Minute No. 579
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 4, 2018

Item No. 4 **Extension of Time – Subdivision and Rezoning – 989-1001 Ducharme Avenue**
(South Winnipeg – St. Norbert Ward)
File DASZ 29/2016

COUNCIL DECISION:

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

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 39/2017 be extended to May 24, 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 – September 4, 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 September 12, 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 September 4, 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 July 9, 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 – 989-1001 Ducharme Avenue – File No. DASZ 29/2016

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 provisions of By-law No. 39/2017 under File No. DASZ 29/2016 expired on May 24, 2018. The Developer was not able to satisfy all of the conditions prior to expiry and has requested 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. 39/2017 be extended to May 24, 2019.

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 May 24, 2019, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On September 28, 2016, Council adopted Item No. 13 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development, dated September 20, 2016, which recommended approval of the subject subdivision and rezoning to an "RMU PDO-1 ST. NORBERT" RESIDENTIAL MIXED USE DISTRICT under the Winnipeg Zoning By-law No. 200/2006. By-law No. 39/2017 was passed by Council on May 24, 2017 (see Appendix "A").

Section 3 of By-law No. 39/2017 stipulates:

"**Coming into force**

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

(2) Section 2 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles and Zoning Agreement DASZ 29/2016 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 will expire unless an extension of time is applied for prior to expiry, Council approves the extension and the plan of subdivision and caveat are registered before the extended date."

By-law No. 39/2017 has not come into force by the registration of the Plan of Subdivision and Zoning Agreement in the Winnipeg Land Titles Office. The By-law expired on May 24, 2018.

An extension of time request has been submitted by Deeley Fabbri Sellen Law Corporation, Inc., represented by Mr. John Reimer-Epp, on behalf of their client 6298037 Manitoba Ltd. Deeley Fabbri Sellen Law Corporation, Inc. has requested an extension until May 24, 2019. 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 to May 24, 2019 would be acceptable as the circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG POLICY ALIGNMENT

The subject subdivision and rezoning is consistent with the policies guiding development along Regional Mixed Use Corridors in the Complete Communities Direction Strategy and is consistent with the St. Norbert Planned Development Overlay.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: M. Hammerberg, Development Applications Coordinator
Date: June 27, 2018
File No: DASZ 29/2016

Attachments: Appendix “A” – DASZ 29/2016, By-law No. 39/2017 Map
Appendix “B” –Extension of Time Request Letter

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APPENDIX "A" – DASZ 29/2016, BY-LAW NO. 39/2017 MAP

By-Law No. _____

File No. **DASZ 29/16**

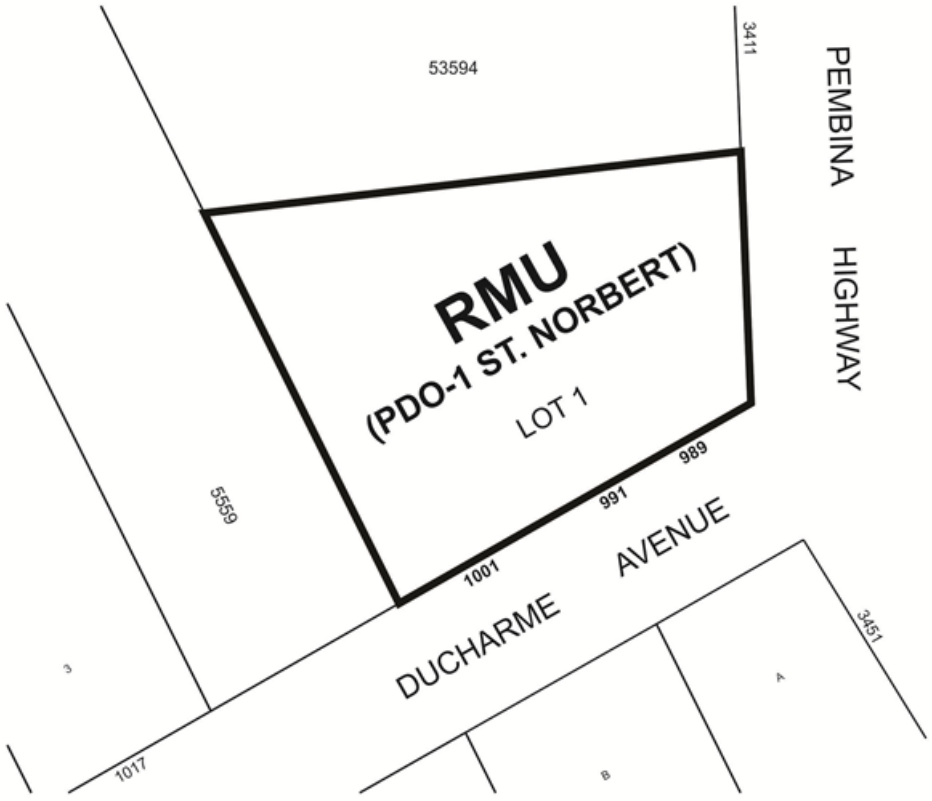
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 989-1001 Ducharme Avenue from an "RR5 PDO-1 ST. NORBERT" RURAL RESIDENTIAL 5 DISTRICT to an "RMU PDO-1 ST. NORBERT" RESIDENTIAL MIXED USE DISTRICT to allow for the construction of a multi-storey mixed use commercial/residential building as shown outlined below.

Atlas Sheet No.

N

AP23
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" –EXTENSION OF TIME REQUEST LETTER

DEELEY FABBRI SELLEN
— LAW CORPORATION —

LETTER OF INTENT

To: WHOM IT MAY CONCERN

Re: 6298037 Manitoba Ltd. first mortgage to Steinbach Credit Union Limited
989 and 1001 Ducharme Avenue, Winnipeg
Servicing Agreement AG 29/16 - DASZ 29/2016
Our File No.: 33063-007

As requested by our client, our office is applying for an extension of time to allow completion of the agreement required under DASZ 29/2016. We are requesting one (1) year to process our extention of time, receive the requisite documents, obtain the required signatures together and to register the Plan of Subdivision and Mylars in Winnipeg Land Titles Office.

If you require any further information feel free to contact my office. Thank you.

Yours truly,

Deeley Fabbri Sellen Law Corporation

Per;
JOHN M. REIMER-EPP
/tjg
enclosures

Richard K Deeley QC* Robert R Fabbri * David R Sellen QC * Robert L Zaparniuk #
Randall A Horton * Norman R Piel * John M Reimer-Epp * Mark H Toews *
Andrea C Dodgson * Dana R Kochan Lorraine M Scollin Erin C EisBrenner
Matthew G Jerome Kara M Bashutski Reannah J Hocken Jonathan K Boettcher

* Denotes Law Corporation
\# Denotes Leave of Absence

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