Agenda – Executive Policy Committee – May 18, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 11, 2021

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Item No. 10 Extension of Time – Subdivision and Rezoning – 425 Wardlaw Avenue and 160 Osborne Street (Fort Rouge-East Fort Garry Ward) File DASZ 20/2019

STANDING COMMITTEE RECOMMENDATION:

On May 11, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 45/2020 be extended to December 11, 2021.

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

Agenda – Executive Policy Committee – May 18, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 11, 2021

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On May 11, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2021, the City Centre 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 – Subdivision and Rezoning – 425 Wardlaw Avenue and 160 Osborne Street – File No. DASZ 20/2019

Critical Path: City Centre Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Trenchard	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 45/2020 under File No. DASZ 20/2019 expires on May 6, 2021. The developer has not been 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. 45/2020 be extended to December 11, 2021.

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 Recommendations are concurred in, the Owner will be allowed a time extension to December 11, 2021, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On October 23, 2019, Council adopted Item No. 9 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated September 30, 2019 which recommended approval of a subdivision and rezoning to an "RMF-U PDO-1 Neighbourhood Main Streets" Residential Mixed Use District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

The rezoning By-law No. 45/2020 was enacted by Council on May 6, 2020.

Sections 3 and 4 of By-law No. 54/2019 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision and the Zoning Agreement are registered at the Winnipeg Land Titles Office.

Extensions of time

4(1) Subject to subsection (2), this By-law will expire without coming into force one year after the date on which this By-law is enacted if:

(a) the plan of subdivision and Zoning Agreement have not been registered at the Winnipeg Land Titles Office; and

(b) the owner has not applied for an extension of time.

4(2) This By-law will be deemed to have expired without coming into force on the date provided in subsection (1) when

(a) The owner has applied for an extension of time prior to the date provided in subsection (1); and

(b) Council denies the extension of time.

By-law No. 45/2020 has not come into force by the required registration of the Plan of Subdivision. The required Zoning Agreement DASZ 20/2019 has not been registered by caveat in the Winnipeg Land Titles Office and the one (1) year time limit expires on May 6, 2021.

On March 19, 2021, the Lawyer, Maria C. Reimer of MLT Aikins LLP, 30th Floor, 360 Main Street, Winnipeg, Manitoba, R3C 4G1 submitted an application for an Extension of Time on behalf of the Owners7196386 Manitoba Ltd. and 7196394 Manitoba Ltd. and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 45/2020 be extended to December 11, 2021 in order to complete the required registrations. 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

Under the Complete Communities Direction Strategy this development is within the Mixed Use Corridor policy area of OurWinnipeg. The proposed "RMU PDO-1 Neighbhourhood Main Streets" Residential Mixed Use District rezoning to establish the increase in density while providing scale, character and built form is complementary to this part of Osborne Village and adds to the local mix of housing types in alignment with goals of Complete Communities.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

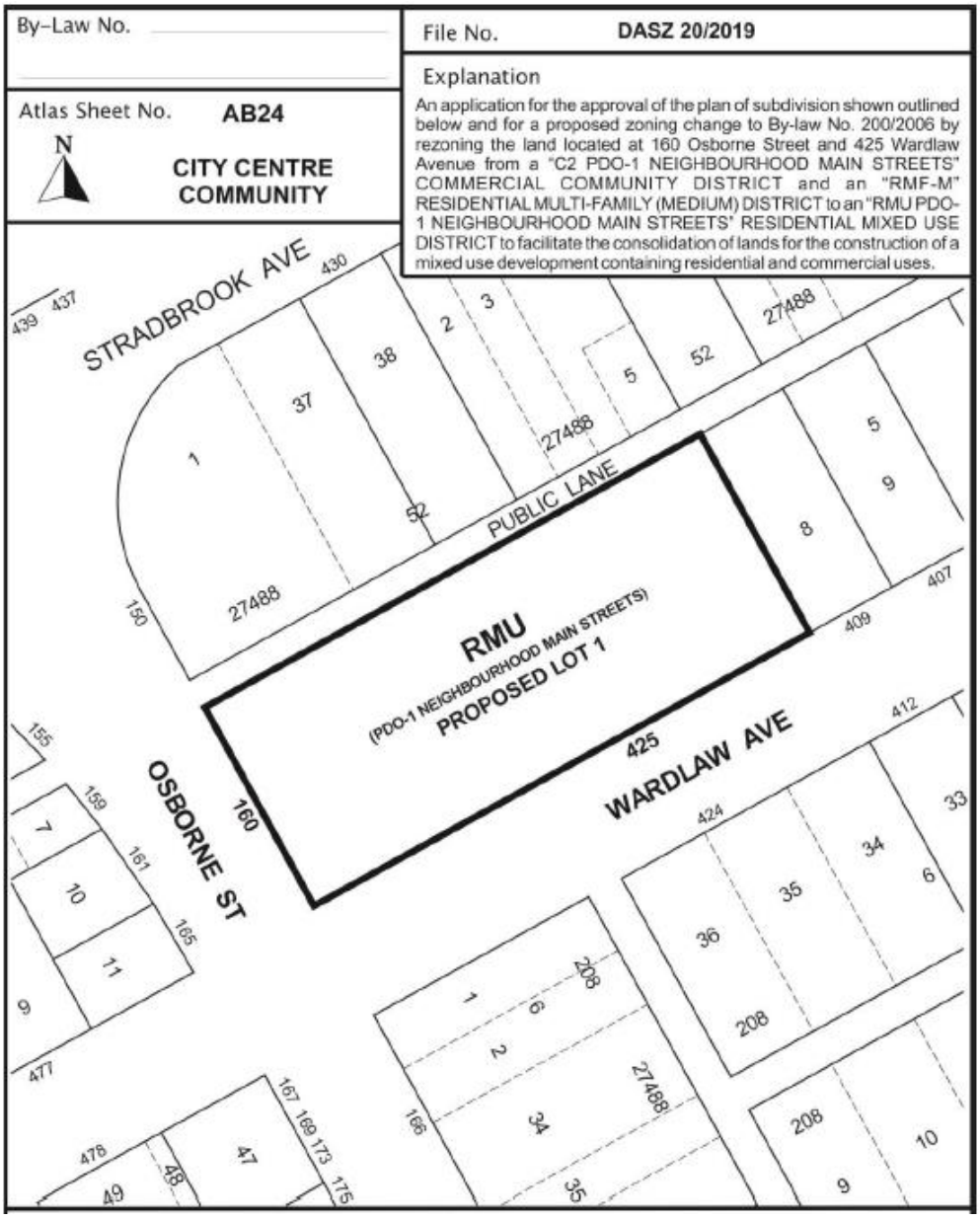
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: April 6, 2021
File No: DASZ 20/2019
Attachments: Appendix "A" – DASZ 20/2019 Map
Appendix "B" – Letter Requesting Extension of Time

V:\3-Applications-SAVE\113-2021 – REPORTS\Extension of Time Request #1 DASZ 20-19

APPENDIX "A" – DASZ 20/2019 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

MLT AIKINS
WESTERN CANADA'S LAW FIRM

MLT Aikins LLP
30th Floor - 360 Main Street
Winnipeg, MB R3C 4G1
T: (204) 957-0050
F: (204) 957-0840

Maria C. Reimer*
*** services provided by**
M C Reimer Law Corporation
Direct Line: (204) 957-4867
Fax: (204) 957-4242
E-mail: mreimer@mltaikins.com

Melinda Moch
Commercial Real Estate & Financial Paralegal
Direct Line: (204) 957-4495
E-mail: mmoch@mltaikins.com

March 19, 2021

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

Re: LETTER OF INTENT
Application for Extension – DASZ 20/2019
7196386 Manitoba Ltd. and 7196394 Manitoba Ltd. (the "Owners")
File No.: 0136558.00002

Further to the above noted matter, please find attached hereto our Application for Extension on behalf of the Owners, together with a cheque in the amount of **$630.00** representing the extension of time fee.

Please accept this letter as our letter of intent with respect to our request for an extension of six (6) months.

We confirm that all documents required for registration of the above noted Planning File were released by the City of Winnipeg Legal Department on **November 16, 2020** and our subdivision series was submitted for registration to Land Titles on **December 11, 2021**.

The subdivision series was rejected due to objections raised by Land Titles with the RPA Application relating to the back lane (being closed by way of By-law No. 42/2020). Our office communicated the matters brought forth by Land Titles to Andrea Bellhouse on **January 15, 2021** and certain amendments were made to the series registration, namely a split to the series was made enabling registration of the RPA together with Plan Deposit 0180/2020. The registration of the RPA and Plan Deposit 0180/2020 was completed on **March 4, 2021**.

We are now prepared to register Plan Deposit 0181/2020 and wish for an extension in order to avoid the risk of expiration which the submission is being reviewed. In light of the aforementioned matters, we would respectfully request an extension be granted in order to enable the registration of Plan Deposit 0181/2020.

Please find enclosed herewith the following:

1. Status of Title 3040008/1;
2. Status of Title 3103578/1

MLT AIKINS

WESTERN CANADA'S LAW FIRM

3. 3040021/1; and

4. 3040023/1.

We trust you will find the enclosed in order. Should you have any questions or require any further information, please do not hesitate to contact us.

Yours truly,

MLT AIKINS LLP

Per:

Maria C. Reimer

MCR:mm
Enc.