – *Councillors Cameron and Laking*

1. Lease Agreement – Frank Slim Building Concession Services

Public Health and Safety Committee – *Councillors Murray and Cameron*

1. Vacant and Abandoned Buildings Bylaw

Corporate Services Committee – *Councillors Laking and Curteanu*

City Planning Committee – *Councillors Friesen and Boyd*

1. Official Community Plan Administrative Amendments

NEW AND UNFINISHED BUSINESS

1. Motion – Mayor Cabott – Federal Infrastructure Funding

2. Vacant and Abandoned Buildings Bylaw

BYLAWS

2024-22 Official Community Plan Administrative Amendments 1st Reading

2024-19 Vacant and Abandoned Buildings Bylaw 1st and 2nd Reading

2024-27 Lease Agreement – Frank Slim Building Concession Services 1st and 2nd Reading

2024-21 Capital Re-Budget Bylaw 3rd Reading

ADJOURNMENT

MINUTES of REGULAR Meeting #2024-06 of the Council of the City of Whitehorse called for 5:30pm on Monday, March 25, 2024, in Council Chambers, City Hall.

PRESENT: Mayor Laura Cabott
Councillors Dan Boyd
Kirk Cameron
*Michelle Friesen
Ted Laking
Mellisa Murray

ABSENT: Councillor Jocelyn Curteanu

ALSO PRESENT: City Manager Jeff O'Farrell
Director of Community Services Krista Mroz
Director of Corporate Services Valerie Braga
Director of Development Services Mike Gau
Director of People and Culture Lindsay Schneider
Director of Operations and Infrastructure Tracy Allen

Mayor Cabott called the meeting to order at 5:30pm

CALL TO ORDER

CONDOLENCES

Mayor Cabott recognized the passing of Willy Benn, a long-time and cherished employee of the City of Whitehorse, and offered condolences to his family and friends.

AGENDA

2024-06-01

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

Carried Unanimously

MINUTES

2024-06-02

It was duly moved and seconded
THAT the Minutes of the Regular Council meeting dated March 11, 2024 be adopted as presented.

Carried Unanimously

PUBLIC HEARING

Mayor Cabott advised that a Public Hearing was scheduled at this meeting to hear any submissions with respect to the Housing-Related Zoning Amendments.

Zoning Amendment -
Housing-Related
Amendments

Mayor Cabott called for submissions with respect to the Housing-Related Zoning Amendments.

Zoning Amendment -
Housing-Related
Amendments

Arlin McFarlane presented concerns to Council that the proposed site-coverage and setback changes will result in a decrease to the local downtown bird population.

Arlin McFarlane

Joe Iles urged Council to consider how the proposed amendments might lead to unplanned densification which will impact traffic, parking, noise levels, safety, and greenspace and infrastructure use of neighbourhoods.

Joe Iles

Laurie Young shared concerns that the proposed amendments will allow new developments that block sunlight and take parking from lots already established.

Laurie Young

Bob Gates presented to Council, concerned that the proposed amendments will overload infrastructure in certain areas, and that the nature and character of the city will be impacted by high-density housing.

Bob Gates

Mayor Cabott called a second and third time for submissions with respect to the Housing-Related Zoning Amendments.

Zoning Amendment -
Housing-Related
Amendments

Hearing no additional submissions come forward, Mayor Cabott declared the Public Hearing for the Housing-Related Zoning Amendments now closed.

Public Hearing Closed

COMMITTEE REPORTS

Development Services Committee

Councillor Ted Laking presented a Notice of Motion to bring forward at the Regular Council meeting on March 25, 2024, on implementing a financial impact analysis for development permit and rezoning reviews.

Notice of Motion – Councillor
Laking – Financial Impact
Analysis

A Committee member commented that a draft process chart is now available on the City of Whitehorse website that may help citizens understand the current and proposed mineral exploration process of Bylaw 2024-23.

New Business – Mining in the
City

City Operations Committee

There was no report from the City Operations Committee.

No Report

Community Services Committee

A Committee member provided an update on the 2024 Arctic Winter Games in Mat-Su, Alaska, and congratulated the Yukon for winning 2nd place in the medal count and as well as the Hodgson Trophy for fair play and team spirit.

New Business – 2024 Arctic Winter Games Mat-Su

Mayor Laura Cabott proclaimed March 21, 2024, to be International Day for the Elimination of Racial Discrimination in the city of Whitehorse, a day to reflect on and recognize injustices that happen due to racism and to work towards a society free from racism.

Proclamation – International Day for the Elimination of Racial Discrimination (March 21, 2024)

Public Health and Safety Committee

As requested from a Committee member, Administration provided a brief update on the City's wildfire preparedness planning with a more comprehensive update to follow in April. Several community initiatives leading up to Wildfire Preparedness Week in May are also planned.

New Business – Preparedness for the Wildfire Season

Corporate Services Committee

2024-06-03

It was duly moved and seconded THAT Council amend the 2024-2027 Capital Expenditure Program by adding project Transit Decarbonization Roadmap in the amount of \$95,000, funded from General Reserve until an external funding source is confirmed.

Budget Amendment – Transit Decarbonization Roadmap

Carried (5-1)

IN FAVOUR: Mayor Cabott, Councillors Boyd, Friesen, Laking, and Murray

OPPOSED: Councillor Cameron

2024-06-04

It was duly moved and seconded THAT Council direct that Bylaw 2024-21, a bylaw to amend the 2024 to 2027 Capital Expenditure Program by re-budgeting 2023 capital expenditures in the amount of \$72,822,936, be brought forward for consideration under the bylaw process.

Capital Re-Budget Bylaw

Carried Unanimously

2024-06-05

Following discussion where Councillor Cameron withdrew from the attendance list for FCM, it was duly moved and seconded THAT travel expenses be authorized for Councillors Boyd, Curteanu, Laking, Friesen, and Murray to attend the Federation of Canadian Municipalities Annual Conference and Trade Show being held in Calgary, Alberta.

FCM Travel Authorization

Carried Unanimously

As per Section 105 of the 2021-12 Council Procedures Bylaw, the four resolutions for submission to AYC were separately considered by Council.

Resolutions for the AYC
Annual General Meeting

2024-06-06

It was duly moved and seconded THAT Council approve Resolutions 1(Comprehensive Municipal Grant), 2 (Conduct of Elections), and 4 (Automated Traffic Enforcement) for submission to the Association of Yukon Communities AGM in May 2024 and for further discussion with Association of Yukon Communities members.

Resolutions for the AYC
Annual General Meeting (1/2)

Carried Unanimously

2024-06-07

Following discussion, it was duly moved and seconded THAT Council approve Resolution 3 (Voting Age) for submission to the Association of Yukon Communities AGM in May 2024 and for further discussion with Association of Yukon Communities members.

Resolutions for the AYC
Annual General Meeting (2/2)

Carried (4-2)

IN FAVOUR: Mayor Cabott, Councillors Cameron, Friesen,
and Murray

OPPOSED: Councillors Boyd and Laking

As requested by a Committee member, Administration confirmed that the City has been planning for the spring snow melt and its effect on the Robert Service Way escarpment, and that there are communications initiatives scheduled to inform residents. Additional information was provided on the City's Disaster Mitigation Adaptation Fund application.

New Business – Robert
Service Way Preparations

Delegate Juliette Greetham of Vote 16 Yukon, spoke to Council about benefits of lowering the voting age to 16 such as increasing voting turnouts, balancing the system between youth and older generations, and incentivizing better civic education. The delegate provided further information on Vote 16 Yukon and local support for this initiative.

Delegate Juliette Greetham –
Vote 16 Yukon

City Planning Committee

2024-06-08

Following discussion, it was duly moved and seconded THAT Council refer the Copper Ridge Development Area Master Plan, a document providing guidance and a framework for the future development of YG Lots 518 and 519 and City of Whitehorse Lot 520, back to Administration for further review.

Public Input Report – Copper
Ridge Development Area
Master Plan

Carried (5-1)

IN FAVOUR: Mayor Cabott, Councillors Boyd, Cameron,
Laking, and Murray

OPPOSED: Councillor Friesen

2024-06-09

Following discussion, it was duly moved and seconded THAT the proposed Valleyview South Master Plan be amended by replacing the wording of section 5.5.1 subheading Northern Area – North of Sumanik Drive with the following:

“The northern end of the planning area, bordering on Hamilton Boulevard and in proximity to the Canada Games Centre, is considered highly strategic for future recreational infrastructure or facilities. Due to its strategic location the area is set aside for future community recreational needs. Future recreational infrastructure planning in the community is encouraged to consider this location.”

Valleyview South Master Plan

THAT the proposed Valleyview South Master Plan be amended by deleting bullet number 6 in Section 5.5.2; THAT any other housekeeping updates be made to the proposed Valleyview South Master Plan maps to ensure consistency with the changes regarding recreational infrastructure; and

THAT Council direct Administration schedule a Public Input Session at the Regular Council Meeting of April 22, 2024 on the proposed Valleyview South Master Plan.

Carried (5-1)

IN FAVOUR: Councillors Boyd, Cameron, Friesen, Laking, and
Murray

OPPOSED: Mayor Cabott

A Committee member requested clarification on a change to fire suppression requirements for new developments outside the urban containment area.

New Business – Fire
Suppression Requirements

Delegate Keith Lay of Active Trails Whitehorse Association spoke to Council to request the definition of passive recreation and active recreation be added within City plans, policies and bylaws. The delegate also requested definitions be included for active transportation, non-motorized universally accessible trail, and non-motorized multiple-use trails.

Delegate Keith Lay, Active Trails Whitehorse Association
– Copper Ridge Master Plan

NEW AND UNFINISHED BUSINESS

2024-06-10

It was duly moved and seconded THAT Administration be directed to begin implementing a Value Per Hectare estimate and analysis, similar to the municipality of Medicine Hat, in administrative reports for all development permit and rezoning reviews moving forward; and THAT Administration analyze whether a more comprehensive analysis can be integrated into the review process over the long term that also takes into consideration ongoing maintenance costs and future replacement costs of the infrastructure required for a proposed development or rezoning.

Motion – Councillor Laking –
Financial Impact Analysis

Defeated (2-4)

IN FAVOUR: Councillors Friesen and Laking

OPPOSED: Mayor Cabott, Councillors Boyd, Cameron, and Murray

Mayor Laura Cabott presented a Notice of Motion to bring forward at the Regular Council meeting on April 8, 2024, on addressing the issue of federal infrastructure funding not keeping pace with population growth.

Notice of Motion – Mayor Cabott – Federal Infrastructure Funding

BYLAWS

2024-06-11

It was duly moved and seconded THAT Bylaw 2024-21, a bylaw to amend the 2024 to 2027 Capital Expenditure Program by re-budgeting 2023 capital expenditures in the amount of \$72,822,936, be given First Reading.

BYLAW 2024-21
Capital Re-Budget Bylaw
FIRST READING

Carried Unanimously

2024-06-12

It was duly moved and seconded THAT Bylaw 2024-21 be given Second Reading.

BYLAW 2024-21
Capital Re-Budget Bylaw
SECOND READING

Carried Unanimously

2024-06-13

It was duly moved and seconded
THAT Bylaw 2024-24, a bylaw to amend the Fees and
Charges Bylaw with respect to the Housing Development
Incentives Policy, be given Third Reading.

Carried (5-1)

IN FAVOUR: Mayor Cabott, Councillors Boyd, Cameron,
Friesen, and Murray
OPPOSED: Councillor Laking

BYLAW 2024-24
Fees and Charges
Amendment –
Development Incentive
Policy
THIRD READING

There being no further business, the meeting adjourned at 9:12p.m.

ADJOURNMENT

Laura Cabott, Mayor

Corporate Services

MEMORANDUM

FILE #: OCP-02-2023

TO: Mayor and Council
FROM: Administration
DATE: April 4, 2024
SUBJECT: Public Hearing – Official Community Plan Amendment – 200 Lobird Road

Please be advised there will be a Public Hearing at the Regular Council Meeting of April 8, 2024, to hear from interested parties related to the following Official Community Plan amendment:

Bylaw 2024-20, a bylaw to amend Map 5 Land Use Designations of the Whitehorse 2040 Official Community Plan by designating a portion of 200 Lobird Road from Residential – Urban to Residential – Country

The City received an application to redesignate a portion of 200 Lobird Road from Residential – Urban to Residential – Country to allow for the development of country residential lots.

Bylaw 2024-20 received First Reading on March 11, 2024. Notices were published in the Whitehorse Star and Yukon News on March 15, 2024 and March 22, 2024. Property owners within 100 m of the subject site were notified. The Government of Yukon Land Management Branch, Kwanlin Dün First Nation, and Ta'an Kwäch'än Council were notified by email. A public notice sign was placed at 200 Lobird Road.



Peter Duke
Manager of Planning Services

cc: Director of Development Services



**Minutes of the meeting of the
Development Services Committee**

Date	April 2, 2024	2024-07
Location	Council Chambers, City Hall	
	Councillor Dan Boyd - Chair Mayor Laura Cabott	
Committee Members Present	Councillor Kirk Cameron *Councillor Jocelyn Curteanu *Councillor Michelle Friesen Councillor Ted Laking Councillor Mellisa Murray	
Staff Present	Jeff O'Farrell, City Manager Krista Mroz, Director of Community Services Valerie Braga, Director of Corporate Services Lindsay Schneider, Director of People and Culture Mike Gau, Director of Development Services Tracy Allen, Director of Operations and Infrastructure	

* Indicates electronic participation

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



Minutes of the meeting of the City Operations Committee

Date	April 2, 2024	2024-07
Location	Council Chambers, City Hall	
	Councillor Ted Laking - Chair Mayor Laura Cabott	
Committee Members Present	Councillor Dan Boyd Councillor Kirk Cameron *Councillor Michelle Friesen *Councillor Jocelyn Curteanu Councillor Mellisa Murray	
Staff Present	Jeff O'Farrell, City Manager Krista Mroz, Director of Community Services Valerie Braga, Director of Corporate Services Lindsay Schneider, Director of People and Culture Mike Gau, Director of Development Services Tracy Allen, Director of Operations and Infrastructure	

* Indicates electronic participation

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

1. New Business – Robert Service Way Update

A Committee member requested an update on the status of the Robert Service Way escarpment and roadway changes. Administration responded that monitoring has confirmed ground thawing has begun, and more activity is expected within the next few months. To mitigate smaller slides, traffic lanes have been shifted away from the escarpment and lock blocks to contain debris have been installed.

2. New Business – Traffic-Calming Initiatives

As requested by a Committee member, Administration confirmed that an initial list of areas to consider for traffic-calming projects has been compiled based on feedback from the community, with the next step being to consider priorities and proposed solutions.



Minutes of the meeting of the Community Services Committee

Date	April 2, 2024	2024-07
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Kirk Cameron – Chair Mayor Laura Cabott Councillor Dan Boyd *Councillor Jocelyn Curteanu *Councillor Michelle Friesen Councillor Ted Laking Councillor Mellisa Murray	
Staff Present	Jeff O'Farrell, City Manager Krista Mroz, Director of Community Services Valerie Braga, Director of Corporate Services Lindsay Schneider, Director of People and Culture Mike Gau, Director of Development Services Tracy Allen, Director of Operations and Infrastructure Mélodie Simard, Manager, Parks and Community Development	

* Indicates electronic participation

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

1. Lease Agreement – Frank Slim Building Concession Services

A proposal to enter a lease agreement with Desycan was presented. The purpose of the lease is to provide seasonal concession services at the Frank Slim Building in Shipyards Park from May 1 to September 30 for a two-year period. During the off-peak season, the proposed lease would allow use of the Frank Slims Building kitchen for alternative uses such as additional City recreational programming such as cooking classes. Additional information was provided on the RFP and the lease process.

The Recommendation of the Community Services Committee is

THAT Council direct that Bylaw 2024-27, a bylaw to authorize a lease agreement with Desycan to provide seasonal food concession services at the Frank Slim Building in Shipyards Park, be brought forward for consideration under the bylaw process.

2. Proclamation – Green Shirt Day (April 7, 2024)

Mayor Laura Cabott proclaimed April 7, 2024, to be Green Shirt Day in the city of Whitehorse, a day to honour the victims of the Humboldt Broncos bus crash and encourage Canadians to register as organ donors.



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

Date	April 2, 2024	2024-07
Location	Council Chambers, City Hall	
	Councillor Mellisa Murray - Chair	
	Mayor Laura Cabott	
Committee Members	Councillor Dan Boyd	
Present	Councillor Kirk Cameron	
	*Councillor Jocelyn Curteanu	
	*Councillor Michelle Friesen	
	Councillor Ted Laking	
	Jeff O'Farrell, City Manager	
	Krista Mroz, Director of Community Services	
Staff Present	Valerie Braga, Director of Corporate Services	
	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, Director of Operations and Infrastructure	
	Ryan Leef, Manager, Bylaw Services	

* Indicates electronic participation

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

1. Vacant and Abandoned Buildings Bylaw

Council was presented with the proposed Vacant and Abandoned Buildings Bylaw 2024-19, a bylaw to provide regulations for vacant and abandoned buildings to ensure property is secure and does not pose public safety risks. As requested by Committee members, Administration provided additional details on several topics, including the history of how the proposed fees and regulations were developed, clarity on an inspector's authority, definitions used, and enforcement in instances of non-compliance. The possibility of revising the timeline to incorporate additional public engagement opportunities or a delayed coming-into-force date were discussed. It was confirmed that the Housing and Land Development Advisory Committee was generally in support of this concept.

The Recommendation of the Public Health and Safety Committee is

THAT Council direct that Bylaw 2024-19, a bylaw to regulate Vacant and Abandoned Buildings, be brought forward for consideration under the bylaw process.

2. New Business – Lodgepole Lane

As requested by a Committee member, Administration provided information on a Lodgepole Lane property, confirming that Bylaw Services continues to monitor safety, that a charge has been laid under the Maintenance Bylaw, and that an update will be available at the conclusion of the court process.

3. Delegate Gabriele Watts – Fire Smart and Emergency Preparedness

Delegate Gabriele Watts emphasized the importance that all members of the community know how to react in an emergency, urged Council to develop an awareness campaign alongside the Yukon Government so that those who have not been reached by previous attempts can be made aware and asked Council to provide an update on the Wildfire Risk Reduction Strategy and Action Plan.



Minutes of the meeting of the Corporate Services Committee

Date	April 2, 2024	2024-07
Location	Council Chambers, City Hall	
	Councillor Ted Laking - Chair	
	Mayor Laura Cabott	
Committee Members Present	Councillor Dan Boyd	
	Councillor Kirk Cameron	
	*Councillor Jocelyn Curteanu	
	*Councillor Michelle Friesen	
	Councillor Mellisa Murray	
	Jeff O'Farrell, City Manager	
	Krista Mroz, Director of Community Services	
Staff Present	Valerie Braga, Director of Corporate Services	
	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, Director of Operations and Infrastructure	

* Indicates electronic participation

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



Minutes of the meeting of the City Planning Committee

Date	April 2, 2024	2024-07
Location	Council Chambers, City Hall	
	Councillor Dan Boyd - Chair Mayor Laura Cabott	
Committee Members Present	Councillor Kirk Cameron *Councillor Jocelyn Curteanu *Councillor Michelle Friesen Councillor Ted Laking Councillor Mellisa Murray	
Staff Present	Jeff O'Farrell, City Manager Krista Mroz, Director of Community Services Valerie Braga, Director of Corporate Services Lindsay Schneider, Director of People and Culture Mike Gau, Director of Development Services Tracy Allen, Director of Operations and Infrastructure Peter Duke, Manager, Planning Services	

* Indicates electronic participation

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

1. Official Community Plan Administrative Amendments

Several Administrative amendments to the 2040 Official Community Plan (OCP) were presented, including map corrections and amendments to various policies to increase their flexibility and clarity. Responding to questions from Committee members, Administration provided the rationale behind some of the proposed changes and confirmed consultation was done with the Kwanlin Dün First Nation and Ta'an Kwäch'än Council regarding the map changes to their lands.

The Recommendation of the City Planning Committee is

THAT Council direct that Bylaw 2024-22, amendments to the Official Community Plan, be brought forward for consideration under the bylaw process.

2. New Business – Mining Activities Update

As requested by a Committee member, Administration confirmed that the Public Hearing Report on the Zoning Amendment regarding mining activities has been postponed to April 15, 2024.

There being no further business the meeting adjourned at 8:04 P.M.

Laura Cabott, Mayor

Corporate Services

Motion

TO: Council

From: Mayor Laura Cabott

Date: April 8, 2024 – Regular Council Meeting

Re: Motion – Federal Infrastructure Funding

I, Mayor Laura Cabott, having given notice at the Regular Council meeting held March 25, 2024, now move as follows:

WHEREAS municipalities throughout Canada, and in particular the City of Whitehorse, are experiencing record population growth; and

WHEREAS Whitehorse will need to build approximately 6150 additional dwelling units by 2040 according to the Official Community Plan and will need to upgrade, expand and build new infrastructure to accommodate this growth; and

WHEREAS the Federation of Canadian Municipalities (“FCM”) has estimated that the cost of the municipal infrastructure required to support housing development is, on average, in the range of \$107,000 per unit; and

WHEREAS the current estimate of necessary yet unfunded infrastructure projects within the City of Whitehorse for the next 5 years is \$250 million dollars; and

WHEREAS non-residential construction price inflation has risen by 29% since the end of 2020 and municipalities are facing soaring costs for infrastructure projects without a corresponding growth in revenue; and

WHEREAS municipalities are facing a gap in federal infrastructure funding as the 10-year Investing in Canada Infrastructure Program has come to an end, the Canada Community-Building Fund is being renegotiated and the Permanent Public Transit Fund is set to start in 2026; and

WHEREAS the Canada Community-Building Fund (“CCBF”), which was formerly known as the federal Gas Tax Fund, provides more than \$2.4 billion in annual capital funding directly to municipalities (approximately \$8m year to the City of Whitehorse) through a predictable allocation mechanism, and municipalities of all sizes use the CCBF to deliver direct results for Canadians by building and renewing critical core public infrastructure, including water infrastructure, local roads, public transit and community, and cultural and recreational facilities; and

WHEREAS the Disaster Mitigation and Adaption Fund (“DMAF”) is a national, competitive, and merit-based contribution program intended to support public infrastructure projects designed to mitigate current and future climate-related risks and disasters triggered by climate change, including occurrences such as landslides along Robert Service Way;

Motion (continued)

THEREFORE, BE IT RESOLVED THAT the federal government work with agreement signatories and municipalities to maintain the CCBF as a source of direct, predictable, long-term funding for local infrastructure priorities;

THAT the federal government commit, in Budget 2024, to the next generation of infrastructure programs, including a new program for water and wastewater infrastructure and an increase to the Disaster Mitigation and Adaptation Fund; and

THAT the federal government convene provinces, territories and municipalities to negotiate a “Municipal Growth Framework” to modernize the way that municipalities are funded in order to enable Canada’s long-term growth.

ADMINISTRATIVE REPORT

TO: Public Health and Safety Committee
FROM: Administration
DATE: April 8, 2024
RE: Vacant and Abandoned Buildings Bylaw

ISSUE

Presenting amendments to the recently introduced Bylaw to regulate Vacant and Abandoned Buildings in the City of Whitehorse.

REFERENCE

- [Emergency Services Bylaw 2000-01](#)
- [Maintenance Bylaw 2017-09](#)
- Proposed Bylaw 2024-19 (Attachment 1)

HISTORY

Vacant and abandoned buildings in Whitehorse pose hazards and detract from the City's aesthetics, hindering economic growth and causing concern among residents due to safety issues, unsightly conditions, and vandalism. Further, due to increasing pressures for residential and commercial space in the City, there is a strong interest to incentivize owners to increase development activity in key locations.

A proposed bylaw was introduced to Council April 2, 2024, and feedback was provided for Administration's consideration. After review, several amendments have been incorporated that are designed to provide greater clarity in respect to the Bylaw and to address concerns outlined by Council.

It was expressed that the term "Abandoned" did not fully encapsulate the focus of the Bylaw and the term "Vacant" was undefined and not universal throughout the Bylaw. This created confusion in respect to buildings that would or would not be captured by the Bylaw.

Other terms appeared to limit discretion or put disproportionate decision making into the hands of inspectors, while some terms were too specific for the purpose of the sections.

Longer timelines were requested for Administration to work with impacted members of the community and Council inquired about the potential to extend the time period through which the Bylaw comes into force.

ALTERNATIVES

1. Bring forward Bylaw 2024-19, as amended and now referred to as the Vacant and Unoccupied Building Bylaw for consideration under the Bylaw process; or
2. Refer the matter back to Administration.

ANALYSIS

The proposed amendments address Council concerns in the following manner:

- Administration has extended the *Coming into Force* provision to January 1, 2025 to allow greater opportunity for stakeholder outreach, education, and compliance support.
- A more applicable definition of “Vacant and Unoccupied” is aimed at reducing confusion in respect to the Bylaws focus on vacant, abandoned or derelict buildings while at the same time allowing enough scope to manage the most concerning buildings in relation to public safety, unsightly conditions, under-utilization of commercial and residential property.
- Removing terms that limit decision making such as “sole discretion” to provide greater public confidence in fair application of the Bylaw.
- Adjusting specific terms that appeared to be too narrow thus limiting the effect of the Bylaw.
- Removal of schedules that directed conditions of building standards otherwise covered by pre-existing Bylaws, Territorial or Federal legislation.
- Administration will confirm the following permit fees and bring them forward for consideration under the Fees & Charges Bylaw process.
 - 1st year \$1,500
 - 2nd year \$3,500
 - 3rd year \$5,500
 - 4th year \$8,000
 - 5 or more years - \$8,000 + 1% of assessed property value.

To reflect the focus of the Bylaw an amended name is proposed for consideration as the Vacant and Unoccupied Buildings Bylaw.

Furthermore, Administration proposes that a Public Input Session would address the issue of garnering sufficient stakeholder feedback regarding the proposed Bylaw. Introducing this session would result in the following tentative schedule:

First Reading:	April 8, 2024
Public Input Session:	April 22, 2024
Report to Committee:	May 6, 2024
Second & Third Reading:	May 13, 2024

It should be noted that this proposed bylaw would work in tandem with the Housing Development Incentive changes being finalized to attempt to increase development activity while also addressing the issue of underutilized lots.

The Motion to be Considered by Council is (requires a mover and seconder)

THAT Council direct that Bylaw 2024-19, a bylaw to regulate Vacant and Unoccupied Buildings, replace Bylaw 2024-19, a bylaw to regulate Vacant and Abandoned Buildings, and that it be brought forward for consideration under the bylaw process, and;
THAT the bylaw process includes a Public Input Session.

CITY OF WHITEHORSE
BYLAW NO. 2024-19

A bylaw to regulate vacant and unoccupied~~vacant and abandoned~~ buildings in the City of Whitehorse.

WHEREAS the Council of the City of Whitehorse may by bylaw, regulate, prohibit and impose requirements in relation to buildings and other structures; and

WHEREAS the Council deems it appropriate to require property owners to safeguard, secure and protect vacant and unoccupied~~vacant and abandoned~~ buildings from property damage, unauthorized entry or occupation for the protection of persons and property;

NOW THEREFORE the Council of the City of Whitehorse in open meeting assembled hereby enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as the “~~CITY OF WHITEHORSE~~ VACANT AND UNOCCUPIED~~VACANT AND ABANDONED~~ BUILDINGS BYLAW ~~NO. 2024-19~~.”

DEFINITIONS

2. In this Bylaw,

~~“ABANDONED BUILDING” means a Building, or any part of a Building, which has remained unoccupied by the Owner, or any occupant lawfully entitled to occupy the Building, for a continuous period of over thirty (30) days;~~

“BUILDING” means any structure used or intended for supporting or sheltering any use or occupancy;

“BUILDING OFFICIAL” means individual(s) designated by the City as a Building Official;

“BYLAW ENFORCEMENT OFFICER” means individual(s) appointed as a Bylaw Enforcement Officer for the City;

“CATASTROPHIC EVENT” means a rare and unforeseeable ecological, environmental, or man-made incident which results in substantial damage or loss to real property, which was outside of the reasonable control of the Owner, but which does not include a loss or unavailability of financial resources of the Owner;

“CITY” means the City of Whitehorse;

“COUNCIL” means the Council of the City;

“DESIGNATE” means and includes:

- a) Deputy Fire Chief for the City;
- b) Fire Prevention Officer for the City;
- c) Chief Training Officer for the City; and
- d) Platoon Chief for the City;
- e) Or any person duly authorized by the Fire Chief to exercise any of the Chief’s

powers or to carry out any of the Fire Chief's duties under this Bylaw.

"FIRE CHIEF" means the person who is appointed by the City as head of Whitehorse Fire and Protective Services, or their Designate;

"INSPECTOR" means and includes:

- a) Fire Chief;
- b) Deputy Fire Chief for the City;
- c) Fire Prevention Officer for the City;
- d) Building Officials;
- e) Bylaw Enforcement Officers;
- f) regular members of the Royal Canadian Mounted Police (RCMP); and
- g) Any person acting under the direction and authority of an Inspector or the City Manager for the purposes of this Bylaw;

"OWNER" means and includes:

- a) The registered and/or beneficial owner of the real property on which the building is situated;
- b) The owner of a building;
- c) The person managing or receiving the rent of the land or the building, or who would receive the rent if the land and building were let, whether on the person's own account or as agent or trustee or receiver of any other person;
- d) A vendor of the building under an agreement for sale who has paid any municipal taxes thereon or is required under the agreement for sale to pay municipal taxes, after the effective date of the agreement;
- e) Any person receiving installments of the purchase price if the Building or land is sold under an agreement for sale; and
- f) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the Building;

"SEASONAL BASIS" means a residential dwelling which is occupied by an Owner or a lawful occupant as a part-time residence, and which is not used or intended to be used for year-round occupancy, but which is occupied for at least six months per calendar year.

"VACANT and UNOCCUPIED BUILDING" means any Building which may include vacant, abandoned, or derelict buildings that may have one or more of the following characteristics or conditions:

- a) A Building in respect of which the water and/or electricity service has been intentionally discontinued, other than for temporary maintenance, repair or upgrading, so that the condition of the premises is not suitable for human habitation or other occupancy that is normally permitted;
- b) A Building that is being inhabited by squatters or by persons not lawfully entitled to enter the property for the purpose of temporary shelter;

- c) A Building where the owner or person in care and control of the property has deemed it unoccupied;
- d) A Building or any part of a Building, which has remained unoccupied by the Owner or any occupant lawfully entitled to occupy the Building for a continuous period of over sixty days; and
- e) A Building that is in such condition, by reason of want of repair, ~~environmental~~ environmental damage, age or dilapidated condition, as to pose a danger to public safety, health or welfare, or is a fire hazard.

3. REQUIREMENTS FOR VACANT AND UNOCCUPIED~~VACANT AND ABANDONED~~ BUILDINGS

- 3.1 Every Owner of an Vacant and Unoccupied~~Abandoned~~ Building in the City shall maintain the Vacant and Unoccupied~~Abandoned~~ Building in accordance with the requirements of this Bylaw.
- 3.2 No person shall allow a Building to become a Vacant and Unoccupied~~Abandoned~~ Building unless the Vacant and Unoccupied~~Abandoned~~ Building is in compliance with Section 3.3 of this Bylaw or the vacancy is otherwise authorized under Section 4 of this Bylaw.
- 3.3 Except where exempted under Section 4 of this Bylaw, every Owner of real property that contains a Vacant and Unoccupied~~Abandoned~~ Building must:
 - a) secure the Vacant and Unoccupied~~Abandoned~~ Building in compliance with all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector~~the standards set out in Schedule "A" of this Bylaw;~~
 - b) maintain the Building in compliance ~~with all~~with all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector~~the standards set out in Schedule "B" of this Bylaw;~~ and
 - c) within 30 days of the issuance of an order by an Inspector under section 7 of this Bylaw, provide proof of and maintain \$3,000,000 in general liability insurance for the Vacant and Unoccupied~~Abandoned~~ Building, or such other amount or types of insurance as required by the Inspector ~~in their sole discretion~~, and obtain a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit, all in accordance with this Bylaw.

4. EXEMPTIONS

- 4.1 No person shall allow a Building to become a Vacant and Unoccupied~~Abandoned~~ Building unless the person is in compliance with Section 3.3 of this Bylaw, or one of the following exemptions applies:
 - a) the Building is the subject of an active and unexpired building permit issued

by the City for the construction, repair, rehabilitation, or demolition of the Building, and the Owner, in the opinion of the Inspector ~~in their sole discretion~~, is progressing diligently to complete the construction repair, rehabilitation, or demolition of the Building; and, the Owner is complying with the maintenance standards required under all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector under Schedule "B" of this Bylaw while Inspector while the Building is being constructed, repaired, rehabilitated or demolished;

- b) the Building meets all applicable codes, bylaws and regulations, has been approved for occupancy by the City and is actively being offered for sale, lease, or rent at fair market value; and the Building is supplied with minimum utilities to maintain the proper functioning of the facilities within the Building, as well as to prevent damage to mechanical and plumbing facilities from freezing. If the Building is classified to have a fire alarm and/or fire suppression system, the Owner must maintain electrical and heating systems to maintain these life safety components. In addition, the Owner of the Building must also ensure at all times:
 - i) that all combustible materials within the Building are removed to reduce any potential fire load;
 - ii) there is no illegal occupancy of the Building; and
 - iii) there are no rodents or any other potential health or safety risks;
- c) The Building is a dwelling unit located on real property occupied by the Owner, or a legal occupant, on a Seasonal Basis, provided that the Building is supplied with minimum utilities to maintain the proper functioning of the facilities within the Building, as well as to prevent damage to mechanical and plumbing facilities from freezing. If the Building is classified to have a fire alarm and/or fire suppression system, the Owner must maintain electrical and heating systems to maintain these life safety components. In addition, the Owner of the Building must also ensure at all times:
 - i) that all combustible materials within the Building are removed to reduce any potential fire load;
 - ii) there is no illegal occupancy of the Building; and
 - iii) there are no rodents or any other potential health or safety risks.

~~d) — The Abandoned Building is located on real property owned by the City of Whitehorse.~~

4.2 Owners of Vacant and Unoccupied~~Abandoned~~ Buildings are exempt from paying the permit fee where any of the following apply, provided the Owner otherwise complies with this Bylaw, including obtaining a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit from the City in accordance with this Bylaw:

- a) When a Building becomes a Vacant and Unoccupied~~Abandoned~~ Building due to a Catastrophic Event, the Owner shall be exempt from the permit fee,

as specified in the Fees and Charges Bylaw, for a maximum period of two (2) years following the commencement of vacancy of the Vacant and Unoccupied~~Abandoned~~ Building;

- b) When a Building becomes a Vacant and Unoccupied~~Abandoned~~ Building due to the Owner being in full-time care in an accredited hospital, hospice, long-term care facility, assisted living residence, or home for special care, and the Vacant and Unoccupied~~Abandoned~~ Building was the principal residence of the Owner immediately prior to being in care, the Owner shall be exempt from the permit fee, as specified in the Fees and Charges Bylaw, for a maximum period of two (2) years following the commencement of vacancy of the Vacant and Unoccupied~~Abandoned~~ Building; and
- c) When a Building becomes a Vacant and Unoccupied~~Abandoned~~ Building due to the death of the Owner, the Owner's estate, including any authorized representative or executor of the Owner's estate, shall be exempt from the permit fee, as specified in the Fees and Charges Bylaw, for a maximum period of two (2) years following the commencement of vacancy of the Vacant and Unoccupied~~Abandoned~~ Building, with any such exemption ending immediately on the transfer or sale of the Vacant and Unoccupied~~Abandoned~~ Building or real property on which the Vacant and Unoccupied~~Abandoned~~ Building is situated to a new owner.

4.3 The provisions of Section 4 do not apply to any property under an existing order issued under this Bylaw or any order made under the Maintenance Bylaw or The Emergency Measures Bylaw.

5 INSPECTIONS OF THE EXTERIOR OF VACANT AND UNOCCUPIED~~VACANT-AND-ABANDONED~~ BUILDINGS WITHOUT NOTICE

- 5.1 An Inspector may enter onto land on reasonable notice, or without notice in the case of an emergency, and without the consent of the Owner in order to investigate a Building that appears to be a Vacant and Unoccupied~~Abandoned~~ Building in order to determine, without limitation:
 - a) whether the Building is vacant and unoccupied~~vacant and abandoned~~;
 - b) whether the Building needs to be secured; and
 - c) whether the Building otherwise complies with this Bylaw.

6 OTHER INSPECTIONS

- 6.1 Without limiting the authority set out in Section 5 of this Bylaw, an Inspector is authorized to enter onto real property, including any Building on the real property, on reasonable notice to an Owner, to ascertain, ~~in the sole discretion of the Inspector,~~ whether all regulations, orders, requirements or directions under this Bylaw are being observed.

7 INSPECTOR MAY ISSUE ORDERS AND IMPOSE REQUIREMENTS

- 7.1 Where an Inspector reasonably believes a Building on a real property is a Vacant

and Unoccupied~~Abandoned~~ Building, the Inspector will notify the Owner in writing and order the Owner to do one or more of the following, ~~in the sole discretion of the Inspector:~~

- a) apply for a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit;
- b) apply for a Permit from the City to demolish or to renovate a Building so that it is in a state of safe occupancy, and to ensure that it complies with the City's bylaws, including without limitation the City's *Building and Plumbing Bylaw* and the City's *Maintenance Bylaw*; the Inspector may also require, ~~in the Inspector's sole discretion,~~ the Owner to retain a Professional Engineer licensed or registered to practice in Yukon to perform a field evaluation of the Building and any required remedial work to make the Building safe for occupation or further inspections by the City; and/or
- c) such further and other requirements as determined by the Inspector, ~~in the Inspector's sole discretion,~~ to ensure compliance with this Bylaw.

7.2 The Inspector's powers under Section 7.1 are applicable notwithstanding the application of any of the exemptions set out in Section 4 of this Bylaw.

8 VACANT AND UNOCCUPIED~~VACANT AND ABANDONED~~ BUILDING REGULATION PERMIT

8.1 In order to obtain a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit, an Owner of a building must, in addition to complying with the requirements under section 3.3 of this Bylaw:

- a) apply to the Inspector at least 30 days prior to any intended date on which a Building will be vacant and unoccupied~~vacated or abandoned~~ for a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit, including paying all associated fees as set out under the City's *Fees and Charges Bylaw*;
- b) apply to the Inspector for an inspection of the Building within 30 days of receiving an Order by the Inspector under this Bylaw and pay the fee imposed for an inspection as specified in the *Fees and Charges Bylaw* in addition to the fee for the Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit;
- c) provide the Inspector with valid contact information for service of notices and orders that may be issued under this Bylaw during the period that the Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit is valid and thereafter, provide immediate notice to the Inspector of any change in the contact information given for service;
- d) provide the Inspector with a copy of the Certificate of Insurance demonstrating that the Owner has complied with the insurance requirements in Section 3.3 of this Bylaw;
- e) ensure that all combustible materials within the Vacant and Unoccupied~~Abandoned~~ Building are removed to reduce any potential fire

load; and

- f) comply with any other requirements of the Inspector to obtain a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit,~~in the Inspector's sole discretion.~~
- 8.2 Upon completion of the requirements in Section 8.1, to the satisfaction of the Inspector ~~in their sole discretion~~, a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit may be issued by the City for a period of 12 months from the date it is issued. If the Building remains a Vacant and Unoccupied~~Abandoned~~ Building at the time of the expiry of the Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit, an Owner must obtain a new Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit in accordance with this Bylaw, or, alternatively, remediate and occupy or demolish the Vacant and Unoccupied~~Abandoned~~ Building, all in accordance with this Bylaw.
- 8.3 On the sale or transfer by an Owner of the real property on which a Vacant and Unoccupied~~Abandoned~~ Building is situated, the Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit is automatically transferred to the new Owner of the real property but for clarity, it retains its original expiry date. Prior to any sale or transfer of real property with a Vacant and Unoccupied~~Abandoned~~ Building, the Owner must provide the City with valid contact information for service of notices and Orders under this Bylaw for the new Owner.
- 8.4 An Owner must display a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit in a prominent location of the Vacant and Unoccupied~~Abandoned~~ Building, as determined by the Inspector ~~in their sole discretion~~.
- 8.5 If an Owner fails to apply for a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit in accordance with this Bylaw, the Owner will be required to, prior to the issuance of any Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit, pay fees set out in the Fees and Charges Bylaw at the rate of the determined length of the vacancy of the Vacant and Unoccupied~~Abandoned~~ Building, which shall be determined by the Inspector ~~in their sole discretion~~.

9 PARTIAL REFUND OF FEES

- 9.1 An Owner who has obtained a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit in accordance with this Bylaw is entitled to a partial refund of the permit fee on a pro-rated basis, as set out in the *Fees and Charges Bylaw*, if the Unoccupied~~Vacant and Unoccupied~~~~Abandoned~~ Building subject to the permit, is remediated and occupied or demolished, to the satisfaction of an Inspector ~~in their sole discretion~~, within the prescribed time frame set out in the Fees and Charges Bylaw Any outstanding fees, utility charges or penalties imposed on the Owner pursuant to this or another Bylaw shall be deducted from any refund paid.

10 **MONITORING INSPECTIONS FOLLOWING ISSUANCE OF A VACANT AND UNOCCUPIED VACANT AND ABANDONED BUILDING REGULATION PERMIT**

- 10.1 Every Owner with a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit is responsible for monitoring and inspecting the Vacant and Unoccupied~~Abandoned~~ Building, or ensuring the Vacant and Unoccupied~~Abandoned~~ Building is monitored and inspected, to ensure compliance with this Bylaw and the terms of the Vacant and Unoccupied~~Abandoned~~ Building Regulation Permit at least every 30 days, including without limitation, ensuring:
- a) the Vacant and Unoccupied~~Abandoned~~ Building is secured against unauthorized entry in accordance with all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector~~Schedule “A” of this Bylaw~~;
 - b) the Vacant and Unoccupied~~Abandoned~~ Building is maintained in accordance with all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector~~Schedule “B” of this Bylaw~~;
 - c) that all combustible materials within the Vacant and Unoccupied~~Abandoned~~ Building are removed to reduce any potential fire load;
 - d) there is no illegal occupancy; and
 - e) there are no rodents or any other potential health or safety risks.
- 10.2 Every Owner with a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit is responsible for ensuring compliance with all of the City’s other Bylaws, including but not limited to the City’s *Maintenance Bylaw* in relation to graffiti and snow and ice removal.
- 10.3 Every Owner with a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit shall allow for entry by an Inspector, at least every 90 days, or earlier if required by the Inspector ~~in their sole discretion~~, into the Vacant and Unoccupied~~Abandoned~~ Building for the purposes of ensuring, without limitation:
- a) the Vacant and Unoccupied~~Abandoned~~ Building is secured against unauthorized entry in accordance with all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector~~Schedule “A” of this Bylaw~~;
 - b) the Vacant and Unoccupied~~Abandoned~~ Building is maintained in accordance with all Federal and Territorial Building and Fire Code Requirements, Municipal Bylaws, and any other standards or requirements deemed necessary for public safety and fire prevention as directed by an Inspector~~Schedule “B” of this Bylaw~~;
 - c) that all combustible materials within the Vacant and Unoccupied~~Abandoned~~ Building are removed to reduce any potential fire load;

- d) there is no illegal occupancy; and
 - e) there are no rodents or any other potential health or safety risks.
- 10.4 Once a Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit has been issued, no additional or subsequent Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permits may be issued in respect of the Vacant and Unoccupied~~Abandoned~~ Building unless the City Manager or their delegate has approved the issuance of an additional Permit under Section 11 of this Bylaw.

11 CITY MANAGER OR DELEGATE MAY ORDER ADDITIONAL PERMIT TO BE ISSUED

- 11.1 Upon application by an Owner in possession of a valid and unexpired Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit and payment of any outstanding fees or penalties imposed under this Bylaw, the City Manager or their delegate may direct an additional Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit to be issued in respect of the Vacant and Unoccupied~~Abandoned~~ Building, that is effective upon the expiry of the original Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit.
- 11.2 In determining whether to approve an additional Vacant and Unoccupied~~Abandoned~~ Building Regulation Permit, the City Manager or their delegate may take into account:
- a) whether the Vacant and Unoccupied~~Abandoned~~ Building creates a hazard or nuisance, including to adjacent Buildings, the real property where the Vacant and Unoccupied~~Abandoned~~ Building is situated, or the surrounding neighbourhood;
 - b) the viability and credibility of the Owner's plans, if any, to have the Vacant and Unoccupied~~Abandoned~~ Building remediated and occupied or demolished and to maintain the Building thereafter in compliance with this Bylaw and other City bylaws;
 - c) the Owner's past record of compliance or non-compliance with this Bylaw and other Bylaws of the City;
 - d) the number and length of any previous Vacant and Unoccupied~~Abandoned~~ Building Regulation Permits issued by the City under this Bylaw; and
 - e) Such further and other information as the City Manager or their delegate determine is relevant, ~~in their sole discretion.~~
- 11.3 In approving the issuance of an additional Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit, the City Manager or their delegate may impose any terms and conditions they consider are reasonable, ~~in their sole discretion.~~ The additional Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit may be issued for any length of time up to a maximum of 12 months, ~~in the sole discretion of the City Manager or their delegate.~~
- 11.4 An additional Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit issued under Section 11.2 is conditional upon payment as described in the

Fees and Charges Bylaw, including payment for any additional inspections that the City Manager or their delegate has deemed necessary ~~in their sole discretion~~.

- 11.5 If an additional Vacant and Unoccupied~~Vacant and Abandoned~~ Building Regulation Permit is not granted in accordance with this Bylaw, the Owner must take all steps to remediate and occupy the Vacant and Unoccupied~~Abandoned~~ Building, or demolish the Vacant and Unoccupied~~Abandoned~~ Building, including complying with this Bylaw and all other City Bylaws in respect of any such remediation, occupancy or demolition of the Vacant and Unoccupied~~Abandoned~~ Building.

12 ADDITIONAL COMPLIANCE ORDERS

- 12.1 If, in the opinion of the Inspector, an Owner of a Building fails to comply with a requirement of this Bylaw, including any requirement to remediate the Property in accordance with this Bylaw, the Inspector may issue a written order requiring that the Owner bring the Building into compliance with the provisions of this Bylaw within such time as the Inspector considers appropriate in the circumstances, ~~in the Inspector's sole discretion~~.
- 12.2 Notice of an Order issued by an Inspector under Section 12.1 of this Bylaw must state:
- a) the civic address of the subject property;
 - b) the legal description of the subject property;
 - c) the particulars of the non-compliance with this Bylaw to be remedied; that the non-compliance with this Bylaw must be remedied within 14 days of the date of delivery of the order, or such other time period as determined by the Inspector ~~in their sole discretion~~; and
 - d) that if the Owner fails to comply with the order, the City may, without further notice, proceed to carry out the work required, and the cost of such work will be added to the taxes of the real property, and the Owner may be subject to prosecution for an offence under this Bylaw.

13 NOTICE BY THE CITY

- 13.1 The Inspector may serve any notice or order under this Bylaw as follows:
- a) by registered mail addressed to the Owner as recorded in the property records of the City;
 - b) by hand-delivering it to the Owner of the real property that is subject to the notice, or by mailing a copy to the registered and records office of the Owner if the Owner is a registered company or society; and
 - c) if the Inspector is unable to effect notice pursuant to either (a) or (b) above, by posting at the real property that is the subject of the notice or order and the notice or order shall then be deemed to be validly and effectively served for the purposes of this Bylaw 5 calendar days immediately following the date the notice or order was posted.
- 13.2 Service of any notice or order under this Bylaw will be considered sufficient if a

copy of the notice or order is provided as set out in Section 13.1 of this Bylaw and no liability or responsibility other than that set out in accordance with this Bylaw rests with the City to prove delivery of the notice or order.

14 CITY MAY CARRY-OUT WORK REQUIRED

- 14.1 If an Owner fails to comply with an Inspector's compliance order within the time period specified in the order, the City, including any employee, agent or contractor of the City, may on reasonable notice to the Owner, or immediately in the case of an emergency, enter the real property and take all necessary steps to bring about such compliance at the sole cost of the Owner. The City may recover all costs incurred by the City to achieve compliance with the Bylaw, including, but not limited to, administrative costs, costs to attend property by City employees, agents or contractors, and the costs of any works conducted at the property to bring the property into compliance with this Bylaw, including all removal, clean-up and disposal costs.
- 14.2 If an Owner defaults in paying any costs referred to in Section 14.1 of this Bylaw, to the City may, within 30 days after receipt of a demand for payment from the City, either recover from the Owner, in any Court of competent jurisdiction, the cost as a debt due to the City, or direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of a work or service provided to the real property of the Owner and be collected in the same manner as property taxes.
- 14.3 Subject to section 14.4 of this Bylaw, when a fire occurs at a Vacant and Unoccupied~~Abandoned~~ Building, the Owner of that Vacant and Unoccupied~~Abandoned~~ Building must pay, in addition to any other fees, charges or penalties imposed by the City under this Bylaw, a fire protection service fee in accordance with the *Fees and Charges Bylaw*.
- 14.4 The Owner of a Vacant and Unoccupied~~Abandoned~~ Building is not required to pay a fire protection service fee if any of the following apply:
- a) the Owner has a valid and unexpired Vacant and Unoccupied~~Abandoned~~ Building Regulation Permit for the Vacant and Unoccupied~~Abandoned~~ Building and the Vacant and Unoccupied~~Abandoned~~ Building is maintained in accordance with this Bylaw;
 - b) the Vacant and Unoccupied~~Abandoned~~ Building is exempt from the Bylaw under Section 4 and is maintained in accordance with this Bylaw;
 - c) the fire originates on another real property, and that real property is not owned by the same Owner at the time of the fire;
 - d) the fire is caused by a natural disaster; and
 - e) it is determined by the Fire Chief or their Designate, ~~in their sole discretion,~~ that the fire originated independently of the Vacant and Unoccupied~~Abandoned~~ Building's condition of being vacant and unoccupied~~vacant or abandoned~~.

15 REMEDIAL ACTION REQUIREMENTS

- 15.1 Without limiting the foregoing, if at any time an Inspector determines, ~~in their sole discretion,~~ that the Vacant and Unoccupied~~Abandoned~~ Building is a nuisance or creates a hazard, the Inspector may issue an order, which may include, without limitation, a requirement that the Owner demolish the Vacant and Unoccupied~~Abandoned~~ Building. Any such Order may be appealed in writing to the City Manager by an Owner within 14 days of the City delivering notice of the order to the Owner in accordance with this Bylaw. The City Manager, or their delegate, shall issue a written decision on any appeal within 30 days of receiving the written appeal from an Owner in accordance with this Bylaw. The decision of the City Manager, or their delegate, is final and binding on the Owner.
- 15.2 If an Owner fails to comply with a demolition order within the time period specified in the order, the City, including any employee, agent or contractor of the City, may on reasonable notice to the Owner, or immediately in the case of an emergency, enter the real property and take all necessary steps to complete the demolition of the Vacant and Unoccupied~~Abandoned~~ Building at the sole cost of the Owner. The City may recover all costs incurred by the City to complete the demolition, including, but not limited to, administrative costs, costs to attend property by City employees, agents or contractors, and the costs of any works conducted at the property to demolish the Vacant and Unoccupied~~Abandoned~~ Building, including all removal, clean-up and disposal costs.
- 15.3 If an Owner defaults in paying any costs referred to in Section 15.2 of this Bylaw, to the City may, within 30 days after receipt of a demand for payment from the City, either recover from the Owner, in any Court of competent jurisdiction, the cost as a debt due to the City, or direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of a work or service provided to the real property of the Owner and be collected in the same manner as property taxes.

16 OFFENCE

- 16.1 Every person who violates a provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and is liable to the penalties imposed under this Bylaw.
- 16.2 Each day that a violation continues to exist may be deemed to be a separate and continuing offence against this Bylaw.
- 16.3 Every person who commits an offence against this Bylaw is liable, on summary conviction, to a penalty of not more than \$10,000.00.

17 SEVERABILITY

- 17.1 If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid, unlawful or unenforceable by the decision of any Court

of competent jurisdiction, that section, subsection, clause, sub-clause of phrase shall be struck from the Bylaw and its severance shall not affect the validity of the remaining portions of this Bylaw.

18 COMING INTO FORCE

18.1 This bylaw shall come into full force on January 1st, 2025 ~~and effect upon final passage thereof.~~

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

Corporate Services

SCHEDULE "A" OF BYLAW
NO. 2024-19

The Owner of an Abandoned Building must comply with either Part 1 or Part 2 of this Schedule "A", or both, as follows:

PART 1:

1. ~~In order to comply with Part 1 of Schedule "A", the Owner of an Abandoned Building must ensure that:~~
 - a) ~~all exterior doors to the Abandoned Building are operational, fit tightly within their frames when closed, and are locked so as to prevent entry;~~
 - b) ~~all windows are either permanently sealed or locked so as to prevent entry;~~
 - c) ~~all windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the Abandoned Building;~~
 - d) ~~all windows are in good repair and properly glazed; and~~
 - e) ~~fencing or other perimeter barriers are installed to the specifications of the Inspector.~~

PART 2:

1. ~~When an Inspector determines, in their sole discretion, that the requirements in Part 1 of Schedule "A" are insufficient, ineffective, or would otherwise be inappropriate in the circumstances to secure the Abandoned Building, and in order to comply with Part 2 of Schedule "A", the Inspector may require, in their sole discretion, any or all of the following:~~
 - a) ~~all doors, windows and other openings, including the principal entrance at the basement and main (first) floor levels must be covered with a solid piece of plywood, at least 12.7 millimeters (1/2") thick and secured with structural screws at least 63.5 millimeters (2 1/2") in length, spaced not more than 150 millimeters (6") on centre;~~
 - b) ~~windows, doors and other openings at the second floor level must be covered with a solid piece of plywood, at least 9.5 millimeters (3/8") thick and secured with structural screws at least 50 millimeters (2") in length, spaced not more than 150 millimeters (6") on centre;~~
 - c) ~~windows, doors and other openings at the third floor level or higher must be either:~~
 - i) ~~secured in accordance with Part 1 of Schedule "A"; or~~
 - ii) ~~covered with a solid piece of plywood, at least 8 millimeters (5/16") thick and secured with structural screws at least 50 millimeters (2") in length, spaced not more than 150 millimeters (6") on centre;~~

- ~~d) windows, doors and other openings at the third floor level or higher must be secured from inside the building; plywood applied to all other openings must be secured from the exterior;~~
- ~~e) plywood applied to openings must be installed and maintained in a way that is weather tight and must be protected from the elements. If necessary, a hole must be cut in the plywood just large enough for the door hardware to protrude. All openings must be secured in a manner that does not denigrate views of the Abandoned Building from public places or any other properties and shall be installed and maintained in good condition and repair;~~
- ~~f) all floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters or guarding them in some other manner acceptable to an Inspector;~~
- ~~g) all stair or window wells must be adequately secured either by:~~
- ~~h) filling them with concrete or unshrinkable fill; or
 - ~~ii) covering the opening to them with a metal plate at least 8 millimeters thick and securing it so as to prevent it from shifting;~~~~
- ~~i) electricity, natural gas and water must not be discontinued if they are necessary to maintain fire protection systems or fire alarms;~~
- ~~j) where they are not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water must not be discontinued except in a manner satisfactory to an Inspector; and~~
- ~~k) any other requirements of the Inspector, in their sole discretion.~~

SCHEDULE "B" OF BYLAW
NO. 2024-19

The Owner of an Abandoned Building must comply with the following maintenance standards of this Schedule "B".

1. ~~The exterior of every Abandoned Building must be constructed, repaired and maintained in a manner that:~~
 - i) ~~ensures the integrity of the building envelope to safeguard, secure and protect the building from unauthorized entry or occupation, property damage, the weather, and from infestations of insects, rodents and other pests; and~~
 - ii) ~~does not denigrate views of the Abandoned Building from public places or any other properties and shall be installed and maintained in good condition and repair.~~

EXTERIOR WALLS

2. ~~a) All exterior surfaces must consist of materials that provide adequate protection from the weather;~~
 - b) ~~all exterior walls and their components, including coping and flashing, must be maintained in good repair;~~
 - c) ~~all exterior walls must be free of holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the building;~~
 - d) ~~exterior wood surfaces must be adequately protected against deterioration by the application of paint, stain or other protective coating;~~
 - e) ~~no more than 25% of any painted area of any exterior wall may be blistered, cracked, flaked, scaled, or chalked away;~~
 - f) ~~the mortar of any masonry or stone exterior wall may not be loose or dislodged;~~
 - g) ~~the exterior of every building must be free of graffiti; and~~
 - h) ~~loose material must be removed from exterior walls, doors, and window openings.~~

ROOFS

3. ~~Roofs must be constructed and maintained so as to prevent:~~
 - a) ~~rainwater or melting snow falling on the roof from entering the building;~~
 - b) ~~rainwater or melting snow falling on the roof from negatively affecting neighbouring buildings or properties; and~~
 - c) ~~objects and materials from falling from the roof.~~

- ~~4. — Roofs, including fascia boards, soffits, cornices, flashing, eavestroughing, and downspouts must be maintained in a watertight condition.~~
- ~~5. — Roof drainage must be controlled in order to eliminate or minimize runoff to neighbouring properties that:
 - ~~a) — accumulates or causes ground erosion;~~
 - ~~b) — causes dampness in the walls, ceilings or floors of any portion of any neighbouring building; and~~
 - ~~c) — accumulates on sidewalks or stairs in a manner so as to create a hazardous condition. Loose or unsecured objects and materials, including accumulations of snow or ice or both that are likely to fall on passerbys or are likely to result in the collapse of the roof or otherwise create a hazard, must be removed from the roof of a Building or an accessory Building.~~~~

FIRE PROTECTION SYSTEMS

- ~~6. — Unless a fire protection system has been decommissioned by permission of the Fire Chief or their Designate, the fire protection system must be maintained in an operational condition at all times.~~
- ~~7. — Unless a fire alarm system has been decommissioned by permission of the Fire Chief or their Designate, the fire alarm system must be connected to an approved fire signal receiving center in compliance with Can/ULC-S561, adopted and published by the Underwriters' Laboratories of Canada, as may be amended or replaced from time to time, so as to notify the Fire Department of fire alarm activation in the building.~~

CITY OF WHITEHORSE

BYLAW 2024-22

A bylaw to amend the Official Community Plan

WHEREAS Section 289 of the *Municipal Act* provides that a municipality shall by bylaw adopt an Official Community Plan in accordance with Part 7, Division 1 of the Act; and

WHEREAS Section 285 of the *Municipal Act* provides for amendment of an Official Community Plan, in accordance with the same approvals as established in Division 1 for the preparation and adoption of an Official Community Plan; and

WHEREAS it is deemed desirable and expedient to amend the 2040 Official Community Plan;

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

1. The Greenspace Network Plan and Parks – Map 1 forming part of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by incorporating the environmental sensitivity information from Map 3 – Environmentally Sensitive Areas in the 2017 Chadburn Lake Park Management Plan, as indicated on Appendix A and forming part of this bylaw.
2. The Urban Growth Areas – Map 3 forming part of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying the scale bar, as indicated on Appendix A and forming part of this bylaw.
3. The First Nation Settlement Lands – Map 4 forming part of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by identifying Lot 1218, Quad 105D/11 as Kwanlin Dün First Nation Lands, as indicated on Appendix A and forming part of this bylaw.
4. The Land Use Designation – Map 5 forming part of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by changing the designation of Lot 1223, Quad 105D/11, Lot 1222, Quad 105D/11, Lot 1218, Quad 105D/11, Lot 1270, Quad 105D/11, Lot 1194, Quad 105D/11, Lot 1138, Quad 105D/10, Lot 1196, Quad 105D/11, and Bert Law Park (PIN 9996177), as indicated on Appendix A and forming part of this bylaw.
5. Section 7 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a new subsection 7.9 vi. to existing policy 7.9 to read as follows:

"7.9 Exceptions to the City's Riparian Setback requirement will be reviewed and considered on a site-by-site basis:
i. where steep banks contain the riparian area, the setback shall be applied from the top of bank;
ii. for businesses that utilize waterbody access as part of their business;
iii. where trail, utility, or road access for development is proposed to cross Riparian Setbacks; and
vi. where improvements to trails are proposed within a Riparian Setback."

6. Section 7 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 7.15 to read as follows:

"7.15 All development, including building and tree harvesting, will be prohibited on slopes that exceed 30% (3.3 horizontal to 1 vertical). The only exceptions will be for critical infrastructure, grading, trails, and viewpoints, provided that a professional geotechnical assessment, accepted by the City Engineer, can demonstrate reasonably safe conditions."

7. Section 7 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 7.16 to read as follows:

"7.16 All new development will be setback a minimum of 15 metres or 1.25 metres multiplied by the height of slope, whichever is greater, from the top or bottom of any slope over 30%, as illustrated on Figure 7 – Illustration of Escarpment Setbacks. The only exceptions will be when reasonably safe conditions for reduced setbacks can be demonstrated by a site-specific geotechnical examination prepared by a qualified professional and accepted by the City Engineer.

Suitable setbacks to accommodate critical infrastructure, trails, and viewpoints may be required when considering any potential reduction of the Escarpment Setback.

The Escarpment Setback will apply in the absence of a required and accepted geotechnical assessment.

Exceptions to the City's Escarpment Setback are not permitted within the Downtown Whitehorse Escarpment Control Zone, as identified on Appendix A of the City's Downtown Escarpment Land Use Policy."

8. Section 8 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 8.19 to read as follows:

“8.19 Where mixed-use buildings are proposed in Urban Centres, commercial uses will be on the ground floor with residential uses above. The inclusion of dwelling units, as secondary uses to the primary commercial uses, may be permitted on the ground floor to provide flexibility in providing alternative dwelling units while maintaining a commercial streetscape. As examples, this may include commercial uses facing the street with dwelling units facing a rear lane or with pedestrian access to accessible dwelling units located at the rear of a building.”

9. Section 12 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by moving existing policy 12.19 to Section 13, renumbering the policy as policy 13.29, and renumbering the remaining policies accordingly.

10. Section 13 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 13.2 ii to read as follows:

“13.2 ii. When determining permit regulations, the policies outlined in Section 15.12 Natural Resource Extraction should be reviewed and considered to minimize impacts on surrounding uses such as buffers, screening, and anticipated traffic volumes may be required.”

11. Section 13 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a subtitle immediately before existing policy 13.6 to read as follows:

"Fuel Abatement

13.6 Wildfire fuel abatement is permitted, as appropriate, in any land use designation, subject to applicable bylaws and environmental guidelines.”

12. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying the Intent of “Commercial – Service” in Table 2 Land Use Designations Overview to read as follows:

“Accommodate commercial or public uses that are not typically combined with residential or industrial uses and are largely vehicle-oriented.”

13. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing Section 15.2 Commercial – Service to read as follows:

“Commercial - Service areas are intended to accommodate commercial or public uses that are not typically combined with residential uses and are largely vehicle-oriented. This type of commercial development typically

requires significant onsite parking and/or loading facilities creating large expanses of undeveloped space; as such, they are often in contrast with lively, pedestrian-focused locations.”

14. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by deleting policy 15.4.1 and renumbering the remaining policies accordingly.

15. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 15.4.2 to read as follows:

“15.4.2 Uses primarily associated with Greenspaces, such as outdoor recreation trails or domestic fuel woodcutting, may be permitted subject to approval by the appropriate authority.”

16. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 15.4.3 to read as follows:

“15.4.3 To preserve Future Planning Areas for future development, limited new uses such as trails and public utilities should be considered.”

17. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 15.5.1 to read as follows:

“15.5.1 The City is committed to pursuing efforts that preserve the integrity and connectivity of environmentally sensitive areas to keep habitat intact and prevent fragmentation. Areas identified as Greenspace are primarily kept in their natural state, with minimal disturbance or development. The only exception will be for wildfire fuel abatement activities.”

18. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a new policy 15.6.5 to read as follows and renumbering the remaining policies accordingly:

“15.6.5 Accessory activities that support the operation of uses in the Industrial areas, such as caretaker facilities, may be permitted.”

19. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a new policy 15.7.6 to read as follows:

“15.7.6 Accessory activities that support the operation of uses in the Industrial/Commercial areas, such as caretaker facilities, may be permitted.”

20. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 15.13.1 to read as follows:

“15.13.1 Uses that may be suitable for inclusion in the Public Service designation include but are not limited to hospitals, major recreation facilities, arts, culture, and heritage facilities, post-secondary institutions, cemeteries, corrections facilities, supportive housing, and aerodromes.”

21. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a new policy 15.13.2 to read as follows and renumbering the remaining policies accordingly:

"15.13.2 Residential dwellings units may be permitted to support public or privately owned facilities of an institutional or community service nature."

22. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING:

PUBLIC NOTICE:

PUBLIC HEARING:

SECOND READING:

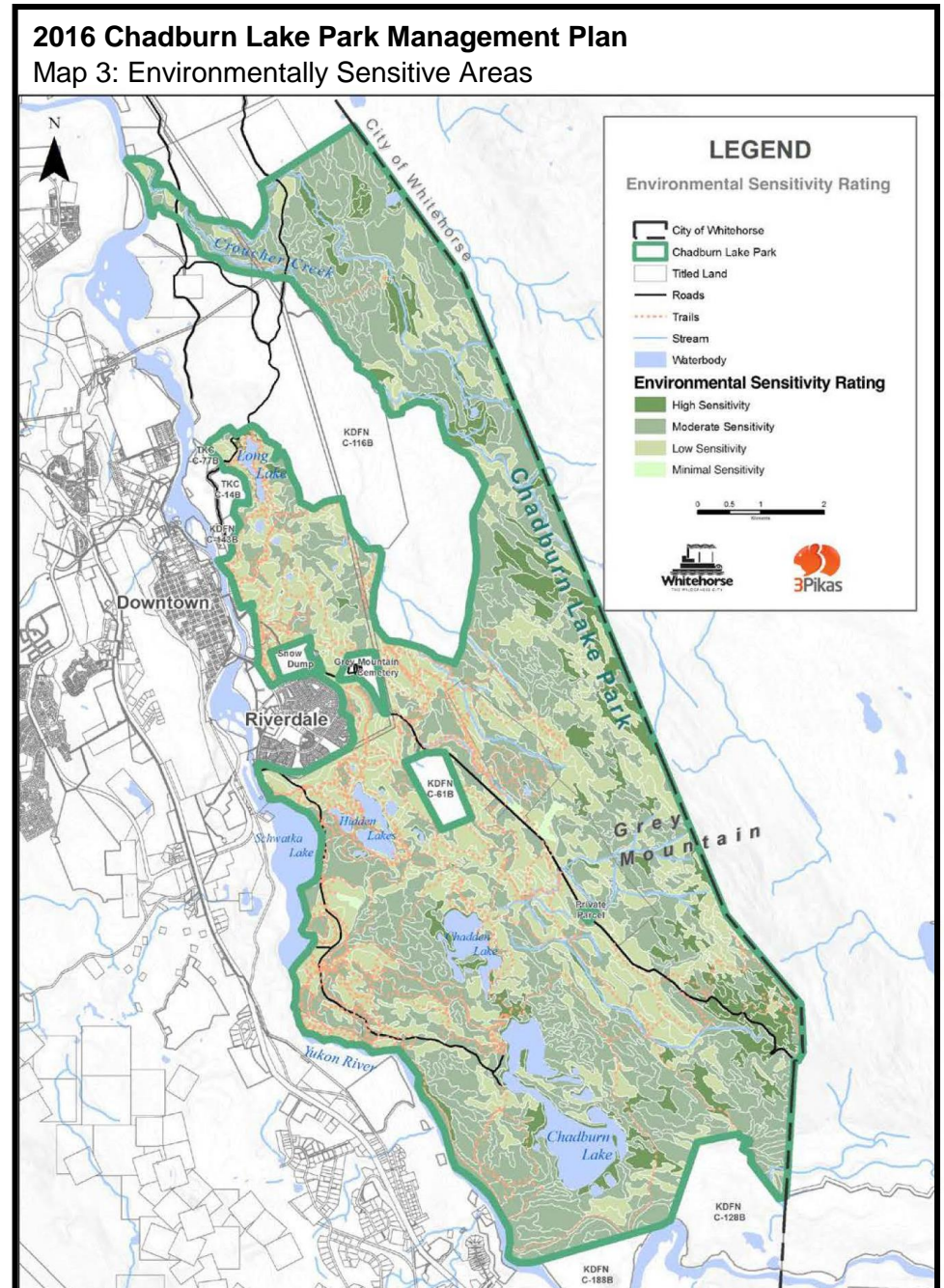
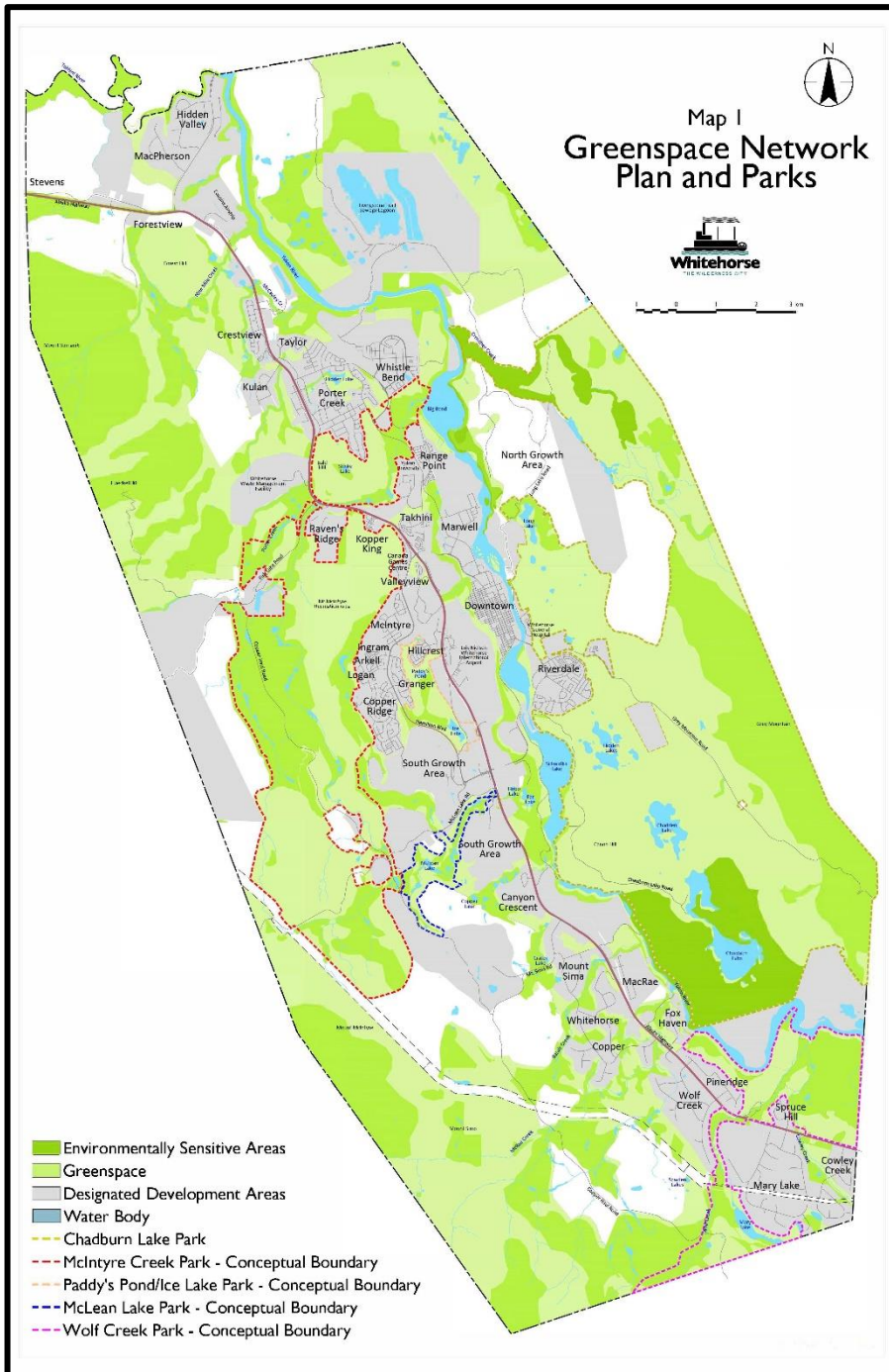
EXECUTIVE COUNCIL MEMBER APPROVAL:

THIRD READING and ADOPTION:

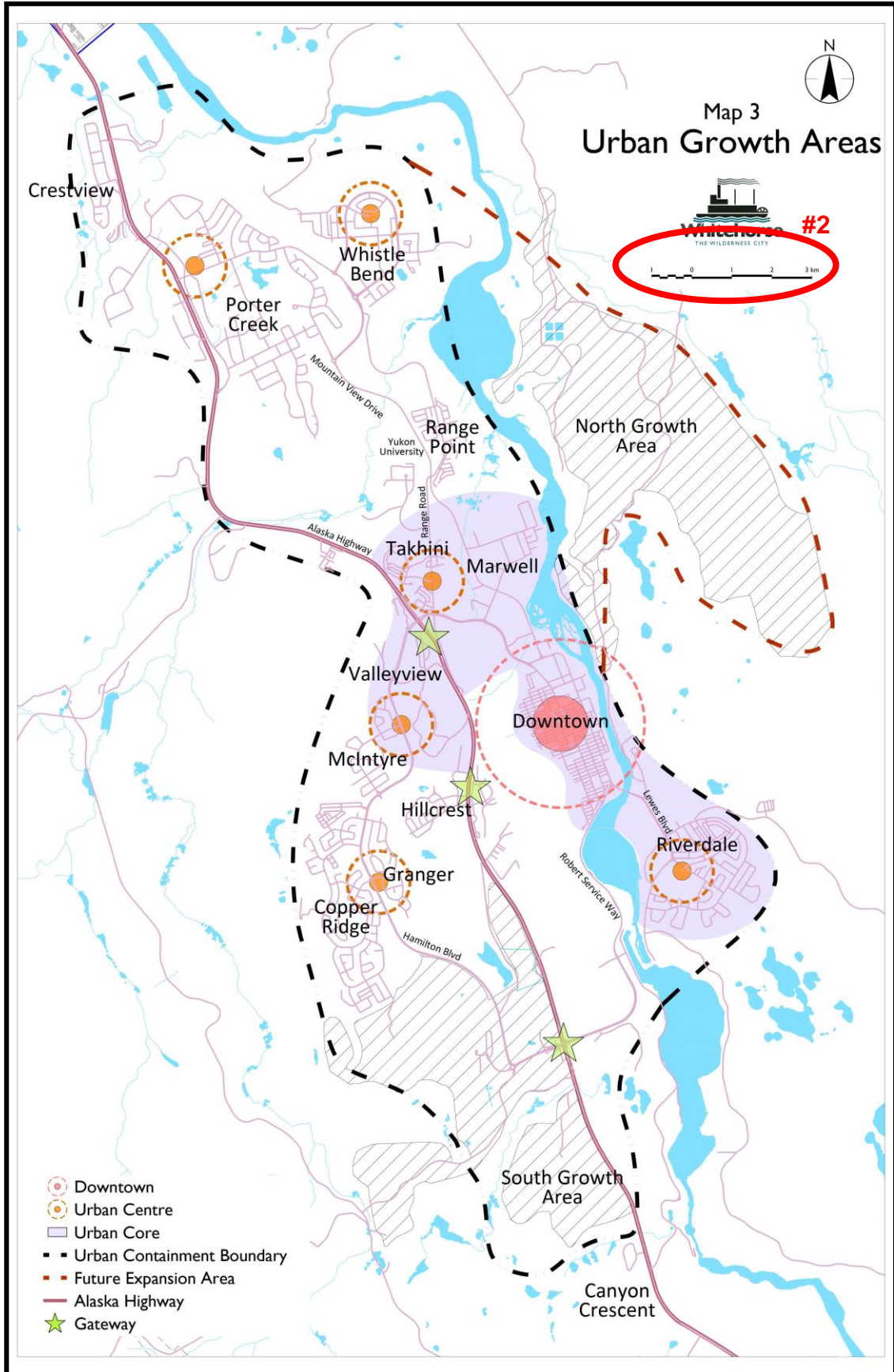
Laura Cabott, Mayor

Corporate Services

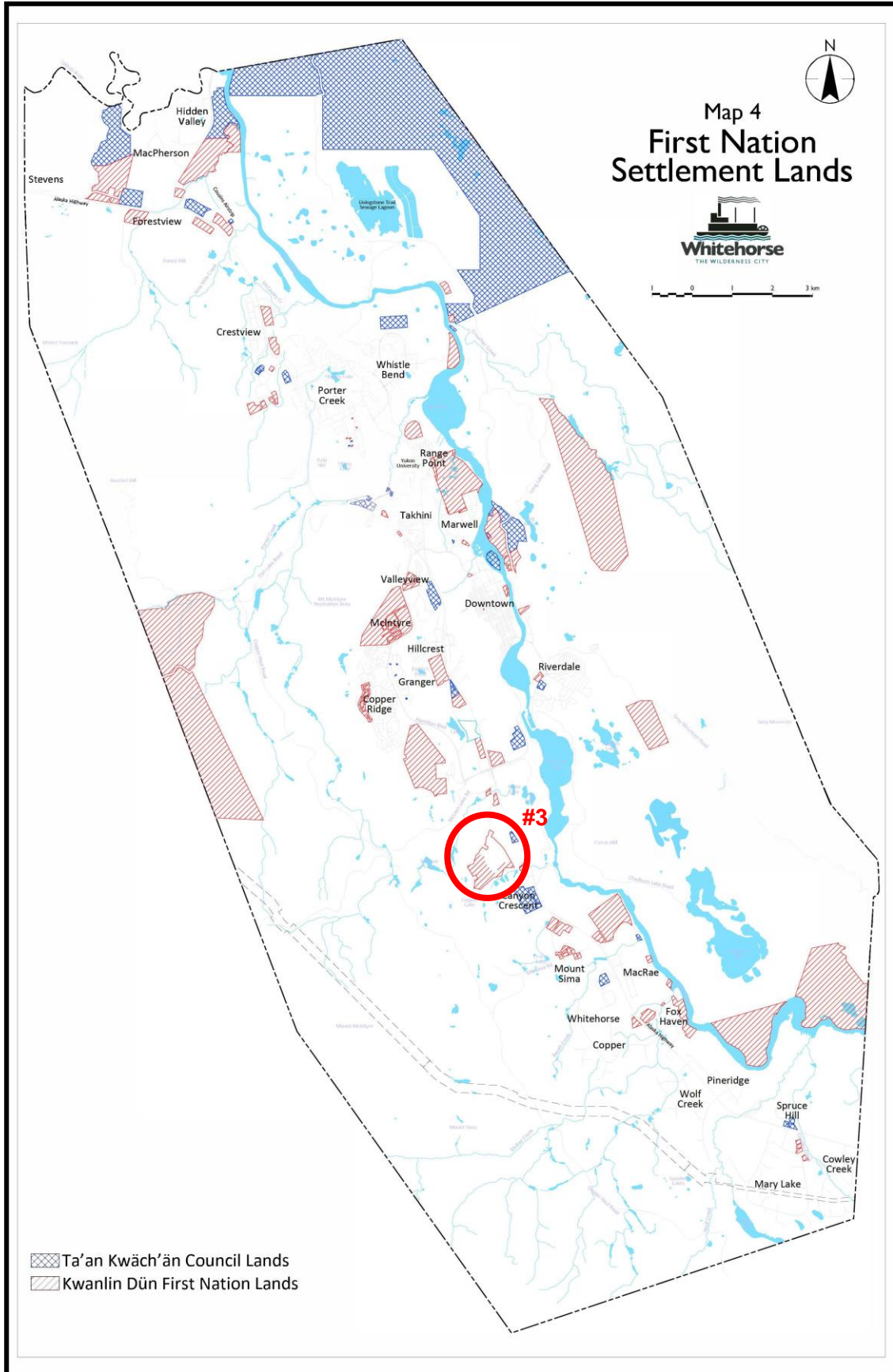
Proposed Amendments – Map 1



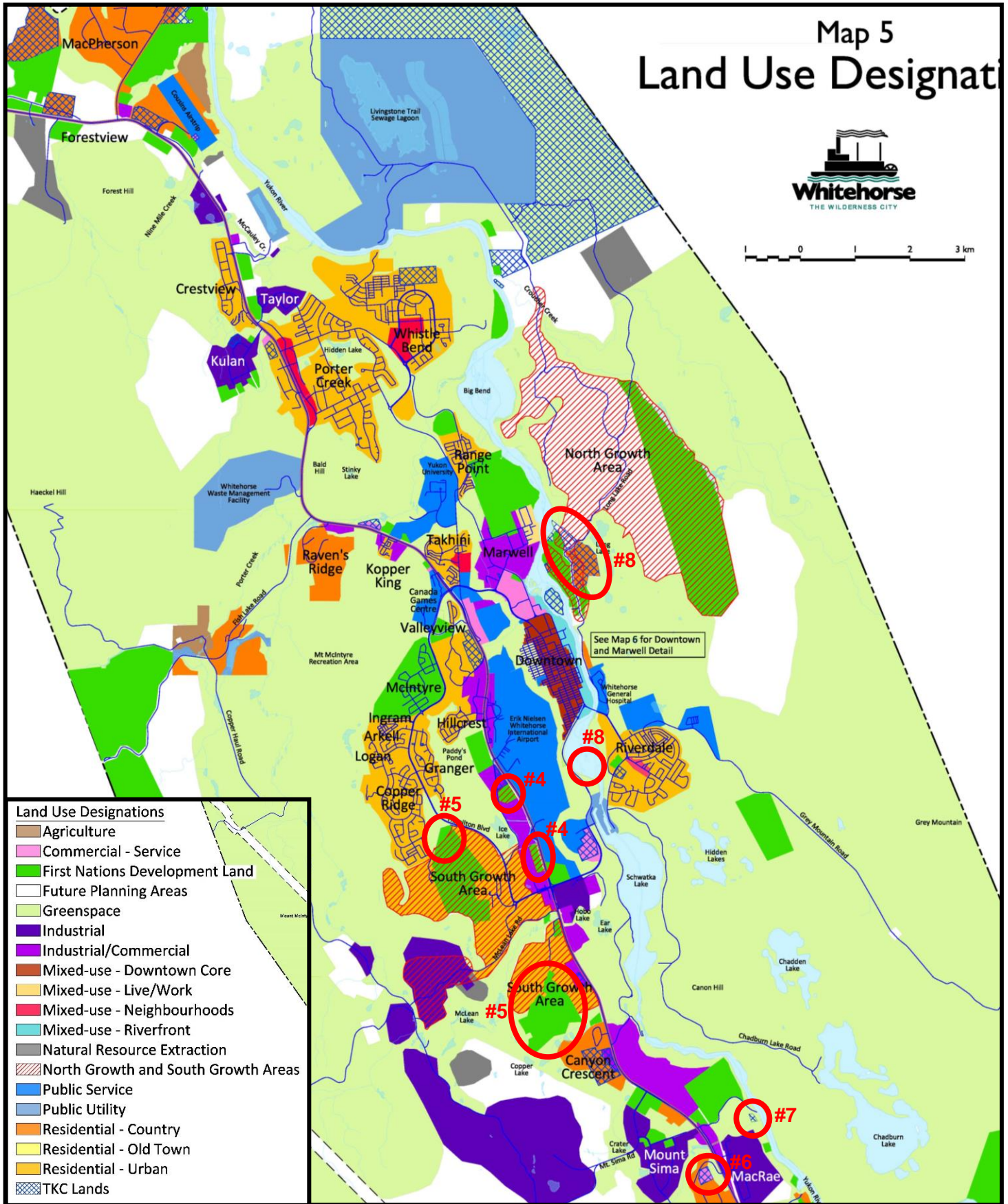
Proposed Amendments – Map 3



Proposed Amendments – Map 4



Proposed Amendments – Map 5



CITY OF WHITEHORSE
BYLAW NO. 2024-19

A bylaw to regulate vacant and abandoned buildings in the City of Whitehorse.

WHEREAS the Council of the City of Whitehorse may by bylaw, regulate, prohibit and impose requirements in relation to buildings and other structures; and

WHEREAS the Council deems it appropriate to require property owners to safeguard, secure and protect vacant and abandoned buildings from property damage, unauthorized entry or occupation for the protection of persons and property;

NOW THEREFORE the Council of the City of Whitehorse in open meeting assembled hereby enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as the “CITY OF WHITEHORSE VACANT AND ABANDONED BUILDINGS BYLAW NO. 2024-19.”

DEFINITIONS

2. In this Bylaw,

“ABANDONED BUILDING” means a Building, or any part of a Building, which has remained unoccupied by the Owner, or any occupant lawfully entitled to occupy the Building, for a continuous period of over thirty (30) days;

“BUILDING” means any structure used or intended for supporting or sheltering any use or occupancy;

“BUILDING OFFICIAL” means individual(s) designated by the City as a Building Official;

“BYLAW ENFORCEMENT OFFICER” means individual(s) appointed as a Bylaw Enforcement Officer for the City;

“CATASTROPHIC EVENT” means a rare and unforeseeable ecological, environmental, or man-made incident which results in substantial damage or loss to real property, which was outside of the reasonable control of the Owner, but which does not include a loss or unavailability of financial resources of the Owner;

“CITY” means the City of Whitehorse;

“COUNCIL” means the Council of the City;

“DESIGNATE” means and includes:

- a) Deputy Fire Chief for the City;
- b) Fire Prevention Officer for the City;
- c) Chief Training Officer for the City; and
- d) Platoon Chief for the City;
- e) Or any person duly authorized by the Fire Chief to exercise any of the Chief’s powers or to carry out any of the Fire Chief’s duties under this Bylaw.

“FIRE CHIEF” means the person who is appointed by the City as head of Whitehorse Fire and Protective Services, or their Designate;

“INSPECTOR” means and includes:

- a) Fire Chief;
- b) Deputy Fire Chief for the City;
- c) Fire Prevention Officer for the City;
- d) Building Officials;
- e) Bylaw Enforcement Officers;
- f) regular members of the Royal Canadian Mounted Police (RCMP); and
- g) Any person acting under the direction and authority of an Inspector or the City Manager for the purposes of this Bylaw;

“OWNER” means and includes:

- a) The registered and/or beneficial owner of the real property on which the building is situated;
- b) The owner of a building;
- c) The person managing or receiving the rent of the land or the building, or who would receive the rent if the land and building were let, whether on the person’s own account or as agent or trustee or receiver of any other person;
- d) A vendor of the building under an agreement for sale who has paid any municipal taxes thereon or is required under the agreement for sale to pay municipal taxes, after the effective date of the agreement;
- e) Any person receiving installments of the purchase price if the Building or land is sold under an agreement for sale; and
- f) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the Building;

“SEASONAL BASIS” means a residential dwelling which is occupied by an Owner or a lawful occupant as a part-time residence, and which is not used or intended to be used for year-round occupancy, but which is occupied for at least six months per calendar year.

3. REQUIREMENTS FOR VACANT AND ABANDONED BUILDINGS

- 3.1 Every Owner of an Abandoned Building in the City shall maintain the Abandoned Building in accordance with the requirements of this Bylaw.
- 3.2 No person shall allow a Building to become an Abandoned Building unless the Abandoned Building is in compliance with Section 3.3 of this Bylaw or the vacancy is otherwise authorized under Section 4 of this Bylaw.
- 3.3 Except where exempted under Section 4 of this Bylaw, every Owner of real property that contains an Abandoned Building must:

- a) secure the Abandoned Building in compliance with the standards set out in Schedule “A” of this Bylaw;
- b) maintain the Building in compliance with the standards set out in Schedule “B” of this Bylaw; and
- c) within 30 days of the issuance of an order by an Inspector under section 7 of this Bylaw, maintain \$3,000,000 in general liability insurance for the Abandoned Building, or such other amount or types of insurance as required by the Inspector in their sole discretion, and obtain a Vacant and Abandoned Building Regulation Permit, all in accordance with this Bylaw.

4. EXEMPTIONS

4.1 No person shall allow a Building to become an Abandoned Building unless the person is in compliance with Section 3.3 of this Bylaw, or one of the following exemptions applies:

- a) the Building is the subject of an active and unexpired building permit issued by the City for the repair, rehabilitation, or demolition of the Building, and the Owner, in the opinion of the Inspector in their sole discretion, is progressing diligently to complete the repair, rehabilitation, or demolition of the Building; and, the Owner is complying with the maintenance standards required under Schedule “B” of this Bylaw while the Building is being repaired, rehabilitated or demolished;
- b) the Building meets all applicable codes, bylaws and regulations, has been approved for occupancy by the City and is actively being offered for sale, lease, or rent at fair market value; and the Building is supplied with minimum utilities to maintain the proper functioning of the facilities within the Building, as well as to prevent damage to mechanical and plumbing facilities from freezing. If the Building is classified to have a fire alarm and/or fire suppression system, the Owner must maintain electrical and heating systems to maintain these life safety components. In addition, the Owner of the Building must also ensure at all times:
 - i) that all combustible materials within the Building are removed to reduce any potential fire load;
 - ii) there is no illegal occupancy of the Building; and
 - iii) there are no rodents or any other potential health or safety risks;
- c) The Building is a dwelling unit located on real property occupied by the Owner, or a legal occupant, on a Seasonal Basis, provided that the Building is supplied with minimum utilities to maintain the proper functioning of the facilities within the Building, as well as to prevent damage to mechanical and plumbing facilities from freezing. If the Building is classified to have a fire alarm and/or fire suppression system, the Owner must maintain electrical and heating systems to maintain these life safety components. In addition, the Owner of the Building must also ensure at all times:

- i) that all combustible materials within the Building are removed to reduce any potential fire load;
 - ii) there is no illegal occupancy of the Building; and
 - iii) there are no rodents or any other potential health or safety risks.
- d) The Abandoned Building is located on real property owned by the City of Whitehorse.

4.2 Owners of Abandoned Buildings are exempt from paying the permit fee where any of the following apply, provided the Owner otherwise complies with this Bylaw, including obtaining a Vacant and Abandoned Building Regulation Permit from the City in accordance with this Bylaw:

- a) When a Building becomes an Abandoned Building due to a Catastrophic Event, the Owner shall be exempt from the permit fee, as specified in the Fees and Charges Bylaw, for a maximum period of two (2) years following the commencement of vacancy of the Abandoned Building;
- b) When a Building becomes an Abandoned Building due to the Owner being in full-time care in an accredited hospital, hospice, long-term care facility, assisted living residence, or home for special care, and the Abandoned Building was the principal residence of the Owner immediately prior to being in care, the Owner shall be exempt from the permit fee, as specified in the Fees and Charges Bylaw, for a maximum period of two (2) years following the commencement of vacancy of the Abandoned Building; and
- c) When a Building becomes an Abandoned Building due to the death of the Owner, the Owner's estate, including any authorized representative or executor of the Owner's estate, shall be exempt from the permit fee, as specified in the Fees and Charges Bylaw, for a maximum period of two (2) years following the commencement of vacancy of the Abandoned Building, with any such exemption ending immediately on the transfer or sale of the Abandoned Building or real property on which the Abandoned Building is situated to a new owner.

4.3 The provisions of Section 4 do not apply to any property under an existing order issued under this Bylaw or any order made under the Maintenance Bylaw or The Emergency Measures Bylaw.

5 INSPECTIONS OF THE EXTERIOR OF VACANT AND ABANDONED BUILDINGS WITHOUT NOTICE

5.1 An Inspector may enter onto land on reasonable notice, or without notice in the case of an emergency, and without the consent of the Owner in order to investigate a Building that appears to be an Abandoned Building in order to determine, without limitation:

- a) whether the Building is vacant and abandoned;
- b) whether the Building needs to be secured; and
- c) whether the Building otherwise complies with this Bylaw.

6 OTHER INSPECTIONS

- 6.1 Without limiting the authority set out in Section 5 of this Bylaw, an Inspector is authorized to enter onto real property, including any Building on the real property, on reasonable notice to an Owner, to ascertain, in the sole discretion of the Inspector, whether all regulations, orders, requirements or directions under this Bylaw are being observed.

7 INSPECTOR MAY ISSUE ORDERS AND IMPOSE REQUIREMENTS

- 7.1 Where an Inspector reasonably believes a Building on a real property is an Abandoned Building, the Inspector will notify the Owner in writing and order the Owner to do one or more of the following, in the sole discretion of the Inspector:
- a) apply for a Vacant and Abandoned Building Regulation Permit;
 - b) apply for a Permit from the City to demolish or to renovate a Building so that it is in a state of safe occupancy, and to ensure that it complies with the City's bylaws, including without limitation the City's *Building and Plumbing Bylaw* and the City's *Maintenance Bylaw*; the Inspector may also require, in the Inspector's sole discretion, the Owner to retain a Professional Engineer licenced or registered to practice in Yukon to perform a field evaluation of the Building and any required remedial work to make the Building safe for occupation or further inspections by the City; and/or
 - c) such further and other requirements as determined by the Inspector, in the Inspector's sole discretion, to ensure compliance with this Bylaw.
- 7.2 The Inspector's powers under Section 7.1 are applicable notwithstanding the application of any of the exemptions set out in Section 4 of this Bylaw.

8 VACANT AND ABANDONED BUILDING REGULATION PERMIT

- 8.1 In order to obtain a Vacant and Abandoned Building Regulation Permit, an Owner of a building must, in addition to complying with the requirements under section 3.3 of this Bylaw:
- a) apply to the Inspector at least 30 days prior to any intended date on which a Building will be vacated or abandoned for a Vacant and Abandoned Building Regulation Permit, including paying all associated fees as set out under the City's *Fees and Charges Bylaw*;
 - b) apply to the Inspector for an inspection of the Building within 30 days of receiving an Order by the Inspector under this Bylaw and pay the fee imposed for an inspection as specified in the *Fees and Charges Bylaw* in addition to the fee for the Vacant and Abandoned Building Regulation Permit;
 - c) provide the Inspector with valid contact information for service of notices and orders that may be issued under this Bylaw during the period that the Vacant and Abandoned Building Regulation Permit is valid and thereafter, provide immediate notice to the Inspector of any change in the contact information given for service;

- d) provide the Inspector with a copy of the Certificate of Insurance demonstrating that the Owner has complied with the insurance requirements in Section 3.3 of this Bylaw;
 - e) ensure that all combustible materials within the Abandoned Building are removed to reduce any potential fire load; and
 - f) comply with any other requirements of the Inspector to obtain a Vacant and Abandoned Building Regulation Permit, in the Inspector's sole discretion.
- 8.2 Upon completion of the requirements in Section 8.1, to the satisfaction of the Inspector in their sole discretion, a Vacant and Abandoned Building Regulation Permit may be issued by the City for a period of 12 months from the date it is issued. If the Building remains an Abandoned Building at the time of the expiry of the Vacant and Abandoned Building Regulation Permit, an Owner must obtain a new Vacant and Abandoned Building Regulation Permit in accordance with this Bylaw, or, alternatively, remediate and occupy or demolish the Abandoned Building, all in accordance with this Bylaw.
- 8.3 On the sale or transfer by an Owner of the real property on which an Abandoned Building is situated, the Vacant and Abandoned Building Regulation Permit is automatically transferred to the new Owner of the real property but for clarity, it retains its original expiry date. Prior to any sale or transfer of real property with an Abandoned Building, the Owner must provide the City with valid contact information for service of notices and Orders under this Bylaw for the new Owner.
- 8.4 An Owner must display a Vacant and Abandoned Building Regulation Permit in a prominent location of the Abandoned Building, as determined by the Inspector in their sole discretion.
- 8.5 If an Owner fails to apply for a Vacant and Abandoned Building Regulation Permit in accordance with this Bylaw, the Owner will be required to, prior to the issuance of any Vacant and Abandoned Building Regulation Permit, pay fees set out in the Fees and Charges Bylaw at the rate of the determined length of the vacancy of the Abandoned Building, which shall be determined by the Inspector in their sole discretion.

9 PARTIAL REFUND OF FEES

- 9.1 An Owner who has obtained a Vacant and Abandoned Building Regulation Permit in accordance with this Bylaw is entitled to a partial refund of the permit fee on a pro-rated basis, as set out in the *Fees and Charges Bylaw*, if the Abandoned Building subject to the permit, is remediated and occupied or demolished, to the satisfaction of an Inspector in their sole discretion, within the prescribed time frame set out in the Fees and Charges Bylaw. Any outstanding fees, utility charges or penalties imposed on the Owner pursuant to this or another Bylaw shall be deducted from any refund paid.

10 MONITORING INSPECTIONS FOLLOWING ISSUANCE OF A VACANT AND ABANDONED BUILDING REGULATION PERMIT

- 10.1 Every Owner with a Vacant and Abandoned Building Regulation Permit is responsible for monitoring and inspecting the Abandoned Building, or ensuring the Abandoned Building is monitored and inspected, to ensure compliance with this Bylaw and the terms of the Vacant and Abandoned Building Regulation Permit at least every 30 days, including without limitation, ensuring:
- a) the Abandoned Building is secured against unauthorized entry in accordance with Schedule "A" of this Bylaw;
 - b) the Abandoned Building is maintained in accordance with Schedule "B" of this Bylaw;
 - c) that all combustible materials within the Abandoned Building are removed to reduce any potential fire load;
 - d) there is no illegal occupancy; and
 - e) there are no rodents or any other potential health or safety risks.
- 10.2 Every Owner with a Vacant and Abandoned Building Regulation Permit is responsible for ensuring compliance with all of the City's other Bylaws, including but not limited to the City's *Maintenance Bylaw* in relation to graffiti and snow and ice removal.
- 10.3 Every Owner with a Vacant and Abandoned Building Regulation Permit shall allow for entry by an Inspector, at least every 90 days, or earlier if required by the Inspector in their sole discretion, into the Abandoned Building for the purposes of ensuring, without limitation:
- a) the Abandoned Building is secured against unauthorized entry in accordance with Schedule "A" of this Bylaw;
 - b) the Abandoned Building is maintained in accordance with Schedule "B" of this Bylaw;
 - c) that all combustible materials within the Abandoned Building are removed to reduce any potential fire load;
 - d) there is no illegal occupancy; and
 - e) there are no rodents or any other potential health or safety risks.
- 10.4 Once a Vacant and Abandoned Building Regulation Permit has been issued, no additional or subsequent Vacant and Abandoned Building Regulation Permits may be issued in respect of the Abandoned Building unless the City Manager or their delegate has approved the issuance of an additional Permit under Section 11 of this Bylaw.

11 CITY MANAGER OR DELEGATE MAY ORDER ADDITIONAL PERMIT TO BE ISSUED

- 11.1 Upon application by an Owner in possession of a valid and unexpired Vacant and Abandoned Building Regulation Permit and payment of any outstanding fees or penalties imposed under this Bylaw, the City Manager or their delegate may direct an additional Vacant and Abandoned Building Regulation Permit to be issued in

respect of the Abandoned Building, that is effective upon the expiry of the original Vacant and Abandoned Building Regulation Permit.

- 11.2 In determining whether to approve an additional Abandoned Building Regulation Permit, the City Manager or their delegate may take into account:
- a) whether the Abandoned Building creates a hazard or nuisance, including to adjacent Buildings, the real property where the Abandoned Building is situated, or the surrounding neighbourhood;
 - b) the viability and credibility of the Owner's plans, if any, to have the Abandoned Building remediated and occupied or demolished and to maintain the Building thereafter in compliance with this Bylaw and other City bylaws;
 - c) the Owner's past record of compliance or non-compliance with this Bylaw and other Bylaws of the City;
 - d) the number and length of any previous Abandoned Building Regulation Permits issued by the City under this Bylaw; and
 - e) Such further and other information as the City Manager or their delegate determine is relevant, in their sole discretion.
- 11.3 In approving the issuance of an additional Vacant and Abandoned Building Regulation Permit, the City Manager or their delegate may impose any terms and conditions they consider are reasonable, in their sole discretion. The additional Vacant and Abandoned Building Regulation Permit may be issued for any length of time up to a maximum of 12 months, in the sole discretion of the City Manager or their delegate.
- 11.4 An additional Vacant and Abandoned Building Regulation Permit issued under Section 11.2 is conditional upon payment as described in the *Fees and Charges Bylaw*, including payment for any additional inspections that the City Manager or their delegate has deemed necessary in their sole discretion.
- 11.5 If an additional Vacant and Abandoned Building Regulation Permit is not granted in accordance with this Bylaw, the Owner must take all steps to remediate and occupy the Abandoned Building, or demolish the Abandoned Building, including complying with this Bylaw and all other City Bylaws in respect of any such remediation, occupancy or demolition of the Abandoned Building.

12 ADDITIONAL COMPLIANCE ORDERS

- 12.1 If, in the opinion of the Inspector, an Owner of a Building fails to comply with a requirement of this Bylaw, including any requirement to remediate the Property in accordance with this Bylaw, the Inspector may issue a written order requiring that the Owner bring the Building into compliance with the provisions of this Bylaw within such time as the Inspector considers appropriate in the circumstances, in the Inspector's sole discretion.
- 12.2 Notice of an Order issued by an Inspector under Section 12.1 of this Bylaw must state:

- a) the civic address of the subject property;
- b) the legal description of the subject property;
- c) the particulars of the non-compliance with this Bylaw to be remedied; that the non-compliance with this Bylaw must be remedied within 14 days of the date of delivery of the order, or such other time period as determined by the Inspector in their sole discretion; and
- d) that if the Owner fails to comply with the order, the City may, without further notice, proceed to carry out the work required, and the cost of such work will be added to the taxes of the real property, and the Owner may be subject to prosecution for an offence under this Bylaw.

13 NOTICE BY THE CITY

- 13.1 The Inspector may serve any notice or order under this Bylaw as follows:
- a) by registered mail addressed to the Owner as recorded in the property records of the City;
 - b) by hand-delivering it to the Owner of the real property that is subject to the notice, or by mailing a copy to the registered and records office of the Owner if the Owner is a registered company or society; and
 - c) if the Inspector is unable to effect notice pursuant to either (a) or (b) above, by posting at the real property that is the subject of the notice or order and the notice or order shall then be deemed to be validly and effectively served for the purposes of this Bylaw 5 calendar days immediately following the date the notice or order was posted.
- 13.2 Service of any notice or order under this Bylaw will be considered sufficient if a copy of the notice or order is provided as set out in Section 13.1 of this Bylaw and no liability or responsibility other than that set out in accordance with this Bylaw rests with the City to prove delivery of the notice or order.

14 CITY MAY CARRY-OUT WORK REQUIRED

- 14.1 If an Owner fails to comply with an Inspector's compliance order within the time period specified in the order, the City, including any employee, agent or contractor of the City, may on reasonable notice to the Owner, or immediately in the case of an emergency, enter the real property and take all necessary steps to bring about such compliance at the sole cost of the Owner. The City may recover all costs incurred by the City to achieve compliance with the Bylaw, including, but not limited to, administrative costs, costs to attend property by City employees, agents or contractors, and the costs of any works conducted at the property to bring the property into compliance with this Bylaw, including all removal, clean-up and disposal costs.
- 14.2 If an Owner defaults in paying any costs referred to in Section 14.1 of this Bylaw, to the City may, within 30 days after receipt of a demand for payment from the City, either recover from the Owner, in any Court of competent jurisdiction, the cost as a debt due to the City, or direct that the amount of the cost be added to the real

property tax roll as a charge imposed in respect of a work or service provided to the real property of the Owner and be collected in the same manner as property taxes.

- 14.3 Subject to section 14.4 of this Bylaw, when a fire occurs at an Abandoned Building, the Owner of that Abandoned Building must pay, in addition to any other fees, charges or penalties imposed by the City under this Bylaw, a fire protection service fee in accordance with the *Fees and Charges Bylaw*.
- 14.4 The Owner of an Abandoned Building is not required to pay a fire protection service fee if any of the following apply:
- a) the Owner has a valid and unexpired Abandoned Building Regulation Permit for the Abandoned Building and the Abandoned Building is maintained in accordance with this Bylaw;
 - b) the Abandoned Building is exempt from the Bylaw under Section 4 and is maintained in accordance with this Bylaw;
 - c) the fire originates on another real property, and that real property is not owned by the same Owner at the time of the fire;
 - d) the fire is caused by a natural disaster; and
 - e) it is determined by the Fire Chief or their Designate, in their sole discretion, that the fire originated independently of the Abandoned Building's condition of being vacant or abandoned.

15 REMEDIAL ACTION REQUIREMENTS

- 15.1 Without limiting the foregoing, if at any time an Inspector determines, in their sole discretion, that the Abandoned Building is a nuisance or creates a hazard, the Inspector may issue an order, which may include, without limitation, a requirement that the Owner demolish the Abandoned Building. Any such Order may be appealed in writing to the City Manager by an Owner within 14 days of the City delivering notice of the order to the Owner in accordance with this Bylaw. The City Manager, or their delegate, shall issue a written decision on any appeal within 30 days of receiving the written appeal from an Owner in accordance with this Bylaw. The decision of the City Manager, or their delegate, is final and binding on the Owner.
- 15.2 If an Owner fails to comply with a demolition order within the time period specified in the order, the City, including any employee, agent or contractor of the City, may on reasonable notice to the Owner, or immediately in the case of an emergency, enter the real property and take all necessary steps to complete the demolition of the Abandoned Building at the sole cost of the Owner. The City may recover all costs incurred by the City to complete the demolition, including, but not limited to, administrative costs, costs to attend property by City employees, agents or contractors, and the costs of any works conducted at the property to demolish the Abandoned Building, including all removal, clean-up and disposal costs.

15.3 If an Owner defaults in paying any costs referred to in Section 15.2 of this Bylaw, to the City may, within 30 days after receipt of a demand for payment from the City, either recover from the Owner, in any Court of competent jurisdiction, the cost as a debt due to the City, or direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of a work or service provided to the real property of the Owner and be collected in the same manner as property taxes.

16 OFFENCE

- 16.1 Every person who violates a provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and is liable to the penalties imposed under this Bylaw.
- 16.2 Each day that a violation continues to exist may be deemed to be a separate and continuing offence against this Bylaw.
- 16.3 Every person who commits an offence against this Bylaw is liable, on summary conviction, to a penalty of not more than \$10,000.00.

17 SEVERABILITY

17.1 If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid, unlawful or unenforceable by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause of phrase shall be struck from the Bylaw and its severance shall not affect the validity of the remaining portions of this Bylaw.

18 COMING INTO FORCE

18.1 This bylaw shall come into full force and effect upon final passage thereof.

**FIRST and SECOND READING:
THIRD READING and ADOPTION:**

Laura Cabott, Mayor

Corporate Services

SCHEDULE "A" OF BYLAW
NO. 2024-19

The Owner of an Abandoned Building must comply with either Part 1 or Part 2 of this Schedule "A", or both, as follows:

PART 1:

1. In order to comply with Part 1 of Schedule "A", the Owner of an Abandoned Building must ensure that:
 - a) all exterior doors to the Abandoned Building are operational, fit tightly within their frames when closed, and are locked so as to prevent entry;
 - b) all windows are either permanently sealed or locked so as to prevent entry;
 - c) all windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the Abandoned Building;
 - d) all windows are in good repair and properly glazed; and
 - e) fencing or other perimeter barriers are installed to the specifications of the Inspector.

PART 2:

1. When an Inspector determines, in their sole discretion, that the requirements in Part 1 of Schedule "A" are insufficient, ineffective, or would otherwise be inappropriate in the circumstances to secure the Abandoned Building, and in order to comply with Part 2 of Schedule "A", the Inspector may require, in their sole discretion, any or all of the following:
 - a) all doors, windows and other openings, including the principal entrance at the basement and main (first) floor levels must be covered with a solid piece of plywood, at least 12.7 millimeters (1/2") thick and secured with structural screws at least 63.5 millimeters (2 1/2") in length, spaced not more than 150 millimeters (6") on centre;
 - b) windows, doors and other openings at the second floor level must be covered with a solid piece of plywood, at least 9.5 millimeters (3/8") thick and secured with structural screws at least 50 millimeters (2") in length, spaced not more than 150 millimeters (6") on centre;
 - c) windows, doors and other openings at the third floor level or higher must be either:
 - i) secured in accordance with Part 1 of Schedule "A"; or
 - ii) covered with a solid piece of plywood, at least 8 millimeters (5/16") thick and secured with structural screws at least 50 millimeters (2") in length, spaced not more than 150 millimeters (6") on centre;

- d) windows, doors and other openings at the third floor level or higher must be secured from inside the building; plywood applied to all other openings must be secured from the exterior;
- e) plywood applied to openings must be installed and maintained in a way that is weather-tight and must be protected from the elements. If necessary, a hole must be cut in the plywood just large enough for the door hardware to protrude. All openings must be secured in a manner that does not denigrate views of the Abandoned Building from public places or any other properties and shall be installed and maintained in good condition and repair;
- f) all floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters or guarding them in some other manner acceptable to an Inspector;
- g) all stair or window wells must be adequately secured either by:
 - h) filling them with concrete or unshrinkable fill; or
 - ii) covering the opening to them with a metal plate at least 8 millimeters thick and securing it so as to prevent it from shifting;
 - i) electricity, natural gas and water must not be discontinued if they are necessary to maintain fire protection systems or fire alarms;
 - j) where they are not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water must not be discontinued except in a manner satisfactory to an Inspector; and
- k) any other requirements of the Inspector, in their sole discretion.

SCHEDULE "B" OF BYLAW
NO. 2024-19

The Owner of an Abandoned Building must comply with the following maintenance standards of this Schedule "B".

1. The exterior of every Abandoned Building must be constructed, repaired and maintained in a manner that:
 - i) ensures the integrity of the building envelope to safeguard, secure and protect the building from unauthorized entry or occupation, property damage, the weather, and from infestations of insects, rodents and other pests; and
 - ii) does not denigrate views of the Abandoned Building from public places or any other properties and shall be installed and maintained in good condition and repair.

EXTERIOR WALLS

2.
 - a) All exterior surfaces must consist of materials that provide adequate protection from the weather;
 - b) all exterior walls and their components, including coping and flashing, must be maintained in good repair;
 - c) all exterior walls must be free of holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the building;
 - d) exterior wood surfaces must be adequately protected against deterioration by the application of paint, stain or other protective coating;
 - e) no more than 25% of any painted area of any exterior wall may be blistered, cracked, flaked, scaled, or chalked away;
 - f) the mortar of any masonry or stone exterior wall may not be loose or dislodged;
 - g) the exterior of every building must be free of graffiti; and
 - h) loose material must be removed from exterior walls, doors, and window openings.

ROOFS

3. Roofs must be constructed and maintained so as to prevent:
 - a) rainwater or melting snow falling on the roof from entering the building;
 - b) rainwater or melting snow falling on the roof from negatively affecting neighbouring buildings or properties; and
 - c) objects and materials from falling from the roof.

4. Roofs, including fascia boards, soffits, cornices, flashing, eavestroughing, and downspouts must be maintained in a watertight condition.
5. Roof drainage must be controlled in order to eliminate or minimize runoff to neighbouring properties that:
 - a) accumulates or causes ground erosion;
 - b) causes dampness in the walls, ceilings or floors of any portion of any neighbouring building; and
 - c) accumulates on sidewalks or stairs in a manner so as to create a hazardous condition. Loose or unsecured objects and materials, including accumulations of snow or ice or both that are likely to fall on passerbys or are likely to result in the collapse of the roof or otherwise create a hazard, must be removed from the roof of a Building or an accessory Building.

FIRE PROTECTION SYSTEMS

6. Unless a fire protection system has been decommissioned by permission of the Fire Chief or their Designate, the fire protection system must be maintained in an operational condition at all times.
7. Unless a fire alarm system has been decommissioned by permission of the Fire Chief or their Designate, the fire alarm system must be connected to an approved fire signal receiving center in compliance with Can/ULC-S561, adopted and published by the Underwriters' Laboratories of Canada, as may be amended or replaced from time to time, so as to notify the Fire Department of fire alarm activation in the building.

CITY OF WHITEHORSE

BYLAW 2024-27

A bylaw to authorize a lease agreement.

WHEREAS section 265 of the *Municipal Act (2002)* provides that council may pass bylaws for municipal purposes respecting the municipality’s leasing of any real or personal property; and

WHEREAS council deems it desirable to enter into a lease agreement for the provision of a seasonal food concession service at the Frank Slim Building in Shipyards Park for the period from May 1, 2024 to and including September 30, 2025;

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 enter into a lease agreement with Desycan with respect to the provision of food concession services in the Frank Slim Building in Shipyards Park.
2. The Mayor and Corporate Services are hereby authorized to execute on behalf of the City of Whitehorse the Lease Agreement attached hereto as Appendix “A” and forming part of this bylaw.
3. This bylaw shall be deemed to be in full force and effect on the 1st day of May, 2024.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

Corporate Services

LEASE AGREEMENT

LEASE AGREEMENT made this ___ day of _____, 2024

BETWEEN:

THE CITY OF WHITEHORSE

Frank Slim Building
100 Ogilvie Street
Whitehorse, Y1A 0G6
(hereinafter known as "The City")

-and-

Desycan
36 Nijmegen Road
Whitehorse, Yukon
{hereinafter known as "The Lessee")

WHEREAS the City requires the services of the Lessee in connection with the non-exclusive provision of Concession Services at the Frank Slim Building.

WHEREAS, in accordance with the City's Purchasing and Sales Policy, the City of Whitehorse received a proposal to provide Concession Services at the Frank Slim Building subject to the terms and conditions hereunder; and

WHEREAS, the City of Whitehorse solicited responses to its RFP 2024-013 for Food Concession Service Shipyards Park and the City selected Desycan's proposal in response to said RFP; and

WHEREAS, the City of Whitehorse wishes to grant the Lessee the right to provide Concession Services in the Frank Slim Building located at 100 Ogilvie Street in Whitehorse, YT, under the terms and covenants of this Agreement and all attached to this agreement.

1. **DEFINITIONS:**

"Adult" means a person nineteen (19) years of age and older.

"City" refers to the City of Whitehorse, Frank Slim Building, employees and volunteers.

"Concession Agreement" means the written agreement between the City of Whitehorse and the Concession Operator for the operation of the Frank Slim Building Concession.

"Consumer Related Products" means the sale of items that are of direct use by user groups in conducting their activities.

"Councilors" means the duly elected Councilor of the City of Whitehorse.

"Food, Beverage, Refreshment" means the sale of drinks (other than spirituous, fermented or intoxicating liquids), and materials made into or used as food.

"Lessee" means all employees, volunteers, owners and partners in the "The Lessee".

"Manager" means the Parks Program Coordinator for the City of Whitehorse.

"Regular Operational Hours" means the public hours of operation for the Frank Slim Building facility of 11:00am-4:00pm daily.

NOW THEREFORE in consideration of the promises, mutual terms, covenants and conditions herein, the parties hereto agree as follows:

2. **RETAINER**

The Lessee is retained to provide Concession Services at the Frank Slim Building. The menu of items and pricing included in the submission forming part of this Lease Agreement.

The Lessee is retained for the sole purpose of performing the Services in conjunction with Frank Slim Building. As such, the Lessee is retained only for the duration of this Agreement commencing May 1, 2024 and ending on September 30, 2024 and May 1, 2025 to September 30, 2025.

The proposed hours of operation by the Lessee will not necessarily be restricted to operational hours of the Frank Slim Building.

3. **HOURS OF OPERATION**

3.1 The Lessee covenants with the City to operate the concession in the Frank Slim Building for the period commencing May 1, 2024 to September 30, 2024 and May 1, 2025 to September 30, 2025.

3.2 The Frank Slim Building facility is open daily on a year-round basis with the following hours of operation. Monday to Friday 9:00am to 4:00pm and Saturday and Sunday 11:00am to 4:00pm.

3.3 The hours of operation shall be adjusted to accommodate repairs and/or renovations to Frank Slim Building. Written notice shall be sent to the Lessee fourteen (14) days prior to the commencement of such renovations.

3.4 Notwithstanding Item 3.3 the City may order the temporary and immediate withdrawal of the facility from public/group use for emergency repair. The withdrawal of use may be made with no advance notice. The Lessee shall receive verbal notice within twelve (12) hours and subsequent written notice within seventy-two (72) hours of such verbal notice of withdrawal of the facility from use.

4. **OPERATION OF THE CONCESSION**

- 4.1 The Lessee shall comply with all statutes, regulations and bylaws, whether federal, territorial or municipal, and in particular the Lessee shall comply with the provisions of the Business Licensing Bylaw.
- 4.2 The Lessee shall be responsible for maintaining all licenses and permits required for the operation of the concession at his/her own expense. Copies of all documents (business license, environmental health permit, development permit (if required)) shall be submitted to the City fourteen (14) days prior to opening.
- 4.3 The Lessee shall ensure that wherever possible an adequate staff and/or supervision of responsible adult persons shall be in attendance inside the concession when the concession is open.
- 4.4 The Lessee shall perform all janitorial services related to the concession and concession storage area. The Lessee will also maintain the area immediately surrounding the concession in a clean and litter free condition as required.
- 4.5 The Lessee undertakes and covenants to keep the said premises in good repair. Reasonable wear and tear and damage by tempest, flood, lightning or acts of God, exempted.
- 4.6 The Lessee shall not put up, exhibit, permit or allow to be put up or exhibited in or on the concession area, any sign, notice, notice board, painting, design or advertisement without prior written consent of the City.
- 4.7 The Lessee covenants not to carry on any business on the premises that is offensive, dangerous or a nuisance, nor allow the same to be used for any illegal or immoral purposes; or operate any business other than the sale of food, beverage and consumer related products as proposed.
- 4.8 The Lessee covenants that he/she will not carry on or permit upon the said premises any trade, occupation, suffer to be done or any other thing which may render any increased or extra premium payable for the insurance of the said premises against fire, or which may make void or voidable any policy of such insurance.
- 4.9 The Lessee undertakes to stock sufficient supplies to meet the reasonable requirements of the user at each activity.
- 4.10 The Lessee will not assign the concession or any of the rights or obligations under this Agreement without the prior written consent of the City and such consent shall be at the absolute discretion of the City.
- 4.11 The Lessee shall be responsible for the security of the concession. When the concession is unattended, shutters and doors will be left secured and locked. The Lessee shall be responsible for the cost of any alternations or modifications to the premises, which have been, or may be required to provide a secure concession area, and no such alterations or modifications shall be undertaken without the prior written consent of the City.

- 4.12 The City agrees to supply, at no cost to the Lessee, the costs of utilities for the concession and concession storage area. Services shall be limited to water, sewer, electricity and heating.
- 4.13 The Lessee shall be entitled to retain for his/her own use any profits derived from his/her operation of the concession (which is over and above any commitments made to the City via the tendered documents).

5. **SUPPLY OF EQUIPMENT**

- 5.1 The Lessee undertakes to supply all equipment, other than City owned equipment presently on the premises, as listed in Appendix A, and to adequately provide the services that are reasonably expected from the operation of the concession.
- 5.2 The City agrees to keep said City owned equipment in good repair and working condition and shall be responsible for all costs incurred excluding costs resulting from deliberate and negligent acts and omissions of the Lessee, his/her servants, agents, licensees and contractors.
- 5.3 The Lessee agrees to operate all City owned equipment on the premises in accordance with the rules, regulations and procedures as established by the manufacturer and/or the City. The Lessee further agrees to advise the City immediately in the event of an issue with City owned equipment.
- 5.4 The Lessee agrees to permit access to City maintenance staff for the purpose of maintenance and cleaning of the grease trap on a regular six (6) month basis.
- 5.5 The Lessee agrees to cooperate with regular monthly cleanliness inspections of the Frank Slim Building kitchen facility with the City.

6. **INSURANCE**

- 6.1 The City agrees to provide, at its expense, insurance coverage for the building and the City owned contents. Coverage shall not include third party liability insurance for the Lessee or contents owned by the Lessee.
- 6.2 The Lessee acknowledges that any coverage beyond the building and content coverage, whether by way of limits or deductible on the City policy, shall be at the expense of the Lessee.
- 6.3 The Lessee shall supply proof and maintain valid insurance under a contract of Comprehensive General Liability Insurance, acceptable to the City of Whitehorse, with a licensed insurer, in an amount of not less than \$3,000,000.00 per occurrence, insuring against bodily injury, including personal injury and property damage, including the loss of use thereof. Such insurance shall name the City of Whitehorse as an additional insured party and extend to include liability assumed under contract and shall precluded subrogation claims by the insurer against the City of Whitehorse, its agents, or employees.

6.4 The policy of insurance referred to in the item above shall contain provisions or endorsements respecting complete operations coverage, such coverage shall be expressed to be in effect continuously for a period of at least one year after the acceptance by the City of Whitehorse of the completed services. Any policy applicable to this project must not contain a deductible amount that is not satisfactory to the City of Whitehorse.

6.5 The Lessee shall indemnify and save harmless, the City, its servants, employees, agents, licensees and contracting parties from and against all actions, suits, claims, loss, costs, charges, damages, expense and demands which may be made against those parties arising out of the operation of the concession, the consumption of food, beverage, refreshments or the use and occupation of the arena premises.

7. PAYMENT

7.1 The parties agree that the Lessee shall pay to the City a monthly sum as per listed, plus GST,

\$2,500/month

7.2 The parties hereby agree that this agreement is in effect for the period commencing May 1, 2024 to September 30, 2025, inclusive.

7.3 The City shall not be liable to make good to the Lessee any operating losses sustained by the Lessee in the operation of concession services.

7.4 The parties agree that payments listed in Clause 7. (1) of this agreement shall be on or before 15 business days following the month just ended (i.e. Payment by the 15st of August 2024 for July 2024).

7.5 The Lessee must pay the City a monthly rental rate of \$2,500. Payments shall be computed monthly and be delivered by the Lessee, to the City of Whitehorse Finance Department.

8. PERFORMANCE

8.1 The Lessee agrees to pay the City one month's rent of \$2,500 as performance deposit. The deposit is refundable on September 30, 2025 providing all terms and conditions of this agreement are fulfilled.

8.2 If the agreement is terminated for any reason other than the non-payment of sums under Section 7, the Lessee shall have the right to remove, without damaging the premises, any equipment owned by the Lessee and brought into the concession area.

9. EXCLUSIONS, RESERVATIONS AND RESTRICTIONS

9.1 Nothing in this agreement will be construed as authorizing the Lessee to conduct any business separate and apart from this agreement or in areas other than those areas

assigned for conducting business under this agreement located in the kitchen of the Frank Slim Building.

- 9.2 The Lessee will not interfere or permit interference with the use, operation, or maintenance of the Frank Slim Building, including but not limited to, the effectiveness of accessibility of the drainage, sewage, water, communications, fire protection, utility, electrical, or other systems installed or located from time to time at the Facility; and the Lessee will not engage in any activity prohibited by the City's existing or future noise abatement procedures nor its Rules and Regulations, Policies and Operating Procedures of the Frank Slim Building and the City of Whitehorse.
- 9.3 The Rights and privileges granted the Lessee Services will be subject to any and all Policies, Rules, Regulations and Operating Directives established by the City of Whitehorse, as may be amended from time to time.
- 9.4. Nothing in this agreement will be construed as establishing exclusive rights, operational or otherwise, other than the right granted herein for the use of the Assigned Areas by the Lessee.

10. **INSPECTION OF ASSIGNED AREAS**

The City of Whitehorse or its duly authorized representatives or agents and other persons designated by it, will routinely inspect the Assigned Area throughout the term of this Agreement for the purpose of determining whether or not the Lessee is complying with the terms and conditions of this Agreement. In the event that such inspection reveals that the Lessee's operations are considered substandard in any way, The City of Whitehorse will provide notice to the Lessee of its findings and request a written response from the Lessee addressing the specific areas considered substandard and outlining a plan for improvement. Upon the City's acceptance of the improvement plan, the Lessee will immediately undertake the improvement actions and will obtain final acceptance by the City. Failure by Lessee to complete the improvement plan may constitute default under this Agreement, at the sole determination of the City of Whitehorse.

The Lessee is responsible for and must ensure the safety/cleanliness of the food and premises and equipment throughout the contract period. Should patrons/staff become ill or there is suspicion of food poisoning as a result of the food provided by the Lessee, the City reserves the right to immediately cease the contract until the facility is re-inspected and approved for use. The Lessee assumes all responsibility for the health and safety of its patron's staff and volunteers.

11. **CUSTOMER SERVICE**

The Lessee will fulfill the services as described to the professional industry standard and to the applicable Food and Safety Guidelines as outlined in the Yukon Government Health and Social Services: <http://www.hss.gov.yk.ca/environmentalfood.php> . The Lessee's staff shall conduct themselves in a professional manner when dealing with patrons and staff at the Frank Slim Building. Complaints received by patrons or staff of the Frank Slim Building will be brought to the appropriate City staff member who will contact the Lessee regarding the matter.

12. EMPLOYEES

The Lessee will, within reason, control the conduct, demeanor and appearance of its employees. Upon objection from the City concerning the conduct, demeanor or appearance of any such persons, will immediately take all reasonable steps necessary to remove the cause of objection.

The operations of the Lessee, its employees, agents and suppliers will be conducted in an orderly and proper manner. The Lessee agrees that its employees will be of sufficient number so as to properly conduct the Lessee's operations. The Lessee will at all times be responsible for the performance and obligations of anyone working on the Lessee's behalf through the duration of the Lease.

13. PERMITS AND LICENSES:

The Lessee will obtain and maintain throughout the term of this Agreement all permits, licenses, or other authorizations required in connection with the operation of its business at the Frank Slim Building. Copies of all required permits, certificates, and licenses will be forwarded to Arbor Webster, Parks Program Coordinator, City of Whitehorse.

14. EQUIPMENT

Throughout the 2-year lease term, the City will be permitted to access the Frank Slim Building kitchen facility for inspections on a monthly basis to ensure all applications and equipment are clean and in good working order. Every 4 months the Lessee will be required to arrange a time with the City for regular maintenance of equipment, particularly the grease trap.

At the end of the 2-year lease term the Lessee will ensure all applications and equipment are in good working order, cleaned etc., as inspected by the City of Whitehorse prior to exiting the facility. Should any repair be required to the equipment, the City and the Lessee will discuss and agree on the schedule as needed.

15. EQUIPMENT REPAIR DURING CONTRACT PERIOD

The Lessee undertakes to supply all equipment, other than City owned equipment presently on the premises, as listed in Appendix C, and to adequately provide the services that are reasonably expected from the operation of the concession.

The City agrees to keep said City owned equipment in good repair and working condition and shall be responsible for all costs incurred excluding costs resulting from deliberate and negligent acts and omissions of the Lessee, his/her servants, agents, licensees and contractors.

The Lessee agrees to operate all City owned equipment on the premises in accordance with the rules, regulations and procedures as established by the manufacturer and/or the City. The Lessee further agrees to advise the City immediately in the event of an issue with City owned equipment.

At the end of the Contract or upon notice of termination, the Lessee will clean all equipment and ensure all is in working order. Should the Lessee vacate the premises leaving the equipment to be cleaned and maintained, the City will hire someone to clean and fix the equipment at the sole expense of the Lessee. An invoice for the required cleaning and servicing will be mailed to the address as identified in the Notices Section of this Contract.

16. FAILURE TO MAKE TIMELY PAYMENTS

Without waiving any other right or action available to the City, in the event of default of the Lessee's payment of fees hereunder, and in the event the Lessee is delinquent in paying to the City of Whitehorse any such fees, for a period of five business days after the payment is due, The City of Whitehorse reserves the right to charge the Lessee interest thereon, from the date such fees or charges became due to the date of payment at the Bank of Canada rate (if applicable). Should the Lessee not pay the required rent within 30 days of payment due date, the City has the right to terminate this contract upon written notice and seize equipment and products located at the City's facility.

17. INDEMNITY

The Lessee shall at all times and without limitation, indemnify and save harmless the City, its Councilors, officers, employees, volunteers and other representatives from and against all liability, claims, actions, losses, cost, damages, legal fees (on a solicitors and his own client full indemnity basis), arising out of your actions or omissions in performing the Services required under this Agreement. The provisions of this section are in addition to and will not prejudice any other rights of the City. This section shall survive the termination or expiry of this Agreement for any reason whatsoever.

18. TERMINATION

This Lease may be terminated for any reason including for failing to meet obligations of this contract by either party by giving one month's written notice to the other party. After this notice, all further obligations on the part of both the Lessee and the City come to an end.

The Lease may be amended at any time but only in writing, signed by both parties.

This Lease is binding upon the parties hereto, their respective trustees, administrators or successors in law.

This Lease constitutes the entire agreement including Appendices A and B between the parties relating to the subject matter hereof, and supersedes all prior and contemporaneous agreements, understanding, warranties or representatives, whether oral or in writing, except as specifically set forth herein.

By executing this Agreement, the Lessee confirms they have had the opportunity to seek professional or legal advice prior to executing this Agreement.

19. DEFAULT

Time of payment and performance is of the essence of this Agreement. Lessee shall be in default under this Agreement upon the occurrence of any one or more of the following events:

- 19.1 Lessee's failure to pay any fee or other charge when due and within (30) calendar days after notice from City of such nonpayment.
- 19.2 The Lessee's failure to maintain the insurance required in Section 7.
- 19.3 Lessee's assignment of any right hereunder in violation of Section 30.
- 19.4 Lessee's failure to perform, keep or observe any of the terms, covenants or conditions of this Agreement within seven (7) days (or such longer time as may be necessary to cure, provided that cure is commenced within the initial seven (7) days after notice from the City specifying the nature of the deficiency with reasonable particularity and the corrective action that is to be taken within such period to cure the deficiency.
- 19.5 The filing by Lessee of a voluntary petition in bankruptcy, the filing of an involuntary petition in bankruptcy against the Lessee, the taking of possession of all or substantially all of Lessee's assets pursuant to proceedings brought under the provisions of any act or the appointment of a receiver of all or substantially all of Lessee's assets and the failure of Lessee to secure the return of such assets and/or the dismissal of such proceeding within ninety (90) days after the filing.
- 19.6 The abandonment for period of seven (7) days by Lessee of the conduct of its services and operations during the season from the beginning of April through the end of October, or for a period of fourteen (14) days during the October through March off-season.
- 19.7 The assignment by Lessee of its assets for the benefit of creditors.
- 19.8 The death of the Lessee or dissolving of the organization.
- 19.9 In the event of a default by the Lessee, the City may terminate this Agreement effective immediately upon provision of written notice of such termination to the Lessee. In the alternative, the City may elect to keep the Agreement in force and work with Lessee to cure the default. If this Agreement is terminated, the City shall have the right to take possession of the Concession Space at the time of default. Lessee's liability to City for damages and rent shall survive the termination, and the City may re-enter, take possession of the Concession Space and remove any persons or property by legal action or by self-help with the use of reasonable force and without liability for damages.
- 19.10 Following re-entry or abandonment, City may make arrangements for use of the Concession Space by others and in that connection may make any suitable alterations or refurbish the Concession Space, but City shall not be required to make such arrangement for any use or purpose.
- 19.11 Rights and Remedies Reserved. It is understood and agreed that any rights and remedies reserved pursuant to this Article are in addition to any other rights or remedies

the City may have pursuant to this Agreement or to applicable law to seek judicial enforcement, damages or any other lawful remedy.

- 19.12 Pre-Mature Agreement Termination. In the event that the Lessee does not fulfill the full term of the Agreement, the remainder of the annual fee shall be calculated and shall be required to be paid in full to the City.

20. LEGAL REQUIREMENTS

The Lessee shall ensure that the services comply with all relevant legislation including Codes, Bylaws and Regulations, Health and Safety Legislation as well as City policies and procedures. Where there are two or more laws, ordinances, rules, regulations or codes applicable to the services, the more restrictive shall apply.

The Lessee shall apply and pay for all necessary permits or licenses required for the execution of the Lessee's services.

21. COMPLIANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT

The Lessee shall be responsible for the safety of their staff and/or employees/ volunteers and equipment on the Project for the purposes of ensuring compliance with safety regulations for the Lessee.

The Lessee shall confirm it will comply with all the provisions of the Yukon Occupational Health and Safety Act, regulations and codes, and all amendments thereto, now or hereafter, made there under the said act and shall confirm it will indemnify the City of Whitehorse in respect to all matters arising out of or in connection with failure of the Lessee to comply in all respects with applicable provisions of the said act, regulations and codes.

Prior to commencement of services, the Lessee will provide a current Letter of Good Standing to the City of Whitehorse at procurement@whitehorse.ca .

22. NO RELATIONSHIP

Nothing contained herein shall be deemed or construed by the parties hereto nor by any third party as creating the relationship of employer and employee, principal and agent or a partnership or a joint venture between the parties hereto.

23. ASSIGNMENT

The Lessee shall not, without the prior written consent of the City, assign the benefit or in any way transfer the obligations of this Agreement or any part thereof.

24. NOTICES

Any Notices or other correspondence required to be given to an opposite party shall be deemed to be adequately given if sent by prepaid registered mail addressed as follows:



a) To Lessee: Desycan
Owners/Lessees, Gurwinder Kaur, Anmol Jaura
Address: 36 Nijmegen Road, Whitehorse, Yukon
By email: desycan2021@gmail.com

b) To the City at: Attn: Park Supervisor,
Parks
139 Tlingit Street
Whitehorse, Yukon, Y1A 2Y6
By email: parks@whitehorse.ca

Notice given as aforesaid, if posted in the Yukon Territory, shall conclusively be deemed to have been given on the fifth (5th) business day following the date on which such Notice is mailed or e-mailed.

Either party may, at any time, give notice in writing to the other of any change of address of the party giving such notice and after the giving of such notice, the address therein specified shall be deemed to be the address of the said party for the giving of notice thereunder.

The word "notice" in this section shall be deemed to include any requests, statements or other writing in this Agreement provided or permitted to be given by the City to the Lessee or by the Lessee to the City.

25 LAWS OF THE YUKON TERRITORY

This Agreement shall be deemed to have been made in and shall be construed in accordance with the laws of the Yukon Territory and for the purposes of all legal proceedings; this Agreement shall be deemed to have been performed in the said Territory. If any provisions herein contained shall in any way contravene the laws of the Yukon Territory where this Agreement is to be performed, such provisions shall be severed from the Agreement and the remaining provisions shall continue in force and effect. Nothing herein shall restrict the right of the City to bring action against the Lessee in any Court of competent jurisdiction.

26 SUCCESSORS

This Agreement shall endure to the benefit of and be binding upon the parties hereto and, except as herein before provided, the successors and assigns thereof.

27 JOINT AND SEVERAL COVENANTS

In the event that this Agreement is executed by two or more persons, the covenants and agreements herein contained will be and will be deemed to be joint and several covenants.



28 CHANGES TO AGREEMENT

No provision of this Agreement shall be deemed to have been changed unless made in writing signed by the City and the Lessee, and if any provision is unenforceable or invalid for any reason whatever, such unenforceability or invalidity shall not affect the remaining provisions of this Agreement and such provisions shall be severable from the remainder of this Agreement.

IN WITNESS WHEREOF the parties hereto have affixed their corporate seals by the hands of their proper officers in that behalf the day and year first above written.

CITY OF WHITEHORSE

Per: _____

Name:

Title:

Per: _____

Name:

Title:

DESYCAN

Per: _____

Name:

Title:

CITY OF WHITEHORSE

BYLAW 2024-21

A bylaw to amend the 2024 to 2027 Capital Expenditure Program Bylaw 2023-27

WHEREAS section 238 of the *Municipal Act* (R.S.Y. 2002) provides that Council shall by bylaw adopt an Annual Operating Budget and a multi-year Capital Expenditure Program; and

WHEREAS section 241 of the *Municipal Act* provides that no expenditure shall be made that increases total expenditures above what was approved in the Annual Operating Budget or Capital Budget unless such expenditure is approved by bylaw; and

WHEREAS it is necessary to increase the 2024 to 2027 Capital Expenditure Program to provide for the re-budgeting of the 2023 capital projects;

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

1. The 2024 to 2027 Capital Expenditure Program is hereby amended by increasing the 2024 Capital Budget in the amount of \$72,822,936 to provide for the re-budgeting of the 2023 capital projects, as detailed in Appendix "A" attached hereto and forming part of this bylaw.
2. This bylaw shall come into full force and effect upon final passing thereof.

FIRST and SECOND READING: March 25, 2024

THIRD READING and ADOPTION:

Laura Cabott, Mayor

Corporate Services

**CITY OF WHITEHORSE
APPENDIX A - CAPITAL EXPENDITURE REBUDGETS INTO 2024
BYLAW 2024-21**

DEPARTMENT	JOB ID	JOB DESCRIPTION	REBUDGET REASONING	2023 TOTAL REVISED BUDGET	2023 ACTUALS	FUNDS ELIGIBLE FOR REBUDGET	REBUDGET AMOUNT REQUEST
City Manager	100c00122	Landslide	Project submission originally for 2023 and 2024. Rebudgeted funds will be spent on continuing to monitor the slope stability. Job is ongoing and completion dependent on actual conditions of the slope.	3,216,491	1,789,799	1,426,692	1,426,692
Director, People & Culture	100c00223	Southern Tutchone Place Names - City Buildings	Project was not completed in 2023 due to timing of the policy being adopted, completion of the translation of City Hall and the need to develop a plan for which buildings to do next. The rebudgeted funds will be used to develop the work plan for the changes to the other public facing City buildings and also complete more signage changes. Project expected to be completed Summer 2024.	50,000	11,369	38,631	38,631
Director, Infrastructure & Operations	120c00115	Asset Management	Consulting and internal capacity restricted completion of all infrastructure condition assessments. Rebudgeted funds will be spent on future assessments including underground sanitary/water mains and buildings. Expected completion 2024/2025.	449,916	226,315	223,601	223,601
Legislative Services	220c00116	Records Management	No successful recruitment has occurred for this work. In 2024 the position expectations will be reviewed and the scope and function of the work revised. Staffing remains key to this project.	491,227	249	490,978	490,978
Legislative Services	220c00121	2021 Municipal Election Pilot Project	Ongoing project for 3-year period leading to the Fall 2024 election. Work into 2024 will be for election implementation with the assistance of Elections Yukon. In 2023 no by-election was required, which allowed prep work to be initiated. Had a by-election occurred, most of this budget would have been spent.	82,414	1,211	81,203	81,203
Legislative Services	220c00220	Policy Development	Corporate policy work is ongoing with a renewed focus and additional staffing. Fire smart work and the associated grant are still in place.	522,059	97,482	424,577	424,577
Engineering Services	240c00119	Marwell Lift Sanitary Force main Repair	Capital job is a multi year project. Contract awarded with construction schedule for completion Spring 2024	413,574	216,956	196,618	196,618
Engineering Services	240c00123	Pavement Management System	Capital job is a multi year project. Contract awarded with work ongoing. Project expected to be completed early 2024	300,000	177,700	122,300	122,300
Engineering Services	240c00209	Hillcrest Reconstruction - Design & Phase 1A Construction	Capital job is a multi year project. Rebudgeted funds will be spent on detail design and construction inspection services. Job ongoing with expected completion in 2025.	663,374	125,623	537,751	7,537,751
Engineering Services	240c00219	Well 6 Improvements	Capital job is a multi year project. Contract awarded with construction schedule for completion Spring 2024	454,510	14,687	439,823	439,823
Engineering Services	240c00222	Crestview Water Improvements	Capital job is a multi year project. Contract awarded with engineering consultant for detailed design and construction expectation services. Expected completion Spring 2024	593,722	152,755	440,967	440,967
Engineering Services	240c00311	Range Road South Lift Station	Capital job is a multi year project. Contract awarded with construction schedule for completion March 2024	2,026,018	1,526,411	499,607	499,607
Engineering Services	240c00312	Bridge Inspections	Capital job is a multi year project. Contract awarded. Rebudget funds to be spent on engineering consultant for inspections and reporting. Expected completion early 2024	96,000	41,593	54,407	30,000
Engineering Services	240c00320	Utility Stations and Force Main Condition Assessment	Capital job is a multi year project. Contract awarded. Rebudget funds to be spent on engineering consultant for assessments and reporting. Expected completion early 2024	600,000	335,785	264,215	164,215
Engineering Services	240c00321	Downtown Reconstruction - Wood and Jarvis	Capital job is a multi year project. Contract awarded with engineering consultant for detailed design and construction inspection services. Detailed designed finalized Spring 2024 with construction provisionally scheduled for 2026	314,822	105,233	209,589	209,589
Engineering Services	240c00323	Snow Storage Expansion	Capital job is a multi year project. Rebudgeted funds will be spent on detailed design and permitting for new storage facility in Whistle Bend and installation of ground monitoring wells at Robert Service and Kulan sites. Expected completion Fall 2024	200,000	32,029	167,971	167,971
Engineering Services	240c00417	Range Road and Two Mile Hill Intersection Upgrades - Design	Capital job is a multi year project. Contract awarded. Rebudgeted funds to be spent on engineering consultant for conceptual design (expected completion April 2024). Procurement for engineering services for detailed design following completion of conceptual design work	550,000	96,186	453,814	453,814
Engineering Services	240c00418	Downtown Reconstruction: Cook St West (4th To Escarpment)	Capital job is a multi year project. Contract awarded for construction / landscaping. Portion of work completed in 2023 with remaining expected completion Fall 2024	502,334	95,588	406,746	306,746

**CITY OF WHITEHORSE
APPENDIX A - CAPITAL EXPENDITURE REBUDGETS INTO 2024
BYLAW 2024-21**

DEPARTMENT	JOB ID	JOB DESCRIPTION	REBUDGET REASONING	2023 TOTAL REVISED BUDGET	2023 ACTUALS	FUNDS ELIGIBLE FOR REBUDGET	REBUDGET AMOUNT REQUEST
Engineering Services	240c00423	Transportation Corridor Improvements - Evaluation and Design	Capital job is a multi year project. Contract awarded with engineering consultant for the conceptual design of Copper/Quartz corridor and detailed design of Two Mile / Industrial intersection. Expected completion end of 2024	150,000	20,951	129,049	129,049
Engineering Services	240c00523	Yukon River Crossing Expansion - Options Evaluation	Multi year capital project. Contract awarded for engineering consultant for development of River Crossing assessment. Some work commenced in 2023 with the remaining work to be completed April 2024	100,000	20,101	79,899	79,899
Engineering Services	240c00621	McIntyre Drive Traffic Calming	Multi year capital project. Contract awarded for engineering consultant for detailed design. Rebudgeted funds to finalize design and procure construction services. Expected completion Fall 2024	76,626	44,460	32,166	32,166
Engineering Services	240c00622	Copper Haul Road Improvements	Multi year capital project. Contract awarded for engineering consultant for detailed design of culvert replacement. Design expected to be completed Spring 2024 with construction scheduled for later in the year	751,771	119,175	632,596	632,596
Engineering Services	240c00814	Hidden Valley Storm Pond Outfall	In contract with engineering consultant for detailed engineering design. Some work remaining in 2024 to finalize design. Construction is provisionally scheduled for 2026.	223,487	64,518	158,969	158,969
Engineering Services	240c00821	Chilkoot Way Active Transportation Improvements	Multi year capital project. Contract awarded to contractor for the construction of the bike lane. Rebudgeted funds to finalize curb work and bus stop improvements. Expected completion Fall 2024	844,591	458,286	386,305	386,305
Engineering Services	240c01109	Robert Service Way Riverbank Protection	The overall scope of this project included construction for the rehabilitation of the interpretive sites along Millennium Trail and also engineering assessment work for riverbank protection along the Yukon River. Due to uncertainty with the escarpment the work to rehabilitate the interpretive sites has been delayed. The remaining work is to complete the engineering assessment for riverbank protection. Due to competing priorities the procurement for engineering assessment work was issued late in 2023. It is anticipated that the work will be completed by August of 2024	198,502	30,575	167,927	50,000
Engineering Services	240c01116	Water and Sewer Study (City Wide)	Multi year capital project. Contract awarded for engineering consultant for development of the Water & Sewer Study. Completion anticipated August 2024	275,161	145,083	130,078	130,078
Engineering Services	240c01120	Takhini Sanitary Trunk Main	Multi year capital project. Contract awarded to contractor for the construction of the trunk main. Remaining work in 2024 includes completing surface works on Range Road and decommissioning the temporary bypass. Expected completion Fall 2024	9,919,208	5,447,576	4,471,632	2,671,632
Engineering Services	240c01216	Transportation Study (City Wide)	Multi year capital project. Contract awarded for engineering consultant for development of the Transportation Master Plan. Completion anticipated for March 2024	237,571	200,273	37,298	37,298
Engineering Services	240c01222	Crosstown Watermain	Capital job is a multi year project. Detailed design started in 2023 with completion date expected March 2024. Construction is schedule to be completed October 2024	2,996,113	105,848	2,890,265	2,890,265
Engineering Services	240c01421	Lewes Boulevard Bus Lane	Detailed designed progressed in 2023. Capital project delayed due to no bids on tender. Project scope currently being re-assessed. Anticipated completion October 2024	987,488	55,643	931,845	931,845
Engineering Services	240c01621	Snow Dump Management Plan	First phase of project to develop the snow dump management plan to satisfy requirements of the City's water license and is complete. Additional work to investigate potential snow storage sites within Whistle Bend is ongoing with expected completion Summer 2024.	101,826	-	101,826	101,826
Engineering Services	240c02021	Downtown Fire Hydrant Replacement	Multi year capital project. Contract awarded to contractor. Work must be coordinated with service replacement for a private development. Anticipated to be completed end of 2024	69,075	34,907	34,168	34,168
Engineering Services	740c00609	Grey Mountain Cemetery Expansion	Multi year project with civil work completed in 2023. Rebudgeted funds to be spent on landscaping with expected completion Summer 2024.	467,929	151,876	316,053	316,053
Financial Services	260c00109	Office Furniture	This is an annual ongoing project to ensure furniture procurement for the City of Whitehorse. The rebudgeted amount will be spent on replacing old furniture or purchasing new furniture due to office spaces being realigned to create additional workstations.	97,755	90,821	6,934	6,934
Financial Services	260c00120	Implementation Of Asset Retirement Obligations Standard	The Public Standard Accounting Board (PSAB) 3280 Asset Retirement Obligation (ARO) will affect Financial Statements for 2023. If needed, the re-budgeted amount will be spent on the ARO landfill model updates, an annual measurement of ARO assets, and external consultants.	95,022	22,500	72,522	72,522

**CITY OF WHITEHORSE
APPENDIX A - CAPITAL EXPENDITURE REBUDGETS INTO 2024
BYLAW 2024-21**

DEPARTMENT	JOB ID	JOB DESCRIPTION	REBUDGET REASONING	2023 TOTAL REVISED BUDGET	2023 ACTUALS	FUNDS ELIGIBLE FOR REBUDGET	REBUDGET AMOUNT REQUEST
Human Resources	280c00122	Job Evaluation System Review	Job not complete in 2023 due to quotes received above budget. Additional funds were requested in 2024 budget to secure funds and complete the project. Expected completion Fall 2024.	150,000	1,250	148,750	148,750
Human Resources	280c00221	Human Resource Management System and Employee Satisfaction Survey	Job mostly complete in 2023 with one more survey expected in 2024. Expected completion Summer 2024.	44,950	40,990	3,960	3,960
Business & Technology Systems	300c00111	Software Licensing Renewals	2024 rebudget required due to outstanding software renewals at end of year. Job is ongoing. Rebudgeted funds will be spent on future software renewals. 2024 rebudget required due to outstanding software renewals at end of year.	969,393	693,609	275,784	275,784
Business & Technology Systems	300c00112	Security Cameras	Installation of CGC Cameras was completed late in the year and payment of invoice delayed due to outstanding items needing to be addressed before payment. Payment was made in January 2024 and not reflected in 2023	160,436	93,974	66,462	66,462
Business & Technology Systems	300c00113	Enterprise Resource Planning (ERP) Development	Project is ongoing. This funding will be used to complete ongoing ERP upgrades and improvements relating to several new systems. Rebudgeted funds will be used for preliminary ERP study.	330,932	169,375	161,557	161,557
Business & Technology Systems	300c00117	Land and Building Services Records Digitization	Project was tendered in December 2023 and awarded in January 2024. Funds will be spent on the digitization of LBS Records. The job is expected to be completed by Summer 2024.	125,000	130	124,870	124,870
Business & Technology Systems	300c00118	Radio and Location Equipment	Replacement of Radio Repeater Equipment delayed due to market factors, suppliers and equipment availability. This will be completed in 2024	222,143	38,225	183,918	183,918
Business & Technology Systems	300c00120	Computer Infrastructure - Network and Communications Links	Job delayed due to market factors relating to the silicon chips supply chain issues. Job has been tendered and awarded with an expected completion of Spring 2024.	882,027	408,613	473,414	473,414
Business & Technology Systems	300c00121	Fire Department Radio Upgrades	Rebudget of funds required to upgrade the Fire Department radio and complete the 4 year project. Procurement of Fire Repeater equipment delayed due to Multiple factors including staffing as well as Market factors, suppliers and equipment availability. Expected completion Summer 2024.	396,002	197,781	198,221	198,221
Business & Technology Systems	300c00220	Computer Infrastructure - Servers and Storage	Datacenter Server replacement delayed due to Datacenter Network (300c00120) project being delayed, server replacement is required, and is now out for procurement (February 2024). Expected completion Spring 2024.	395,776	143,368	252,408	252,408
Business & Technology Systems	300c00221	Water and Waste Services Computerized Maintenance Management System (CMMS)	Job procured and contract awarded December 2023. Rebudgeted funds will be spent on the CityWorks Core, Asset Management and Maintenance Management modules. 2023 phase of the project expected to be completed Summer/Fall 2024.	295,248	61	295,187	295,187
Business & Technology Systems	300c00323	Fleet Management Telemetry and Tracking	Job was not complete in 2023 due to failed public procurement. The rebudgeted funds will be spent on the procurement of Phase 1 (snow management vehicles) and Phase 2 (general city fleet vehicles). This job is expected to be completed by Summer 2024.	121,000	323	120,677	120,677
Business & Technology Systems	300c00422	Council Chambers It Renewal	Delayed due to reduced staffing resources. Rebudgeted funds to be spent on the upgrade of council chambers technology systems. Job procured December 2023 with contact signed/awarded and work to be completed Summer 2024	350,000	123,676	226,324	226,324
Business & Technology Systems	300c00522	Software for Development Approvals Process	Job was delayed due to reduced staffing resources. Procurement happened in December 2023 with the contract awarded. Rebudgeted funds to be spent on the CityWorks Planning and Lands module. Expected completion Summer 2024.	148,808	61	148,747	148,747
Fleet & Transportation Maintenance	320c00110	One Ton Truck Replacement	A purchase order was issued; awaiting delivery of equipment in 2024	266,994	145,805	121,189	121,189
Fleet & Transportation Maintenance	320c00217	Additional Loader Snow Blower	A purchase order was issued; awaiting delivery of equipment in 2024	396,329	37	396,292	396,292
Fleet & Transportation Maintenance	320c00222	Additional Van Building Maintenance FGE	A purchase order was issued; awaiting delivery (expected date unknown)	95,766	-	95,766	95,766
Fleet & Transportation Maintenance	320c00610	Major Equipment Repairs	Multi-year project in progress. Rebudgeted funds will be used to complete repairs/rebuild of unit 4723. Completion of 4723 expected in 2024.	200,570	159,501	41,069	41,069
Fleet & Transportation Maintenance	320c00622	Replacement Animal Control Vehicle - Bylaw	Vehicle was delivered in December 2023. Bylaw equipment upfit now in progress and to be completed by July 2024.	93,750	88,179	5,571	5,571

**CITY OF WHITEHORSE
APPENDIX A - CAPITAL EXPENDITURE REBUDGETS INTO 2024
BYLAW 2024-21**

DEPARTMENT	JOB ID	JOB DESCRIPTION	REBUDGET REASONING	2023 TOTAL REVISED BUDGET	2023 ACTUALS	FUNDS ELIGIBLE FOR REBUDGET	REBUDGET AMOUNT REQUEST
Fleet & Transportation Maintenance	320c01422	Additional One Ton Service Body Truck W/Crane WWS FGE	A purchase order was issued; awaiting delivery of equipment in 2024	159,000	1,457	157,543	157,543
Fleet & Transportation Maintenance	320c01522	Additional One Ton Service Body Truck W/Crane WWS FGE	A purchase order was issued; awaiting delivery of equipment in 2024	159,000	1,457	157,543	157,543
Fleet & Transportation Maintenance	320c01709	Pickup Truck Replacement	Several purchase orders were issued; awaiting delivery of units in 2024	758,536	532,730	225,806	225,806
Fleet & Transportation Maintenance	320c02109	Van Replacement	Several purchase orders were issued; awaiting delivery of units in 2024	495,388	48,701	446,687	446,687
Fleet & Transportation Maintenance	500c00109	Traffic Signals/Controls Minor Upgrades	Phase 1 complete - RSW/Ear Lake Signals. Phase 2 substantially complete with seasonal work remaining and invoices outstanding - Lewes/Duke crosswalk. Phase 2 to be complete in 2024. Other equipment ordered in 2023 and not yet received/invoiced.	205,000	128,352	76,648	76,648
Fleet & Transportation Maintenance	500c00110	Small Equipment Replacement	A purchase order was issued; awaiting delivery of equipment in 2024	133,690	62,756	70,934	70,934
Fleet & Transportation Maintenance	500c00222	Snow and Ice Control Policy Review	Snow and Ice Control Policy Review is in progress and is a multi year project. Expected completion at end of 2024	71,161	28,443	42,718	42,718
Fleet & Transportation Maintenance	500c00409	Para Ramp Infills	Phase 1 para ramp installations completed in 2023. As a multi year project, phase 2 installations expected to tender Q2 2024. Completion anticipated end of 2025.	155,374	82,235	73,139	73,139
Fleet & Transportation Maintenance	500c00523	Additional Transit Handy Bus - FGE	A purchase order was issued; awaiting delivery of equipment end of 2024	320,000	1,612	318,388	318,388
Fleet & Transportation Maintenance	500c00609	Guide Rail and Jersey Barrier Replacement	A purchase order was issued; awaiting material delivery in spring of 2024.	90,000	-	90,000	90,000
Fleet & Transportation Maintenance	500c00623	Additional Equipment - Snow and Ice Control Policy - BII	Several purchase orders were issued; awaiting delivery of equipment in 2024.	3,968,750	1,572,020	2,396,730	2,396,730
Fleet & Transportation Maintenance	500c00823	Additional One Ton Service Body Truck W/Crane WWS FGE	A purchase order was issued; awaiting delivery of equipment in 2024.	159,000	1,457	157,543	157,543
Fleet & Transportation Maintenance	500c01423	Snow and Ice Control Policy Accessible Stalls	Snow and Ice Control Policy Review with respect to accessibility began at the end of 2023 and is In Progress. Expecting completion end of 2024.	30,000	-	30,000	30,000
Property Management & Building Maintenance	320c00318	BCP - Municipal Services Building Demolition	Rebudgeted funds required for demolition and remediation of Municipal Services Building. Project placed in Appendix B until decision has been made to proceed with demo. If demolition is required project's anticipated completion date is December 2024	453,031	79,736	373,295	373,295
Property Management & Building Maintenance	320c00420	Robert Service Campground Building	Project delayed due to material unavailability and long lead times. Funding to be spent on final updates to the building to gain the occupancy permit. Final item to be completed no later than October 2024	2,809,779	2,551,661	258,118	258,118
Property Management & Building Maintenance	320c00811	Fuel Tank Removal/Replacement	Project was delayed due to staffing constraints in 2023. Elimination of Oil Tank at Copper Ridge Pump house. Ongoing and will resume in 2024	24,287	1,606	22,681	22,681
Property Management & Building Maintenance	320c01119	Mt. McIntyre Upgraded - Construction	Multi-year project with design for the project started in 2022. Construction scheduled to start in 2024 with final completion by January 2026	647,495	88,320	559,175	559,175
Property Management & Building Maintenance	320c01121	BCP - Water and Waste Services Cold Storage Warehouse	Multi-year project, design was initiated in 2022 with a construction start by June 2023. Construction to continue thru 2024 summer build season. Project competition March 2025	1,749,752	957,299	792,453	792,453
Property Management & Building Maintenance	320c01217	BCP - Transit/Parks Building Renovations	Multi-year project. Project design completed in 2022. Construction has started. Project completion date October 2024	523,517	239,918	283,599	283,599
Property Management & Building Maintenance	320c01311	Aquatic Centre Maintenance	Retile of pool (360c00222) was the focus of the 2023 Aquatic Center Shutdown. Funding to be spent on new valves and assessment of the Steam Room. Project ongoing into 2025	158,870	10,015	148,855	148,855
Property Management & Building Maintenance	320c01712	Environmental Assessments - Surplus Properties	Unable to initiate in 2023 due to limited external resources. Evaluation on properties the City plan to vacate in the next few years (i.e. Warehouse on Quartz Rd). Project complete by November 2024	34,146	-	34,146	34,146

**CITY OF WHITEHORSE
APPENDIX A - CAPITAL EXPENDITURE REBUDGETS INTO 2024
BYLAW 2024-21**

DEPARTMENT	JOB ID	JOB DESCRIPTION	REBUDGET REASONING	2023 TOTAL REVISED BUDGET	2023 ACTUALS	FUNDS ELIGIBLE FOR REBUDGET	REBUDGET AMOUNT REQUEST
Property Management & Building Maintenance	320c01716	BCP - Fire Hall #1 Building	Fire Hall # 1 is in use/occupied. Rebudgeted funds will be used to finalize upgrade building deficiencies expected to be completed in 2024	116,901	41,818	75,083	75,083
Property Management & Building Maintenance	320c01810	BCP - Operations Building	Rebudgeted funds will be used for project deficiencies. Heating upgraded in 2023. Material Lift / Oil reclaim and other upgrades required. Anticipated to be upgraded by September 2025	3,239,783	642,538	2,597,245	2,597,245
Property Management & Building Maintenance	360c00222	CGC Retile Pool Basin / Deck and Change Rooms	Bottom of Pool retiled in 2023. Funding required for any updates / upgrades to deck tiling as focus in 2023 was on bottom of pool with limited time for pool shutdown. Completion of project by October 2024	550,000	511,506	38,494	38,494
Property Management & Building Maintenance	360c00223	Electric Vehicle (EV) Charging Stations	Project delayed due to market availability of EV charges. Rebudgeted funds will be spent on upgrading the electrical input to some buildings that have reached capacity plus install new charges. Ongoing project as we slowly convert the fleet to Battery Electric Vehicles (BEV)	195,000	218	194,782	194,782
Property Management & Building Maintenance	360c00422	Whitehorse Operations Building - Lower Escarpment Development	Clearing / grubbing completed with the initial entrance added in 2023. Limited external earthworks contractors available in 2023. Completion of project forecasted for end of September 2024	900,000	238,858	661,142	661,142
Property Management & Building Maintenance	360c00523	Pump House Facility Repairs	Unable to secure contractor for 2023. Retendered late in 2023 and contract signed with supplier to install new heating system in Marwell Lift Station to be completed by September 2024.	400,000	243	399,757	399,757
Property Management & Building Maintenance	360c00623	SCBA Clean Room Upgrade (PSB)	Project not completed in 2023 as during design found other issues. Design completed in late 2023 and is about to proceed with tender. Construction to be completed by middle of December 2024	125,000	1,200	123,800	123,800
Property Management & Building Maintenance	360c00723	Whitehorse Operations Building Expansion	Progressive Design - Build contract signed by local construction contractor. Phase I design to be completed by June 2024 and Phase II construction to start July 2024. Expected to occupy/staff move in by Q2 of 2026	15,254,000	88	15,253,912	15,253,912
Property Management & Building Maintenance	360c00823	City Hall Energy Efficiencies	Development of Construction Management Contract in late 2023. Design and Construction management RFP to be released in Q1 2024. Multi year project with completion date of Q2 2027	8,390,000	130,825	8,259,175	8,259,175
Property Management & Building Maintenance	360c00922	Upgrade to Arena Changeroom Showers	Upgrades to changing room plumbing at the CGC started in 2023. Unable to complete in 2023 due to limited internal / external resources. Target completion date November 2024	100,000	52,894	47,106	47,106
Property Management & Building Maintenance	360c00923	Transit Hub: Service Building	Development of Construction Management Contract in late 2023. Design and Construction Management RFP to be released in Q1 2023. Project development at the same time as the City Hall (360c00823). Multi Year project with a completion date of Q2 2027	2,800,000	90,715	2,709,285	2,709,285
Property Management & Building Maintenance	750c01411	Flooring Repairs - Facilities	Not completed in 2023, more work on the flooring required. Contractor not available to complete the tasks. Will be completed 2024.	75,000	37,834	37,166	37,166
Transit Services	580c00122	Modernized Transit Route Implementation	Implementation of the redesigned routes was delayed. Rebudget funds will be spent on implementation, infrastructure, advertising, printing, miscellaneous project costs. Project to be completed 2024.	88,275	24,940	63,335	63,335
Transit Services	580c00123	Free Fare Transit Study	Free Transit - policy analysis on various models, ongoing project ending in February 2024	60,000	22,750	37,250	37,250
Water & Waste Services	650c00221	Wastewater Lagoon Repairs	Capital project delayed due to no bid upon tender. Rebudget funds to be spent on equipment to upgrade the monitoring wells around the lagoons in 2024. Anticipated completion December 2024	119,488	33,368	86,120	86,120
Water & Waste Services	650c00222	Porter Creek Flush Line Repair VC1	Capital job is a multi year project. Design for upgrades to the PC Flush Line at VC1 site done in 2022/2023. Rebudgeted funds will be spent on the construction phase (currently in tender). To be completed by December 2024	984,424	67,162	917,262	917,262
Water & Waste Services	650c00223	Fall Arrest Equipment Replacement	Capital job not complete in 2023 due to procurement delays and delivery timelines. Rebudgeted funds to be spent on replacement of old fall arrest equipment for Utility Stations/Systems. To be completed by end of 2024	120,000	55,532	64,468	64,468
Water & Waste Services	650c00322	Enhanced Water Meter Reading System - Hardware Purchase	Capital project delayed due to no successful bids upon tender. Rebudgets funds to be spent on enhanced water meter reading system (hardware). Expected completion by December 2024	159,815	200	159,615	159,615

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Water & Waste Services	650c00323	2023 Groundwater Protection Plan Update for Water License	Capital project delayed due department capacity issues. Study completed in 2023 with rebudgeted funds to be spent on implementation of recommendations including install groundwater and stormwater monitoring devises. Expected completion by December 2024	100,000	64,714	35,286	35,286
Water & Waste Services	650c00421	Selkirk Pump House Second Barrier Treatment	Capital job multi year project. Rebudgeted funds to be spent on the progressive design of the Selkirk Water Treatment upgrade. Expected completion December 2024	2,913,984	84,780	2,829,204	2,829,204
Water & Waste Services	650c00422	Sanitary Sewer Grit Assessment and Upgrades	Capital project delayed due to staff capacity and no bids received on tender. Work to be retendered in 2024 with rebudgeted funds to be spent on assessment on condition	149,933	9,997	139,936	139,936
Water & Waste Services	650c00522	Utility Stations Critical Spares	Capital project delayed due to procurement of equipment and supply chain delays. Rebudget funds to be spent on critical spares. Expected completion December 2024	345,925	253,180	92,745	92,745
Water & Waste Services	650c00622	Takhini Storm Upgrades	Capital project multi year and ongoing. Rebudgeted funds to be spent on recommendations per study. Anticipated completion December 2024	149,847	141,995	7,852	7,852
Water & Waste Services	650c00623	Utility Stations Mechanical Critical Spares	Capital project delayed due to procurement of equipment and supply chain delays. Rebudget funds to be spent on critical spares. Expected completion December 2024	325,000	75,552	249,448	249,448
Water & Waste Services	650c00717	Selkirk On-Site Chlorine Generator Spare Reactor Cell	Capital project substantially complete. Equipment received with remaining rebudgeted funds to be spent on installation. Expected completion April 2024.	63,000	61,824	1,176	1,176
Water & Waste Services	650c00723	Hypochlorite Tanks Upgrade	Capital project delayed due to procurement of equipment and supply chain delays. Rebudget funds to be spent on hydrochlorite tank upgrade. Expected completion April 2024	52,000	42,263	9,737	9,737
Water & Waste Services	650c00819	Transfer Station Upgrades	Project delayed due to unsuccessful tenders for construction in 2023. Rebudgeted funds to be spent on construction phase, to be tendered in March 2024. Substantial completion expected October 2024	2,936,799	325,808	2,610,991	2,610,991
Water & Waste Services	650c00822	Utility Stations SCADA Upgrades	Capital projects multi year and ongoing. Rebudgeted funds to be spent on upgrades to multiple pumping stations. Expected completion December 2024	219,750	47,575	172,175	172,175
Water & Waste Services	650c00823	Waste Composition Study	One (winter) sampling event completed in 2023 with rebudgeted funds to be spent on second sampling event (summer) to occur in 2024. Expected completion Fall 2024	80,000	24,614	55,386	55,386
Water & Waste Services	650c00918	Livingstone Trail Environmental Control Facility Site Upgrade	Capital project delayed due to no bid upon tender. Rebudget funds to be spent on vegetation clearance to be re-tendered in 2024. Anticipated completion December 2024	174,148	134,420	39,728	39,728
Water & Waste Services	650c00921	Pump Replacement For The Lift Station #1	Project delayed due to contractor/supplier delays and department capacity issues. Project near completion with rebudgeted funds to be spent on final pump installation. Expected completion April 2024	63,318	61,000	2,318	2,318
Water & Waste Services	650c00922	Marwell Lift Station Diesel Pumps Upgrade	Capital project delayed due to design challenges. Design is now complete and procurement of pump to occur in 2024.	520,158	53,486	466,672	466,672
Water & Waste Services	650c01019	Metal Pile - One Year	Multi year / ongoing project with significant work completed in 2023. Project near completion with rebudgeted funds to be spent on additional metals management and site preparation required in 2024. Expected completion December 2024	335,773	309,952	25,821	25,821
Water & Waste Services	650c01123	Marwell Lift Station - Electric Pump	Capital project delayed due to supply chain issues. Rebudgeted funds to be spent on pump purchase, invoiced upon delivery. Expected completion March 2024	300,000	184	299,816	299,816
Water & Waste Services	650c01217	Commercial Water Meter Replacements	Capital project delayed due to staff capacity issues. Rebudgeted funds to be spent on Enhanced Water Metering project including upgrades to hardware/software to enable accurate meter readings. Anticipated completion December 2024	134,152	-	134,152	134,152
Water & Waste Services	650c01323	UDF and Hydrant Maintenance "A"	Capital project delayed due to no bids received upon tender. Rebudgeted funds to be spent on hydrant maintenance. Anticipated completion December 2024	70,000	6,135	63,865	63,865
Water & Waste Services	650c01423	Hydrant Maintenance "B"	Project is on-going and continues into 2024. Rebudgeted funds to be spent on hydrant maintenance. Anticipated completion December 2024	220,000	172,901	47,099	47,099
Water & Waste Services	650c01523	Storm Sewer Maintenance	Capital project delayed due to no bids received upon tender. Rebudgeted funds to be spent on storm sewer maintenance. Anticipated completion December 2024	250,000	6,387	243,613	243,613

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Water & Waste Services	650c02219	Riverdale Aquifer Sewer Camera Inspections	Capital project multi year and ongoing. Rebudgeted funds to be spent on sewer mains within the aquifer protection zones in Riverdale. Anticipated completion December 2024	80,734	-	80,734	80,734
Planning & Sustainability	700c00120	Economic Development Strategy	Job not complete in 2023 due to RFP in December 2023 and limited staff capacity. Rebudgeted funds will be spent on consulting, hosted events and printing. Job expected completion July 2024.	74,737	337	74,400	74,400
Planning & Sustainability	720c00123	Climate Mitigation and Adaptation Strategy	Capital job is a multi year project with the consulting contract awarded in 2023. The rebudgeted funds will be spent on consulting contract and engagement expenses. Project expected to be completed Fall 2024	125,000	10,226	114,774	114,774
Planning & Sustainability	720c00216	6th Ave Contamination Remediation	Consultant work was delayed in summer due to the site being impacted by the escarpment slide. Rebudgeted funds will be spent on further site evaluation to delineate extent of contamination and remediation of the site. Further onsite work will not proceed until ongoing escarpment study is completed which is anticipated for 2024	493,679	-	493,679	493,679
Planning & Sustainability	720c00220	Tank Farm Master Plan	Project initially delayed in 2022 due to first RFP not receiving any proposals and requiring a second procurement round. Rebudgeted funds will be spent on final master plan development. Project expected to be completed in 2024	156,567	141,336	15,231	15,231
Planning & Sustainability	720c00221	Land Acquisition – 7220 7th Avenue	Job not complete in 2023 due to complex estate requirements delaying the sale to the City. Rebudgeted funds will be spent on the land purchase, demolition, and remediation. Sale expected to close in 2024.	380,000	-	380,000	380,000
Planning & Sustainability	720c00422	Zoning Bylaw Rewrite	Delay in the proposed Official Community plan caused this project to not be completed. Rebudget funds will be spent on project launch, hiring a consultant, initial studies and engagement. Project will be completed in 2025	297,150	25,354	271,796	271,796
Planning & Sustainability	720c00423	Downtown Commons Project	Job not complete in 2023 due to limited staff capacity. Rebudgeted funds will be spent on consulting and hosted events. Job expected completion December 2024.	30,000	1,703	28,297	28,297
Planning & Sustainability	720c00623	Commercial and Industrial Land Planning and Design Ice Lake Road South	Capital job is a multi year project for 2023/2024. Rebudgeted funds will be spent on consulting services as per the consultant contract, staff time, advertising, meeting expenses, etc. Expected completion June 2024	121,000	45,491	75,509	75,509
Parks & Community Development	740c00123	Parks Greenhouse	Greenhouse purchased, but additional site work needed prior to installation. Moneys will be spent on engineering and installation and project will be completed in 2024/ 2025.	65,000	39,099	25,901	25,901
Parks & Community Development	740c00309	Playground Equipment Replacement	Extensive replacement completed in 2023. Remaining dollars to be used in 2024 for equipment replacement.	224,802	223,870	932	932
Parks & Community Development	740c00409	Trail Plan Implementation	Project is ongoing. Money will be used for advancing an electronic trail plan map. Project to be completed in 2024.	100,000	96,967	3,033	3,243
Parks & Community Development	740c00523	Accessible Pathway Planning Long Lake	Project requires OCP amendment, expected in Spring 2024. Following that, moneys will be spent on YESAB application. Project will be completed in 2024 or 2025.	65,000	34,325	30,675	30,675
Recreation & Facility Services	750c00811	Wellness Centre Equipment	Job mostly spent in 2023. Capital project is on-going, with rebudgeted funds going towards the next fiscal purchase of wellness equipment.	40,000	37,107	2,893	2,893
TOTAL				\$ 93,204,628	\$ 25,239,568	\$ 67,965,060	\$ 72,822,936