Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Request for Extension of Time - Proposed Rezoning of land located at 5920 Roblin Boulevard - Assiniboia Community
File DAZ 225/98

13. The Standing Policy Committee on Property and Development has been advised that Barry Roy, Habing Roy, solicitor for the applicants (Ronald and Debra Porath) advised the Planning, Property and Development Department that his clients received the zoning agreement for execution and registration but did not fully comprehend the importance of the agreement and the steps to be followed to effect its registration. The agreements were then misplaced and finally found by the Poraths on July 12, 2001. They have now retained the services of Habing Roy to complete the registration of the aforementioned documents in order to bring the subject rezoning into effect. Therefore, they are requesting an extension of time to December 31, 2002 in order to complete the subject rezoning application.

On September 9, 1998, Council adopted Clause 7 of the Report of the Standing Policy Committee on Property and Development dated August 24, 1998, and approved an application under File DAZ 225/98 to rezone land located at 5920 Roblin Boulevard to a "C2" Commercial District to allow for commercial development, subject to the execution of a zoning agreement.

Recommendation IV. contained in the said Clause stipulated:

> That in the event this application is not proceeded with expeditiously and the By-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Recommendation VI. contained in the said Clause further stipulated:

> That the Rezoning By-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within twenty-four (24) months from the date that the said Rezoning By-law is adopted by Council.

On July 19, 1999, Council passed Rezoning By-law No. 7480/99. The enactment section of the by-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by July 21, 2001, failing which the by-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

The Administration reviewed the applicant's request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interests remain secured and circumstances leading to the original approval are unchanged.

On September 18, 2001, the Assiniboia Community Committee considered report dated August 1, 2001, from the Subdivision Officer, Planning, Property and Development Department, which recommended that an extension of time to December 31, 2002 be granted in order to provide for the enactment of Rezoning By-law No. 7480/99 under File DAZ 225/98. The Community Committee recommended approval for an extension of time of six (6) months for the enactment of the said Rezoning By-law.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, as amended, and recommends:

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

I. That an extension of time to June 30, 2002, be granted in order to provide for the enactment of Rezoning By-law No. 7480/99 under File DAZ 225/98.

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