Agenda – Council – January 25, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 8, 2018

Item No. 4 Extension of Time – Proposed Rezoning – Peguis Street, North of Almey Avenue (Transcona Ward) File No. DAZ 212/2015

STANDING COMMITTEE RECOMMENDATION:

On January 17, 2018, 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. 129/2016 be extended to November 16, 2019.

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 – January 8, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 8, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 December 19, 2017, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Delete "2018" in recommendation 1 and replace it with "2019".

and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

ADMINISTRATIVE REPORT

Title: **Extension of Time – Proposed Rezoning – Peguis Street, North of Almey Avenue – File No. DAZ 212/2015**

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

AUTHORIZATION

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

EXECUTIVE SUMMARY

The time limit for the Coming into Force provision of By-law No. 129/2016 expired on November 16, 2017. The developer was not able to satisfy all the conditions prior to expiry and a request has been made for an extension of time to complete the necessary registrations at the Winnipeg Land Titles Office.

The Winnipeg Public Service has no objection to this request.

RECOMMENDATIONS

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 129/2016 be extended to November 16, 2018.

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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the Developer will be allowed a time extension to November 16, 2018, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On December 9, 2015, Council adopted Item No. 3 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated November 30, 2015 which recommended approval of the subject rezoning to an "RMU" Residential Mixed Use District under Winnipeg Zoning By-Law 200/2006. The rezoning By-law No. 129/2016 was passed by Council on November 16, 2016. See Appendix "A" map attached.

Section 2 of By-law No. 129/2016 stipulates:

Coming into force

2. Section 1 comes into force when Zoning Agreement DAZ 212/2015 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 will expire unless an extension of time is applied for prior to expiry, Council approves the extension, and the caveat is registered before the extended date.

By-law No. 129/2016 has not come into force by the required registration of the required Zoning Agreement in the Winnipeg Land Titles Office. The By-law's current time limit expired on November 16, 2017.

On behalf of the registered land owner Mr. Abdo (Albert) El Tassi, an extension of time request was received on November 14, 2017 from Fillmore Riley LLP, Attention: Ms. Christine H. Klassen, 1700-360 Main Street, Winnipeg, Manitoba, R3C 3Z3. This extension is required, in order to complete the necessary registrations at the Winnipeg Land Titles Office. 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

OUR WINNIPEG POLICY ALIGNMENT

The site is within the Recent Communities Policy Area, which is a type of Areas of Stability Policy Area of Complete Communities Direction Strategy. The proposal is consistent with the policies guiding development in the Areas of Stability.

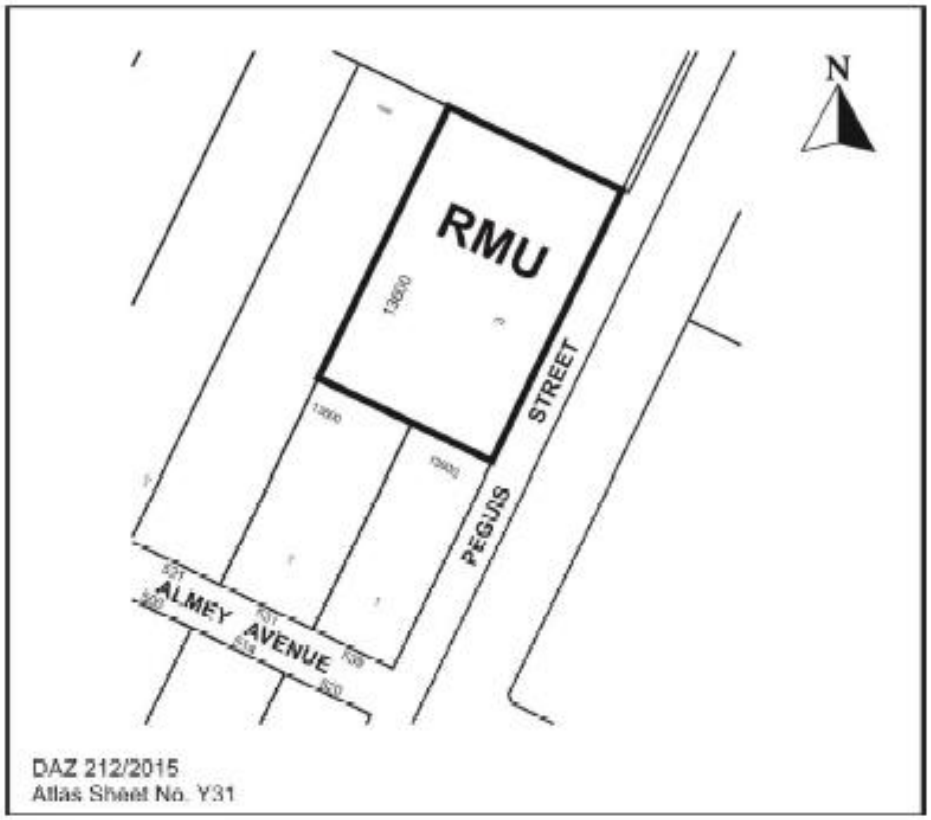
SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: November 17, 2017
File No: DAZ 212/2015

Attachments:
Appendix "A" – DAZ 212/2015, By-law No. 129/2016 Map
Appendix "B" – Letter Requesting Extension of Time

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APPENDIX "A" – DAZ 212/2015, BY-LAW NO. 129/2016 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

FillmoreRiley

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Our File Number: 432108-1/PKG
FRDOCS_7581868.1

VIA EMAIL
ORIGINAL TO FOLLOW

RECEIVED
NOV 14 2017
LAND DEVELOPMENT

November 10, 2017

City of Winnipeg
Planning, Property & Development Department
Land Development Branch
Main Floor, 65 Garry Street
Winnipeg, Manitoba

Attention: Gregory Jasper

Dear Sir:

Re: Application File No.: DAZ 212/2015
Legal Description: Lot 3 Plan 13600 Lot 94 Parish of Kildonan
Applicant: Abdo (Albert) El Tassi
Rezoning – Peguis Street North of Almey Avenue

Please be advised that we represent the current registered owner and applicant for rezoning of the above-mentioned land (the "**Land**"), Abdo El Tassi and 10004687 Manitoba Ltd.

Mr. El Tassi has asked that we request an extension of time on his behalf of one (1) year from the current expiration date of November 16, 2017, to finalize all matters relating to the rezoning of the Land, including registration of Servicing Agreement AG 212/15 and Zoning Agreement DAZ 212/2015 (the "**Required Agreements**").

Drafts of the Required Agreements were first provided to our office on October 19, 2017. After necessary revisions were made, the Required Agreements were executed and delivered to the City of Winnipeg for execution. It was only as of today that we were advised through the City of Winnipeg's solicitor, Samantha Murata, that all fees required to be paid under the Servicing Agreement, approximately $415,000.00, would be a condition of registration of the Required Agreements. Our client was caught unaware that this would be a requirement of registration and finalization of this matter and, accordingly, requests the above noted extension of time to arrange for compliance with this condition.

We recognize that a fee of $555.00 plus GST is required to process this request and such fee will be delivered to your office on Tuesday, November 14th. However, because time is of the essence, we wanted to provide you with this request as soon as possible.

Should you require anything further to process this request, please do not hesitate to contact me. We thank you in advance for your time and consideration of this matter.

Yours truly,

FILLMORE RILEY LLP

Per:

CHRISTINE H. KLASSEN

c: Mr. Abdo (Albert) El Tassi