Agenda - Council – September 22, 2010

Report - Standing Policy Committee on Property and Development – September 14, 2010

Item No. 27 Cancellation of a Building Restriction Caveat
(River Heights - Fort Garry Ward)
File DASSF 551/2008

STANDING COMMITTEE RECOMMENDATION:

On September 15, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That Council pass a resolution recommending the cancellation of Building Restriction Caveat No. 81-2633 against the property commonly known as numbers 2, 20 and 22 Scurfield Boulevard in order that the owner of the property may proceed with an Application before the Municipal Board of Manitoba to cancel the caveat.

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

Report - Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 15, 2010, 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 September 14, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **TO SEEK COUNCIL APPROVAL OF AN APPLICATION BEFORE THE MUNICIPAL BOARD OF MANITOBA TO CANCEL A BUILDING RESTRICTION CAVEAT PERTAINING TO DASSF 551/08**

Critical Path: **STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
Garry Solkoski	D. Joshi	N/A	Phil Sheegl, Deputy CAO

RECOMMENDATIONS

That Council pass a resolution recommending the cancellation of Building Restriction Caveat No. 81-2633 against the property commonly known as numbers 2, 20 and 22 Scurfield Boulevard in order that the owner of the property may proceed with an Application before the Municipal Board of Manitoba to cancel the caveat.

REASON FOR THE REPORT

Subsection 104(3) of *The Municipal Board Act* provides that where lands affected by a Building Restriction Caveat ("BRC") are located in Winnipeg, no order of the Municipal Board may be made to cancel the BRC unless Council has by resolution, recommended such cancellation and a certified copy of its resolution is filed with the Board.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource, financial or general implications associated with the recommendations.

HISTORY

Application DASSF 551/08 was made July 3, 2008, to subdivide the properties located at 2, 20 and 22 Scurfield Boulevard. Title to the subject property is in the name of Videon Cablesystems Inc. Before the subdivision under DASSF 551/08 can be registered, the Winnipeg Land Titles Office requires the discharge of the BRC.

The BRC was filed to protect the property values in the area by ensuring any construction on the land by the purchaser would be done in a manner to sustain an environment of business refinement and to retain the integrity and attractiveness of the Whyte Ridge Industrial Park. The Planning, Property and Development advises that the property is zoned "M1 and M2" which is consistent with the immediate surrounding area. If the caveat is removed, the owner would still be bound by the existing zoning bylaws under the "M1 and M2" designations.

The BRC was based on an agreement between Whyte Ridge Industrial Developments Ltd. and Confederation Life Assurance Company, filed in the Winnipeg Land Titles Office in 1981. The City of Winnipeg had no involvement in the Agreement and the BRC filed in respect thereof.

The solicitor for the current property owner will be making application to the Municipal Board in accordance with *The Municipal Board Act* to cancel the building restriction caveat. In accordance with *The Municipal Board Act,* a resolution of Council recommending the removal of the caveat is to be provided in support of the application.

The Municipal Board will schedule a hearing upon receipt of a certified copy of a resolution of Council of The City of Winnipeg recommending the cancellation requested.

FINANCIAL IMPACT

Financial Impact Statement **Date:** August 25, 2010

Project Name:

CANCELLATION OF A BUILDING RESTRICTION CAVEAT PERTAINING TO DASSF 551/08

COMMENTS:

All costs associated with this application are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

Karen Ayotte
Acting Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

Internal Consultation:

N/A

External Consultation:

N/A

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Steven Bossenmaier, Senior Geomatics Officer
Date:	August 31, 2010
PPD File No.	DASSF 551/08

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