Agenda – Council – September 30, 2015

Report – Standing Policy Committee on Property and Development – September 15, 2015

Item No. 12 Extension of Time – Subdivision and Rezoning on land located at 2967 and 3003 Waverley Street (South Winnipeg - St. Norbert Ward) File DASZ 13/2013

STANDING COMMITTEE RECOMMENDATION:

On September 23, 2015, 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 time limit to provide for the coming into force of the rezoning By-law No. 64/2014 under File No. DASZ 13/2013 be extended to December 31, 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 – September 15, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2015, 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 September 15, 2015, 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 September 9, 2015, the Riel 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 2967 AND 3003 WAVERLEY STREET – DASZ 13/2013**

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

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
K. Raban	M. Pittet		

RECOMMENDATIONS

That the Community Committee recommend to the Standing Policy Committee on Property and Development that it recommend to Council that the time limit to provide for the coming into force of the rezoning By-law No. 64/2014 under File No. DASZ 13/2013 be extended to December 31, 2015.

REASON FOR THE REPORT

Council approval is required for an extension of time.

EXECUTIVE SUMMARY

Pursuant to By-law 64/2014, the Developer is required to register the Plan of Subdivision and Zoning Agreement DASZ 13/2013 at the Winnipeg Land Titles Office, thus enabling Section 3 to come into force and effect.

Mr. David C. King, on behalf of the Developer, 6558098 Manitoba Ltd. has requested that Council approve an extension of time in order to complete the necessary registrations. Approval of the extension of time will enable the applicant to have the plan accepted for registration by Winnipeg Land Titles. The Winnipeg Public Service has no objection to this request.

IMPLICATIONS OF THE RECOMMENDATIONS

The Developer will be granted an extension of time to complete the registration of the Plan of Subdivision and Zoning Agreement DASZ 50/2013 at the Winnipeg Land Titles Office.

HISTORY

On July 10, 2013, Council adopted Item No. 15 of the report of the Standing Policy Committee on Property and Development dated July 2, 2013, which recommended approval of the subject development application as shown on Appendix "A" attached.

On May 27, 2014, By-law No. 64/2014 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 bylaw shall remain in 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 13/2013 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."

By-law No. 13/2013 has not come into force by the required registration of the Plan of Subdivision and Zoning Agreement DASZ 13/2013 by caveat. The one year time limit for registration expired on May 27, 2015.

On September 3, 2015, Mr. David C. King of Taylor McCaffray LLP, on behalf of the Developer 6558098 Manitoba Ltd., requested an extension of time in order to complete the required registrations, 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

N/A

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

The site is located within the Residential policy area of the Waverley West Southeast Neighbourhood Area Structure Plan (By-law 140/2007) and the Recent Communities policy area under the Complete Communities Direction Strategy.

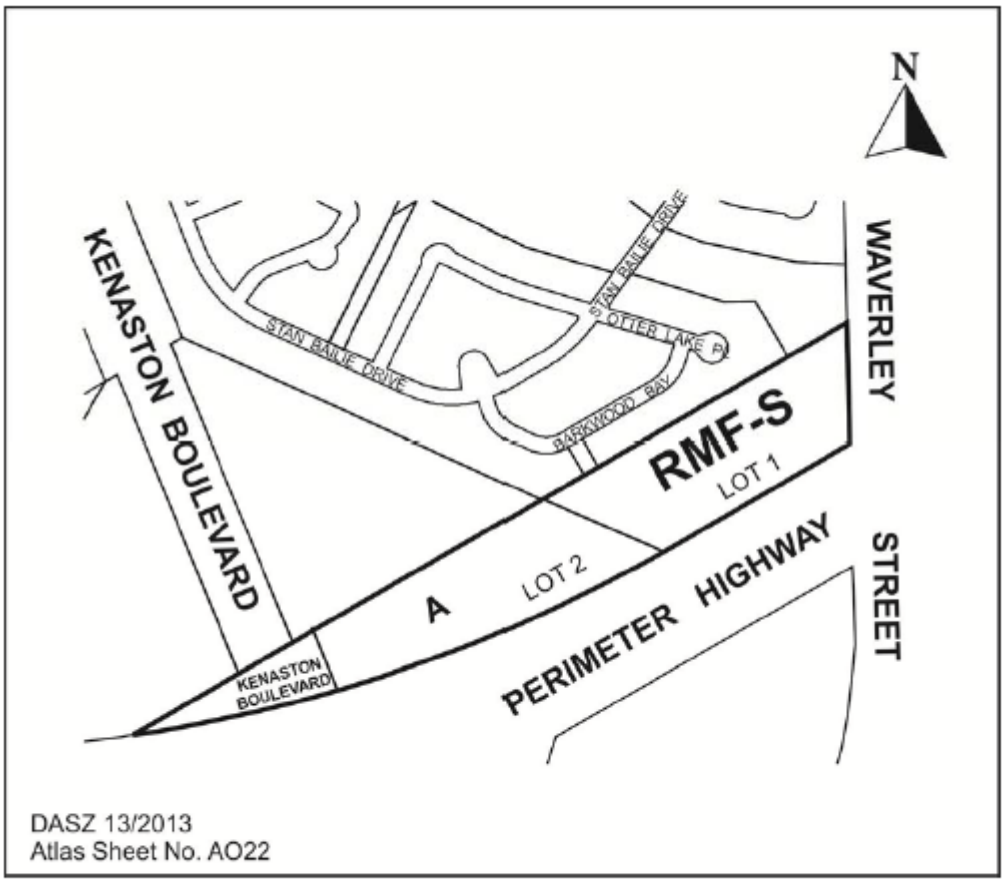
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	G.Jasper, Land Development Administrator
Date:	September 8, 2015
File No.	DASZ 13/2013

Appendix "A" – DASZ 13/2013 Map
Appendix "B" – Letter Requesting Extension of time

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APPENDIX "A" – DASZ 50/2013 MAP



DASZ 13/2013
Atlas Sheet No. AO22

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Taylor McCaffrey LLP
Barristers & Solicitors

Taylor McCaffrey LLP
David C. King
Professional services provided through
David C. King Law Corporation
Direct Line: 204 988-0420
Direct Fax: 204 953-7181
E-Mail: dcking@tmlawyers.com
Assistant: Karilynn Enns
Direct Line: 204 988-0421

September 3, 2015

RECEIVED
SEP - 3 2015

Greg Jasper
Land Development Administrator
City of Winnipeg
Main Floor – 65 Garry Street
Winnipeg, MB R3C 4K4

Dear Sir:

Re: Request for Extension of Time
for By-law No. 64/2014 under
DASZ 13/2013 and re-approval of mylars
by 6558098 Manitoba Ltd.
Our File No. 94002-1 DKIN

We wish to advise you that we are the solicitors for 6558098 Manitoba Ltd. (the "Developer") with respect to this matter. The Developer has asked us to apply for??

Enclosed please find our cheque in the amount of $785.58 being the Extension of Time fee and re-approval of mylar fee.

We wish to advise you that the primary reason why registrations could not be completed prior to May 27, 2015 was that the Developer had to negotiate both with the City of Winnipeg and Province of Manitoba. As you are aware this subdivision will result in:

- title to a lot issuing in the name of my client on which approximately 215 bareland condominium units will ultimately be created; and
- title will issue to the Province of Manitoba upon which a highway project will be constructed; and
- title will issue to the City for the land on which the Kenaston Boulevard extention is currently located.

A chronological history of the project since By-law No. 64/2014 issued is as follows:

- May 27/2014 – By-law No. 64/2014 passed
- June 6, 2014 – commence discussions with Province of Manitoba

- August 18, 2014 – file application for permits with Transportation & Government Services (Manitoba)
- October 28, 2014 Highway Traffic Board Hearing
- November 3, 2014 Highway Traffic Board permit issued.
- January 13, 2014 Offer to Sell to Province executed
- February 4, 2015 Servicing Agreement forwarded to Developer's lawyer
- April 15, 2015 Offer to Sell finally approved by Province
- May 8, 2015 Following negotiations with City revised Servicing Agreement received from Developer's lawyer.
- May 15, 2015 Executed Zoning Agreement received by City
- May 21, 2015 Executed Zoning and Servicing Agreements received from City
- June 5, 2015 Servicing Agreement, Invoice and cheque sent to City
- June 24, 2015 documents submitted to Land Titles for review
- July 30, 2015 revised documents submitted to Land Titles for review

Since July 30, 2015, there have been ongoing discussions with Land Titles who only pointed out this week the issue regarding need for City re-approval of Plans.

If you have any questions with respect to the foregoing please contact me at your convenience. I believe that it is in the best interest of the City, the Province and my client that the requested extension be granted.

Yours truly,

TAYLOR McCAFFREY LLP

Per:

David C. King

DCK/ke