Minute No. 541
Report – Standing Policy Committee on Property and Development – July 2, 2013

Item No. 19 Cancellation of Building Restriction Caveat - 4 Vanderbilt Drive (Charleswood-Tuxedo Ward)

COUNCIL DECISION:

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

1. That Building Restriction Caveat No. 1663826 against the property commonly known as 4 Vanderbilt Drive be cancelled in order to allow the owner of the property to 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.

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DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 2013, 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 July 2, 2013, 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 4 VANDERBILT DRIVE***

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	B. Thorgrimson	N/A	D. Joshi

RECOMMENDATIONS

That Council pass a resolution recommending the cancellation of Building Restriction Caveat
No. 1663826 against the property commonly known as number 4 Vanderbilt Drive 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 the City of Winnipeg, no order of the Municipal Board shall be made to cancel the BRC unless the Council of the City of Winnipeg has, by resolution, recommended the cancellation and a certified copy of the 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

The BRC was based on an agreement between the developer, Whyte Ridge Residential Developments Ltd., and Richard Bunn and Claudia Bunn to impose certain conditions regarding fencing and landscaping that relate solely to this property. The City had no involvement or interest in the registration of the caveat and the caveat does not affect any City services or development agreement requirements. There are no zoning related issues with discharging the caveat.

The Planning, Property and Development Department advises that the property is zoned “R1-M” 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 “R1-M” designations.

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 must 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:** May 28, 2013

Project Name:

CANCELLATION OF A BUILDING RESTRICTION CAVEAT PERTAINING TO 4 VANDERBILT DRIVE

COMMENTS:

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

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

Legal Services Department
Zoning and Permits Branch, Planning, Property and Development
Land Development Branch, Planning, Property and Development

SUBMITTED BY

Department	Planning, Property and Development
Division	Land Development, Geomatics and Land Information Services
Prepared by:	Richard Sherby, Geomatics and Land Information Services
Administrator	
Date:	May 30, 2013
File No.	

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