Agenda – Council – December 10, 2014

Report – Standing Policy Committee on Property and Development – November 25, 2014

Item No. 10 Extension of Time – Proposed Rezoning - 15 Arden Avenue (St. Vital Ward) File DAZ 222/2010

STANDING COMMITTEE RECOMMENDATION:

On December 3, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the times limit to provide for the coming into force provision of Zoning By-law No.126/2012 under File DAZ 222/2010 be extended to September 27, 2015.

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 – November 25, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 3, 2014, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 25, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 10, 2014, the Riel Community Committee concurred in the recommendation of of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED REZONING ON LAND LOCATED AT 15 ARDEN AVENUE - FILE NO. DAZ 222/2010**

Critical Path: **Riel Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
Marc Pittet	Barry Thorgrimson	N/A	N/A

RECOMMENDATION

That the time limit to provide for the coming into force provision of Zoning By-law No.126/2012 under File No. DAZ 222/2010 be extended to September 27, 2015.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant will be granted a one (1) year extension of time to cause Zoning By-law 126/2012 to come into force by registering the caveat in the Winnipeg Land Titles Office.

HISTORY

On July 18, 2012 Council adopted the report of the Executive Policy Committee dated July 11, 2012 which clause recommended approval of the subject rezoning to an “RMF-L Residential Multi-Family District" as shown on Appendix "A" attached in order to bring the existing 9 storey 107 unit apartment building into conformance with the Zoning By-law.

Recommendation 4 contained in the said report states:

> "That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council."

On September 27, 2012 Council passed By-law No. 126/2012. Section 2 of the By-law states:

> "2 Section 1 comes into force when Zoning Agreement DAZ 222/2010 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."

By-law No.126/2012 has not come into force by the registration of the Zoning Agreement caveat by the September 27, 2012 time limit for such registration.

The applicant, Timbercreek Asset Management Inc.1000 Yonge St., Ste 500, Toronto, Ontario M4W 2K2, is requesting a one year extension of time in order to complete the necessary registration of caveats, 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 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

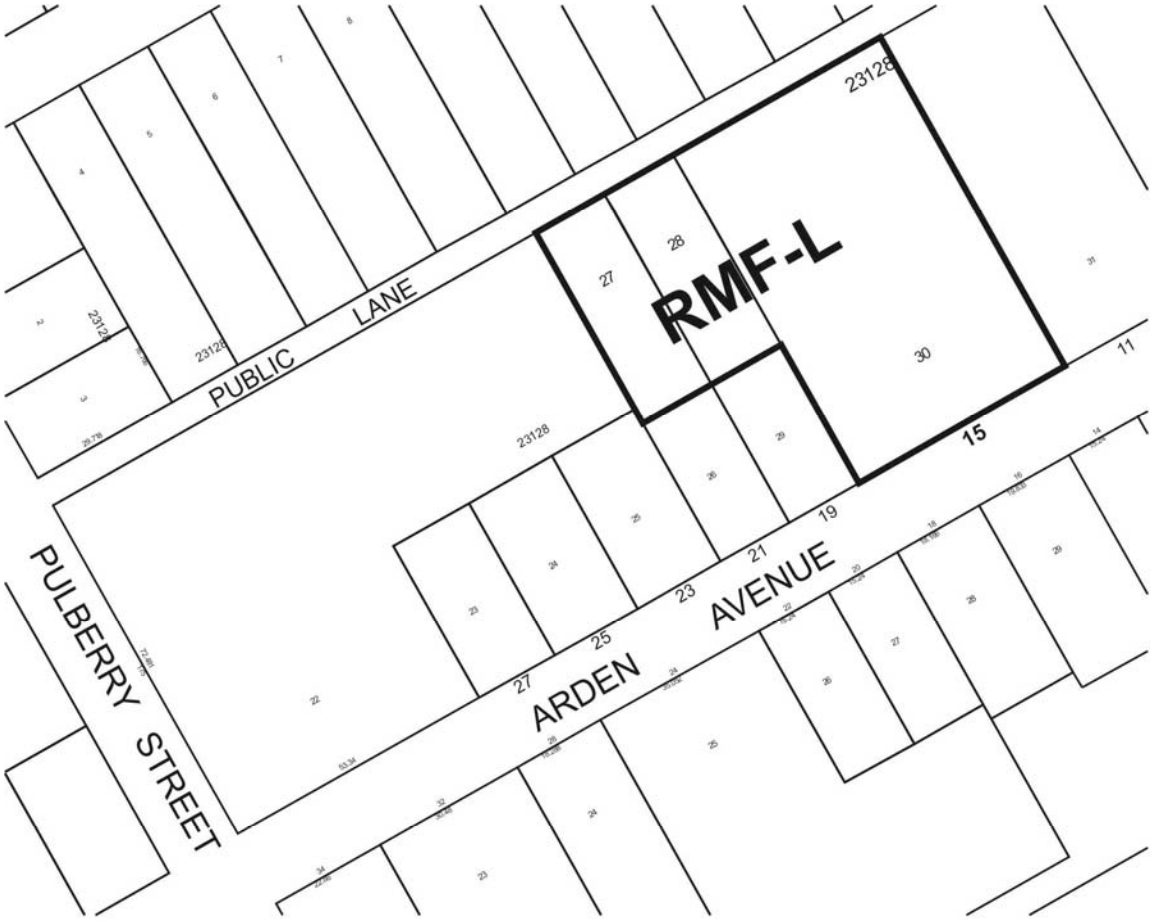
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics, and Land Information Services
Prepared by:	K.T. Raban, P.Eng., Land Development Branch
Date:	November 4, 2014

Appendix "A" – DAZ 222/2010 map
Appendix "B" – Time extension request letter from applicant

Filename: DAZ 222_2010 Extension of Time 15 Arden Avenue - KTR

APPENDIX "A" – DAZ 222/2010 – Map



DAZ 222/10

N

APPENDIX "B" – Letter from Applicant

RECEIVED
NOV 03 2014
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Timbercreek
Asset Management

October 30th, 2014

City of Winnipeg
Land Development Branch
65 Gary Rr, Main Floor
Winnipeg, MB
R3C 4K4

Attention: Kim Raban

Dear Mr. Raban,

Re: Extension Request – Rezoning of 15 Arden Ave.
File No. DAZ 222/2010, By-law 126/2012

Please consider this my request to extend the caveat set forth in **By-law No. 126/2012** to register Zoning Agreement DAZ 222/2010 with Winnipeg Land Titles Office.

The reason(s) for such request is outlined in the following summary:

- Zoning By-Law No. 126/2012 was passed (see attached) by Council at the meeting held on September 27th,2012, in connection to the zoning land located at 15 Arden Avenue in the Riel Community.
- Correspondence was sent to Timbercreek Asset Management Inc. on September 28th,2012 notifying that the amendment was enacted and By-law No. 126/2012 was passed
- On November 6th, 2012 Zoning Agreement (DAZ 222/2010) was issued by James Carter (Solicitor) to 15 Arden Avenue Inc.
- 15 Arden Avenue Inc. signed and returned the Zoning Agreement (DAZ 222/2010 - attached) in November, 2012 and were under the impression that all requirements were fulfilled to complete the rezoning and register the amendment on title

- Cathy Gagnon – City of Winnipeg Legal assistant confirmed receiving the signed copy of the Zoning Agreement back in November 2012.

Up until October 2014, 15 Arden Inc./Timbercreek Asset Management Inc. (owners/operators) had not received any correspondence or response with regards to this file. It was our understanding that this file was closed with the submission of the signed Zoning Agreement to the City of Winnipeg. When speaking to Cathy Gagnon; City of Winnipeg – Legal assistant, it was determined that she had been trying to reach out to Kiel Wilson; a former employee of Timbercreek Asset Management, to obtain our Lawyer's contact information. His departure was in the early part of November and thererfore did not receive any of the requests sent by the City of Winnipeg. We have since searched his phone and email records and to date have been unable to locate such requests.

All that being said, it is our intention to re-submit the zoning agreement to the City of Winnipeg and register the rezoning on title immediately ensuing the acceptance of our Extension by Riel Community and Council. We a requesting that the City Grant a one year extension from the date of extension approval.

If you have any questions or concerns, please don't hesitate to contact me at **mjwilliams@timbercreek.com** or via mobile: 647.628.7813

Michael Williams
Timbercreek Asset Management Inc.