Minute No. 271
Report – Standing Policy Committee on Property and Development – March 10, 2015

Item No. 10 Extension of Time – 1505 Molson Street
(Elmwood-East Kildonan Ward)
File DASZ 6/2013

COUNCIL DECISION:

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

1. That the time limit for By-law No. 128/2013 to come into force be extended to November 20, 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 – March 10, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 18, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 10, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 19, 2015, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 1505 MOLSON STREET - FILE NO. DASZ 6/2013**

Critical Path: **East Kildonan-Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
K.Raban Acting Manager	Marc Pittet, Acting Director	N/A	N/A

RECOMMENDATIONS

That the time limit for By-law No. 128/2013 to come into force be extended to November 20, 2015.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The owner will be granted a one (1) year extension of time in order to complete the registration of the Plan of Subdivision and Zoning Agreement DASZ 6/2013 at Winnipeg Land Titles Office.

HISTORY

On June 26, 2013 Council adopted Item No. 1 of the report of the Standing Policy Committee on Property and Development dated June 11, 2013 which recommended approval of the subject development application as shown on Appendix "A" attached.

On November 20, 2013, By-law No. 128/2013 was passed by Council. Section 3 of the By-law stipulates:

Coming into force

> "3(1) Section 1 comes into force when The City of Winnipeg executes the Development Agreement for Servicing referred to in that section, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council.
>
> (2) Section 2 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 6/2013 is registered in the Winnipeg Land Titles Office by caveat against the subject land, all 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 plan of subdivision and caveat are registered before such extended date."

The City of Winnipeg and Developer have executed the required Development Agreement for Servicing, however; By-law No. 128/2013 has not come into force by the required registration of the Plan of Subdivision and the registration of Zoning Agreement DASZ 6/2013 by caveat; the one year time limit expired on November 20, 2014.

On January 14, 2015 the Developer's lawyer, Mr. Peter Drazic of Aikens Law, 30th floor, 360 Main Street, Winnipeg, Manitoba, requested an extension of time to complete the required registrations, see attached Appendix "B".

The Winnipeg Public Service have 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

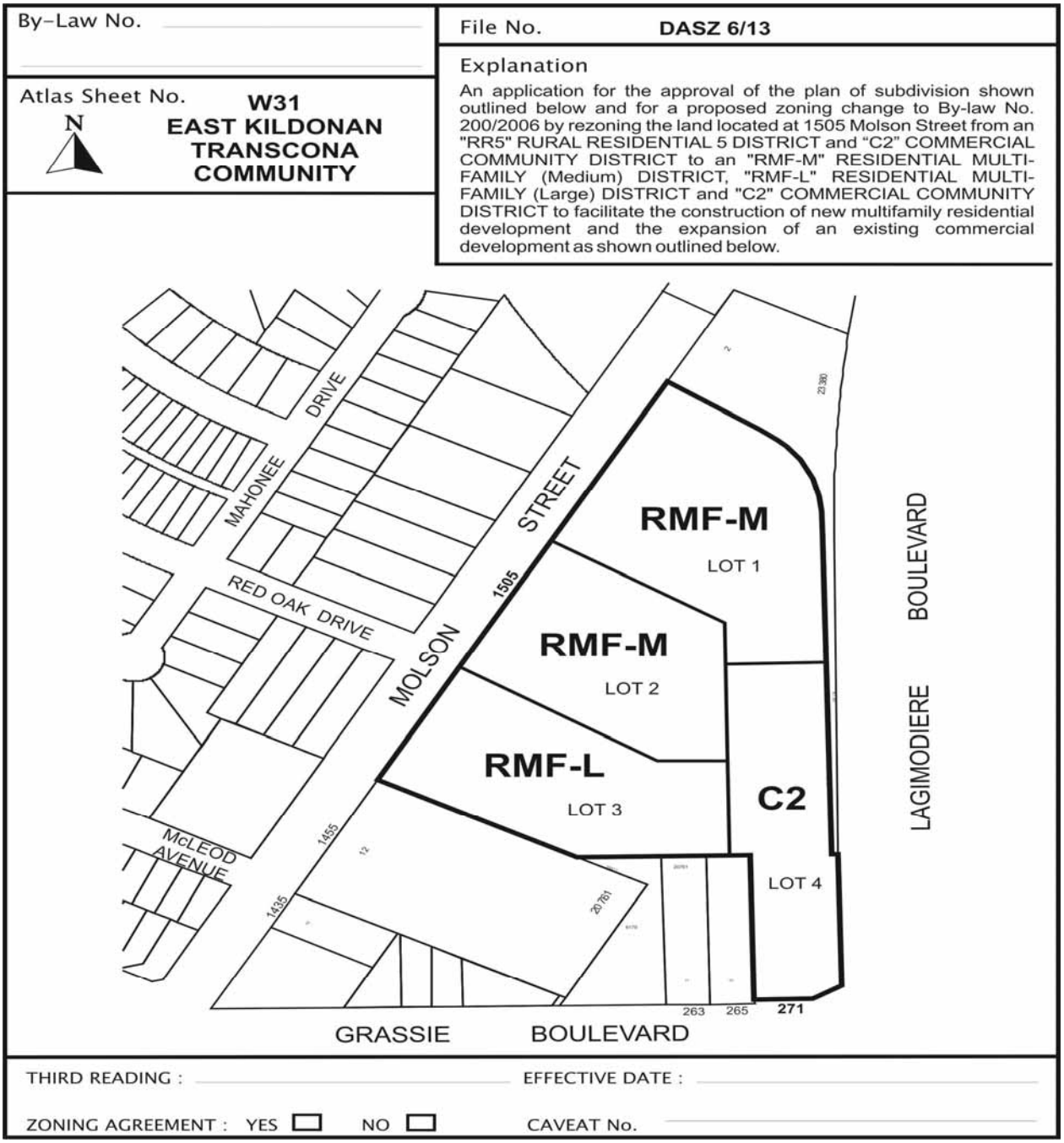
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	R.R. Deighton, P.Eng., Land Development Coordinator
Date:	February 2, 2015
File No.	DASZ 6/2013 (AG 6/13)

Appendix “A” – DASZ 6/2013 map
Appendix “B” – Letter Requesting Extension of time

V:\3-Angie-SAVE\111-2015 - REPORTS\DASZ 6-13 Extension of Time Request - By-law 128-2013.doc

APPENDIX "A" – DASZ 6/2013 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

AIKINS LAW

RECEIVED
JAN 19 2015

REF: DASZ 6/2013

January 14, 2015

VIA COURIER

Land Development, Geomatics & Land Information Services Division
Planning Property & Development
Main Floor, 65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Mr. Greg Jasper, Acting Land Development Administrator

Dear Mr. Jasper:

Re: Extension of Time on By-Law 128/13
Extension of Time on Mylars

We are writing to you in order to apply for an extension of time on By-Law 128/13 and the attached Mylars. Original registration regrettably did not occur within the allowable time limit as there were multiple disputes between the City of Winnipeg and the Land Titles office in respect of an Easement Agreement. The issue has now been reconciled, however in the interim By-Law 128/13 and the Mylars expired.

Our client has a pending sale and a significant amount of work that needs to be done for the development; we would appreciate your consideration and an extension of time. We enclose the extension fees of $759.00. Once granted, our clients are in a position to immediately file and complete the subdivision. We are available to answer any questions you may have and thank you in advance for your consideration.

We look forward to hearing from you.

Yours truly,

AIKINS, MACAULAY & THORVALDSON LLP

Per:

PETER F. DRAZIC

PFD/vp
Encls.

AIKINS, MACAULAY & THORVALDSON LLP
30th Floor - 360 Main Street, Winnipeg, Manitoba
Canada R3C 4G1

Telephone (204) 957.0050
Fax (204) 957.0840
aikins.com

PLEASE REPLY TO
Peter F. Drazic *

Direct Line (204) 957.4619
Fax (204) 957.4420
Email pfd@aikins.com

* services provided by
P F Drazic Law Corporation

LEGAL ASSISTANT
Victoria Paterson

Direct Line (204) 957.4729
Email victoria@aikins.com

FILE NO.
1304473