Minute No. 315
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 9, 2018

Item No. 4 **Extension of Time – 1274-1288 and 1310 Archibald Street (St. Boniface Ward) File DASZ 1/2016**

COUNCIL DECISION:

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

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 98/2016 be extended to December 31, 2018.

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 9, 2018

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 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 April 9, 2018, 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 March 5, 2018, 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 – 1274-1288 and 1310 Archibald Street – File No. DASZ 1/2016**

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
M. Pittet	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provision of By-law No. 98/2016, under File No. DASZ 1/2016, will expire on March 15, 2018, unless the expiry date is extended. The developer has not been able to satisfy all the conditions prior to expiry and has requested a second 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. 98/2016 be extended to December 31, 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 December 31, 2018, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On April 27, 2016, Council adopted Item No. 1 of the Report of the Executive Policy Committee dated April 20, 2016 which recommended approval of the subject subdivision and rezoning to a "RMF-M" Residential Multi-Family (Medium) District and a "C2" Commercial Community District under Winnipeg Zoning By-Law 200/2006. The rezoning By-law No. 98/2016 was passed by Council on September 28, 2016. See Appendix "A" map attached.

Section 3 of By-law No. 98/2016 stipulates:

Coming into force

3(a) Section 1 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office.

3(b) Section 2 comes into force when Zoning Agreement DASZ 1/2016 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. 98/2016 has not come into force by the required registration of the Plan of Subdivision and the required Zoning Agreement DASZ 1/2016 by caveat in the Winnipeg Land Titles Office and the one (1) year time limit expired on September 28, 2017.

On December 13, 2017, Council concurred with Item No. 5 of the report of the Standing Policy Committee on Property and Development, dated November 27, 2017, recommending that the time limit to provide for enactment of Zoning By-law No. 98/2016 coming into force be extended to March 15, 2018.

The Developer and the City have executed the required Zoning Agreement DASZ 1/2016 referred to in 3(b) above, however, the necessary registrations in the Winnipeg Land Titles Office has not been completed.

The developer, Mr. Tom Haughton, Vice-President of 1280 Archibald St. Ltd. and 5183279 Manitoba Ltd., is requesting a second extension of time 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 Areas of Stability – Mature Communities Policy Area under the Complete Communities Direction Strategy. The proposal is consistent with the policies guiding development in the Areas of Stability – Mature Communities Policy Area which supports context sensitive development.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: M. Hammerberg, Development Applications Coordinator
Date: January 31, 2018
File No: DASZ 1/2016

Attachments:
Appendix “A” – DASZ 1/2016, By-law No. 98/2016 Map
Appendix “B” – Letter Requesting Extension of Time

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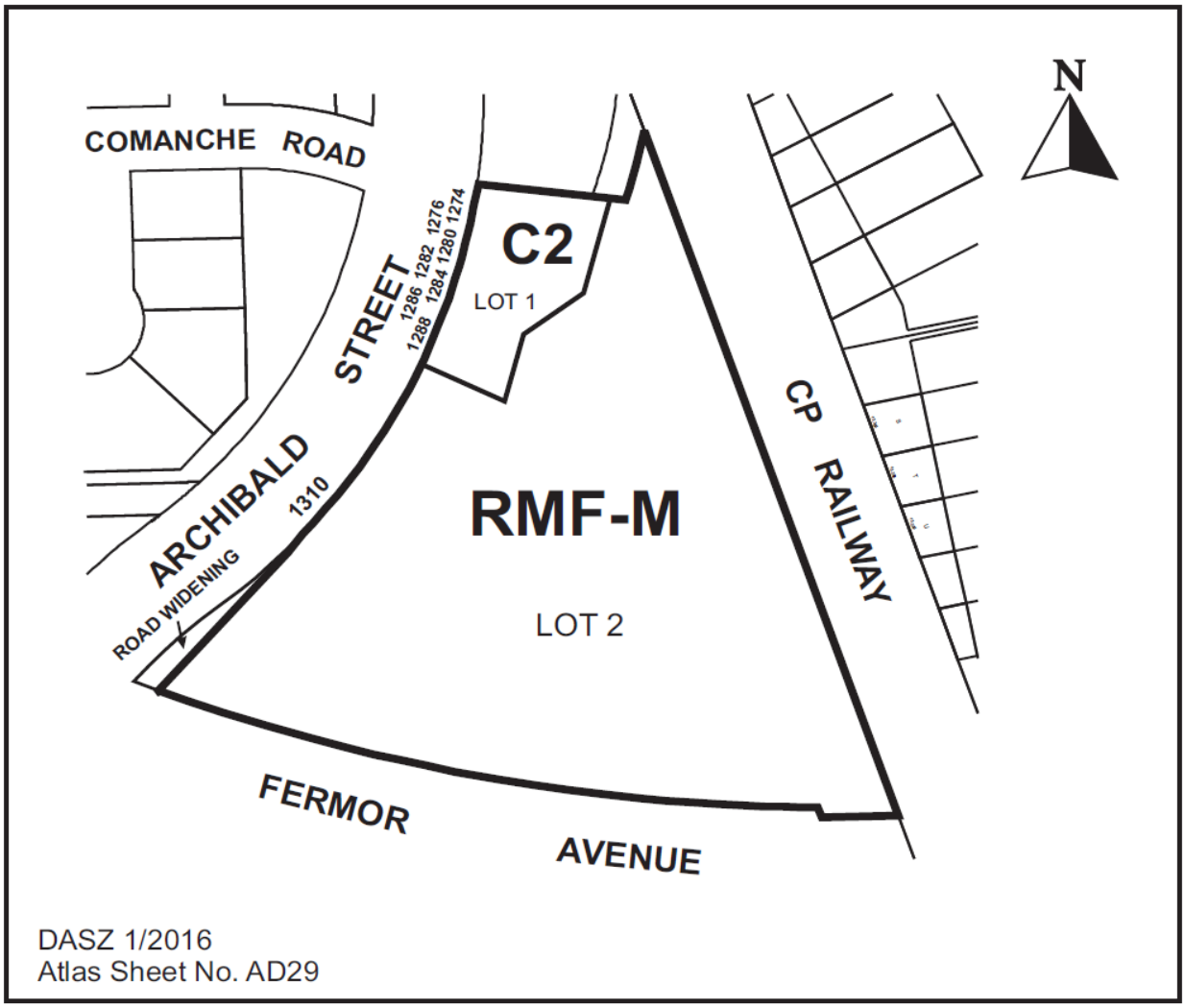
APPENDIX "A" – DASZ 1/2016, BY-LAW NO. 98/2016 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

5183279 Manitoba Ltd.

RECEIVED
JAN 25 2018
LAND DEVELOPMENT

Planning, Property and Development Department
Land Development Branch
Main Floor – 65 Garry Street
WINNIPEG, MB R3C 4K4

Attention: Greg Jasper

Dear Sirs:

Re: DASZ 1/2016 – Subdivision and Rezoning 1274 to 1288 & 1310 Archibald Street
Extension of Time

We request an Extension of Time to ~~August~~ December 31, 2018, to allow us enough time to have the Mylars signed by all the appropriate parties as well as other items required by the Winnipeg Land Titles Office. Please note that it will take some time to track down the various caveators for their signature, due to the age of the Caveats. We also require your re-approval of the enclosed Mylars.

We look forward to hearing from you at your earliest convenience, but if you have any questions or comments with respect to the foregoing, please do not hesitate to contact the writer.

Sincerely,

5183279 Manitoba Ltd. Beneficial Owner
of Thorwin Real Estate LP

Per:

Tom Haughton, Bcomm (Hons)
Vice President, Thorwin Real Estate LP
Encl.
/sla

5183279 Manitoba Ltd. 200 – 1280 Archibald – Winnipeg, MB R2J 0Z4
Phone: 204-253-1885 Fax: 204-253-1651