Minute No. 129
Report - Standing Policy Committee on Property and Development - November 29, 2005

Item No. 25 **Cancellation of Plan Nos. 18348 and 28533 - Municipal Board of Manitoba - 2065-2127 Pembina Highway (at Chancellor Drive) File DAPS 15/2005**

COUNCIL DECISION;

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the application before the Municipal Board of Manitoba to cancel existing Plan of Subdivision No. 18348 and Plan of Survey No. 28533 be approved.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2005, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

Re: **Approval of application to cancel Plans of Subdivision before the Municipal Board of Manitoba**

For Submission To: **Standing Policy Committee on Property and Development**

Submitted By: **Ursula Goeres**
City Solicitor and Manager of Legal Services

Report Date: **November 23, 2005**

RECOMMENDATION(S):

That Council approve the application before the Municipal Board of Manitoba to cancel existing Plan of Subdivision No. 18348 and Plan of Survey No. 28533.

Report Summary

KEY ISSUES:

The Municipal Board requires a resolution from the Council of The City of Winnipeg approving the cancellation of Plan Nos. 18348 and 28533.

IMPLICATIONS OF THE RECOMMENDATION(S):

General Implications

x	None
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract
	Comment(s):

Policy Implications

x	None
	Yes
	Comment(s):

Environmental Implications

x	None
	Yes
	Comment(s):

Human Resources Implications

x	None
	Yes
	Comment(s):

Financial Implications

x	Within approved current and/or capital budget
	Current and/or capital budget adjustment required
	Comment(s):

REASON FOR THE REPORT:

Subsection 95(3) of the Municipal Board Act provides that where land affected by a plan of subdivision is within the City of Winnipeg, no application to cancel such plan shall be considered by the Municipal Board unless the Council of the City of Winnipeg has, by resolution, approved the application.

HISTORY:

Mr. Elmer Gomes of the law firm of Thompson Dorfman Sweatman, as the solicitor for Kenwal Ltd. and St. Anne's Properties Ltd., has made application to the Municipal Board of Manitoba to cancel existing Plan Nos. 18348 and 28533 registered in the Winnipeg Land Titles Office.

One of the requirements of the Municipal Board is that a resolution of the Council of The City of Winnipeg approving the cancellation of the Plans be obtained.

The Municipal Board has set a hearing date of February 1, 2006 to consider Mr. Gomes' application and Mr. Gomes requires the resolution prior to the date of the hearing.

DISCUSSION:

The City's Geomatics Branch on November 2, 2005 advised that Rick Sherby has reviewed the request of Mr. Elmer Gomes and advises that it is appropriate to provide Mr. Gomes with a resolution from Council authorizing the cancellation of Plan Nos. 18348 and 28533.

Financial Impact Statement

Date: November 22, 2005

Project Name: **First Year of Program** 2005

Approval of application to cancel Plans of Subdivision before the Municipal Board of Manitoba

	2005	2006	2007	2008	2009
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

There is no additional financial implications associated with the recommendation of this report.

(Original signed by R. Abeysekera)
Radhika Abeysekera
Manager of Finance & Administration
Corporate Services Dept.

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

Department: Geomatics Branch and the Land Development Branch
of the Planning, Property and Development Department

THIS REPORT SUBMITTED BY:

Department: Corporate Services Department
Division: Legal Services
Prepared By: William R. Stovel
File No.: DAPS 15/05