**Minute No. 170**
**Report - Standing Policy Committee on Property and Development - January 16, 2004**

**Item No. 9 Extension of Time - Rezoning - 480 Balmoral Street**
**File DAZ 239/99**

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 to provide for the enactment of Rezoning By-law No. 7662/2000 be extended to February 1, 2005.

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 - January 16, 2004**

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 16, 2004, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

**Re: Extension of Time - for proposed rezoning on land located at 480 Balmoral Street - File No. DAZ 239/99**

**For submission to: Standing Policy Committee on Property and Development**

**Original report signed by: Director of Planning, Property and Development**

**Report date:** December 16, 2003

**Recommendation(s):**

That the time limit to provide for the enactment of Rezoning By-law No. 7662/00 be extended to February 1, 2005.

## REPORT SUMMARY

**Key Issues:**

- By-law No. 7662/00 passed on July 19, 2000
- Enactment Section of By-law required Zoning Agreement Caveat to be registered in Winnipeg Land Titles Office by July 19, 2002
- Oversight on part of applicant's solicitor to register caveat
- Extension of time required to proceed with registration and bring zoning into effect

Implications of the Recommendation(s):

General implications:

| | |
|---|---|
| X | None |
| | For the organization overall and/or for other departments |
| | **For the community and/or organizations external to the City of Winnipeg** |
| | **Involves a multi-year contract** |

**Comment(s):**

- 

Policy implications:

| | |
|---|---|
| **X** | **No** |
| | **Yes** |

**Comment(s):**

- 

Environmental implications:

| | |
|---|---|
| **X** | **No** |
| | **Yes** |

**Comment(s):**

- 

Human resources implications:

| | |
|---|---|
| **X** | **No** |
| | **Yes** |

**Comment(s):**

- 

Financial implications:

| | |
|---|---|
| X | Within approved current and/or capital budget |
| | Current and/or capital budget adjustment required |

**Comment(s):**

- No Financial Impact

**REASON FOR THE REPORT:**

Council approval is required to extend the time limit to provide for the enactment of a Rezoning By-law.

**HISTORY:**

On July 19, 2000 Council adopted Clause 7 of the report of the Standing Committee on Property and Development dated June 27, 2000 which clause recommended approval of the subject rezoning to a "C2" COMMERCIAL DISTRICT as shown on the attached Schedule "A" to allow for the establishment of a non-accessory parking area.

Recommendation III contained in the said report stipulates:

> "That in the event this application is not proceeded with expeditiously and the By-law is not enacted within 24 months after adoption of this report by Council the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time."

Recommendation V further stipulates the following:

> "That the Rezoning By-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within twenty-four (24) months from the date that the said Rezoning By-law is adopted by Council."

The rezoning By-law No. 7662/2000 was passed by Council on July 19, 2000. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by July 19, 2002, failing which the By-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

**DISCUSSION:**

The solicitor for the applicant, David Levene of Levene, Tadman, Gutkin, Golub, Barristers & Solicitors, 700 - 330 St. Mary Avenue, Winnipeg, Manitoba, R3C 3Z5 is requesting a one-year extension of time in order to complete the necessary rezoning requirements. Mr. Levene indicates that he requires the extension solely due to his office's oversight and failure to file the required Caveat. The documentation was presented to his office but was not dealt with due to a failure in their system. The applicant has admitted that it was their error and not his client's and would hope that their client will not be penalized for this oversight.

The Administration 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 in view of the fact that the City's interests remain secured and circumstances leading to the original approval remain unchanged. Past practice has been for the Planning, Property and Development to accept applications for the extensions of time after the expiry date stipulated by Council. However a recent interpretation by the Legal Services Department has indicated that the application for the extension require that all extensions of time be made prior to the expiry date, and be processed and approved by all necessary committees prior to that date. All ongoing applications will now be processed in this manner, however this matter is now being brought forward based on past practice.

## Financial Impact Statement **Date:** 19-Nov-03

**COMMENTS:**

There is no financial impact associated with the recommendation of this report.

Gord Courage, Manager
Support Services Division

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

The Ward Councillor - Councillor Harvey Smith
This report submitted by:

Planning, Property and Development Department
Division: Development Inspections
Prepared by: E. Axelrod
PPD File #: DAZ 239/99

Document name: o:\reports directive\development and inspections\land development\99daz239-rpt.doc

By-Law No. _____

File No. **DAZ 239/99**

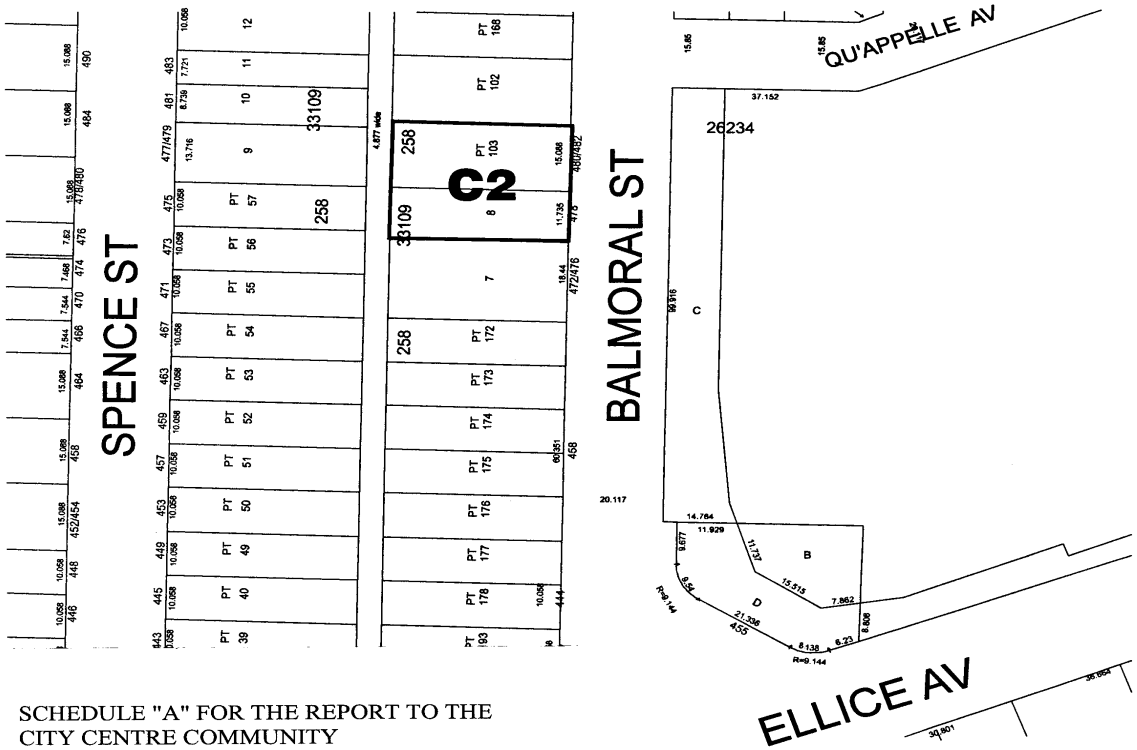
Atlas Sheet No. **Z24**

N

**CITY CENTRE COMMUNITY**

Explanation

**A proposal to amend By-law No. 6400/94 by rezoning the land located at 480/482 Balmoral Street from an "RM-6" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.**




SCHEDULE "A" FOR THE REPORT TO THE
CITY CENTRE COMMUNITY
FOR FILE NO. DAZ 239/99

NOVEMBER 13, 2003

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____