**Agenda – Council – February 27, 2013**

**Report – Standing Policy Committee on Property and Development – February 19, 2013**

**Item No. 11 Extension of Time – Proposed Rezoning of Land Located on Part of Former Railway Line North of Kingsway South Academy (River Heights-Fort Garry Ward) File DAZ 226/2010**

STANDING COMMITTEE RECOMMENDATION:

On February 22, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submits the following to Council:

1. That the time limit to provide for enactment of Rezoning By-law No. 97/2011 coming into force and effect be extended to July 20, 2014.

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

**Agenda – Council – February 27, 2013**

**Report – Standing Policy Committee on Property and Development – February 19, 2013**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 22, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 19, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 5, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service.

On February 5, 2012, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service.

# ADMINISTRATIVE REPORT

**Title:** **EXTENSION OF TIME – PROPOSED REZONING OF LAND LOCATED ON PART OF FORMER RAILWAY LINE NORTH OF KINGSWAY SOUTH ACADEMY – FILE NO. DAZ 226/2010**

**Critical Path:** **City Centre Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council**

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| Kim Raban<br>Land Development Administrator | Barry Thorgrimson,<br>Director | N/A | N/A |

## RECOMMENDATIONS

That the time limit to provide for enactment of Rezoning By-law No. 97/2011 coming into force and effect be extended to July 20, 2014.

## REASON FOR THE REPORT

Council approval is required for an extension of time.

## IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, 5785261 Manitoba Ltd. (Centennial Park Development Ltd.) will be granted a one (1) year extension of time in order to allow for execution of the Servicing Agreement and registration of the Zoning Agreement at the Winnipeg Land Titles Office, thus facilitating the coming into force section of rezoning By-law No. 97/2011 under DAZ 226/2010.

## HISTORY

On April 27, 2011 Council adopted Item No. 3 of the report of the Standing Policy Committee on Property and Development dated April 5, 2011 which clause recommended approval of the subject rezoning to an “RMF-S” Residential Multi-Family under Zoning By-law 200/2006 as shown on Appendix “A” attached.

Recommendation 3 contained in the said report stipulates:

> "That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two-year period and Council approves the extension."

On July 20, 2010, By-law No. 97/2011 was enacted by the passage of City Council. Section 2 of the By-law stipulates:

"Section 1 comes into force when:

2 (a) Zoning Agreement DAZ 226/2010 is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date this By-law is passed, failing which this By-law expires unless that date is extended by resolution of City Council and the caveat is registered before such extended date; and

(2) The City of Winnipeg executes the Servicing Agreement, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council."

By-law No. 97/2011 has not come into force by the registration of the Zoning Agreement and the execution of the Servicing Agreement caveats and the one year time limit has expired on July 20, 2012.

Mr. Michael D. Kay, Pitblado LLP, on behalf of 5785261 Manitoba Ltd. (Centennial Park Development Ltd.), is requesting an extension of time in order to complete the necessary registration of caveats and outstanding requirements, see attached Appendix "B".

The Winnipeg Public Service has reviewed the request for the extension of time and is of the opinion that approval of the subject extension of time would be acceptable and circumstances leading to the original approval remain unchanged.

## FINANCIAL IMPACT

There is no financial impact associated with this recommendation.

## CONSULTATION

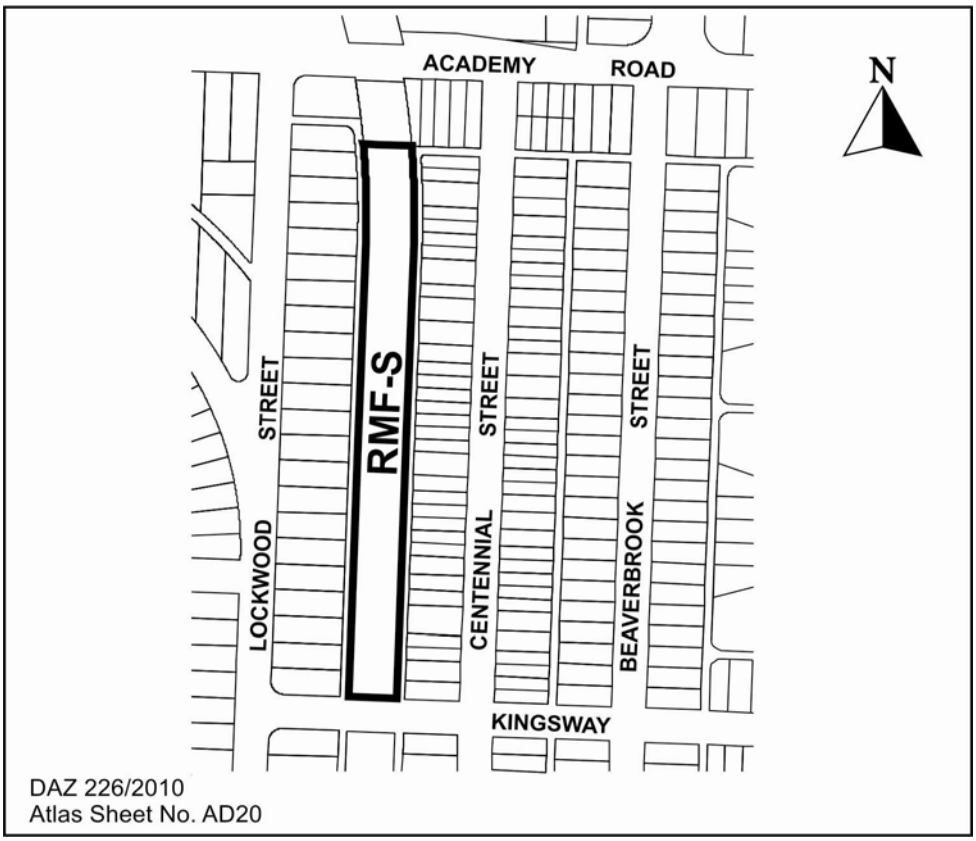
**In preparing this Report there was consultation with:**
n/a

## SUBMITTED BY

| | |
|---|---|
| Department: | Planning, Property and Development |
| Division: | Land Development, Geomatics and Land Information Systems |
| Prepared by: | A. Savage, Land Development Branch |
| Date: | January 21, 2013 |
| File No. | DAZ 226/10 |

Appendix "A" – DAZ 226/10 map
Appendix "B" – Letter Requesting Extension

## APPENDIX "A" – DAZ 226/2010 MAP



## APPENDIX "B" – LETTER REQUESTING EXTENSION

Pitblado LAW

Pitblado LLP
2500 - 360 Main Street
Winnipeg, Manitoba
Canada R3C 4H6

Tel. (204) 956 0560
Fax (204) 957 0227
E-mail firm@pitblado.com

Reply to:
**Michael D. Kay**
**Direct (204) 956 3518**
kay@pitblado.com

Writer's Legal Assistant:
Judy Munoz
Phone (204) 956-0561 ext 218
Email: munoz@pitblado.com

File No. 45327.0001

January 9, 2013

City of Winnipeg
Land Development Branch
Main Floor - 65 Garry Street
Winnipeg, MB

**Attention: Angie Savage**

Dear Sirs:

**Re: DASZ 226/2010 and DASZ 297/2011**
**Centennial Park Development Ltd.**

Pursuant to discussions with Samantha Murata at the City of Winnipeg Legal Department, our client, Centennial Park Development Ltd., is required to apply to the City of Winnipeg for an extension of time respecting the registration of documents for File No. DASZ 226/2010 and ~~DASZ 297/2011~~ N/A DAZ.

The documents were submitted for registration at the Winnipeg Land Titles Office within the time period referenced in Bylaw No. 97/2011 on April 10, 2012, but were either rejected or held up for registration due to several issues, including problems with an easement agreement with CN Rail (Bell Canada) relating to a fibre optic cable, as well as certain deficiencies in documents submitted by the City of Winnipeg relating to incomplete legal descriptions. These issues have now been resolved and an extension of time to allow for registration of the documents at the Winnipeg Land Titles Office is respectfully requested.

We have been advised by Joshua Salamandyk at the City of Winnipeg that the required fee to process this application for an extension of time is $343.00 (no GST), together with a fee of $214.00 in order to re-approve the mylars and we are enclosing cheques payable to the City of Winnipeg accordingly.

In speaking with Kim Raban, Land Development Administrator, at the City of Winnipeg, he advised that no appearance is required on behalf of our client. We further understand that this matter will be heard on February 5, 2013 and we would ask that you communicate to us if and when the extension is granted.

Yours truly,

**PITBLADO LLP**

per:

**Michael D. Kay**
MDK/jm
Encs.

*c.c. Centennial Park Development Ltd. – Attn: Marc Kipnes*