Agenda – Council – April 27, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 12, 2016

Item No. 11 Extension of Time – 875 Camiel Sys Street (St. Boniface Ward) File DASZ 36/2013

STANDING COMMITTEE RECOMMENDATION:

On April 20, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 117/2014 be extended to December 14, 2016.

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, Heritage and Downtown Development – April 12, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 12, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 April 4, 2016, 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, Heritage and Downtown Development.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 875 CAMIEL SYS STREET – FILE NO. DASZ 36/2013**

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

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
M. Pittet	J. Kiernan	N/A	N/A

RECOMMENDATIONS

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 117/2014 be extended to December 14, 2016.

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

REASON FOR THE REPORT

Council approval is required for an extension of time.

EXECUTIVE SUMMARY

The time limit for the Coming into Force provision of By-law No. 117/2014 expired on December 10, 2015. The Developer's representative has requested an extension of time to complete the necessary registrations at the Winnipeg Land Titles Office. They advise that additional time was necessary to secure signatures from the mortgage lenders that have encumbrances registered against the titles to the subject land. They advise that those signatures have now been secured.

The Winnipeg Public Service has no objection to this request.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the Developer will be allowed a time extension to December 14, 2016 to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY

On February 26, 2014, Council adopted Item No. 3 of the report of the Executive Policy Committee dated February 5, 2014 which recommended approval of the subject subdivision and rezoning to create an additional lot for a “PR1” Parks and Recreation (Neighbourhood) District under the Winnipeg Zoning By-law 200/2006. The rezoning By-law No. 117/2014 was passed by Council on December 10, 2014. See Appendix "A" map attached.

Section 2 and Section 3 of By-law No. 117/2014 stipulates:

“Zoning

2 *Winnipeg Zoning By-law No. 200/2006 is amended by adding the following in Schedule B:*

2(323) Notwithstanding anything elsewhere contained in this By-law or shown on the Zoning Maps, the land designated on the plan below as “PR1” is hereby zoned as a “PR1” Parks and Recreation 1 (Neighbourhood) District, the zoning districts and zoning district boundaries are hereby located as shown on that plan, and the Zoning Maps shall hereafter be read and construed as shown on that plan.

Coming into force

3 Sections 1 and 2 come into force when the plan of subdivision is registered in the Winnipeg Land Titles Office.**”**

By-law No. 117/2014 has not come into force by the required registration of the plan of subdivision in the Winnipeg Land Titles Office. The one year time limit expired on December 10, 2015.

Mr. Fred Klein of Taylor McCaffrey LLP, on behalf of the Developer, Waterside Development Corporation, is requesting an extension of time in order to complete the necessary plan registration, citing that additional time was necessary to secure signatures from the mortgage lenders that have encumbrances registered against the titles of the subject land. He advised that those signatures have been secured. See Appendix “B” attached.

The Winnipeg Public Service has reviewed this request for an 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 subject subdivision and rezoning is consistent with the Recent Communities Strategy to *"ensure that existing public open spaces meet the neighbourhoods current and future requirements".*

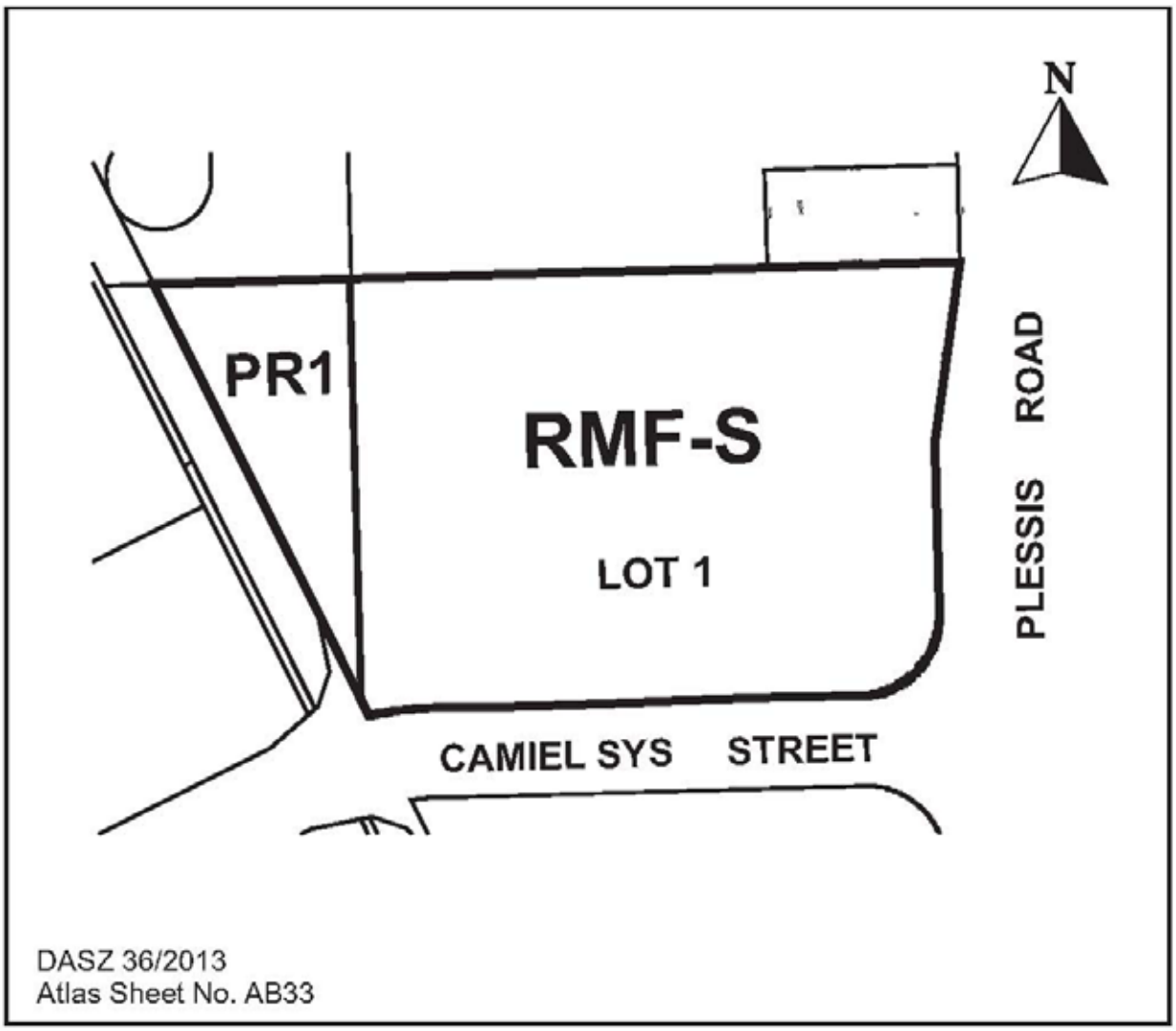
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	R. Deighton, P.Eng., Land Development Coordinator
Date:	March 23, 2016
File No.	DASZ 36/2013

Appendix "A" – DASZ 36/2013 – By-law No. 117/2014 Map
Appendix "B" – Letter Requesting Extension of Time

V:\3-Angie-SAVE\112-2016 - REPORTS\Extension of Time Request DASZ 36-2013-RD.doc

APPENDIX "A" – DASZ 36/2013 - BY-LAW NO. 117/2014 Map



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Taylor McCaffrey LLP
Barristers & Solicitors

Taylor McCaffrey LLP
Fred R. Klein
Professional services provided through
Fred R Klein Law Corporation
Direct Line: 204 988-0477
Direct Fax: 204 953-7182
E-Mail: fklein@tmlawyers.com
Our File No. 52769-694

January 18, 2016

City of Winnipeg
Land Development Branch
Main Floor, 65 Garry Street
Winnipeg, MB R3C 4K4

ATTN: Mr. Greg Jasper

Dear Mr. Jasper,

Re: Waterside Development Corp. – DASZ 36/2013 – By-law No. 117/2014
Extension of Time for Deposit Plan 1338/2013

Further to your email transmission to my assistant, Cheryl Clements on December 16, 2015, please consider this as my client's request for an extension of time on By-law 117/2014 and registration of the associated plan of subdivision mylars for DASZ 36/2013 as the allowable time for registering the plan expired on December 10, 2015. The delay in effecting plan registration was due to the additional time that was required to secure signatures from the mortgage lenders that have encumbrances registered against the titles to the subject land. The signatures have now been secured.

I understand that the fees for the mylar signing and extension of time are $785.58. My firm's general cheque in the amount of $785.58 in favour of The City of Winnipeg together with the plan of subdivision mylars are enclosed.

I trust this is sufficient for your purposes and look forward to your response hereto in due course.

I understand that a payment in the amount of $785.75 (incl. GST) is required in order to advance this extension request. A cheque for the extension fee will be forwarded to your attention as soon as possible.

Yours truly,

TAYLOR McCAFFREY LLP

Per:

FRED R. KLEIN