Agenda – Council – July 22, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 6, 2021

Item No. 1 **Extension of Time – Subdivision and Rezoning – 2634 Pembina Highway, 21 Bayridge Avenue and a Portion of Bayridge Avenue Right-of-Way**
(St. Norbert-Seine River Ward)
File DASZ 15/2019

STANDING COMMITTEE RECOMMENDATION:

On July 14, 2021, 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. 54/2020 be extended to May 29, 2022.

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 – July 6, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 14, 2021, 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 July 6, 2021, 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 June 21, 2021, 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 – Subdivision and Rezoning – 2634 Pembina Highway, 21 Bayridge Avenue and a Portion of Bayridge Avenue Right-of-Way – File No. DASZ 15/2019

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
D. Trenchard	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 54/2020 under File No. DASZ 15/2019 expired on May 29, 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. 54/2020 be extended to May 29, 2022.

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 May 29, 2022, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On September 26, 2019, Council adopted Item No. 8 of the Executive Policy Committee dated September 17, 2019 which recommended approval of a subdivision and rezoning to a "C3" Commercial Corridor District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

The rezoning By-law No. 54/2020 was enacted by Council on May 29, 2020.

Sections 3 and 4 of By-law No. 54/2020 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision and Zoning Agreement is 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 has 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. 54/2020 has not come into force by the required registration of the Plan of Subdivision and Zoning Agreement and the one (1) year time limit expired on May 29, 2021.

On May 26, 2021, the Applicant, Barnes & Duncan Surveying, Engineering & Geomatics, Attention: Christian Korell, 6 Donald Street, Winnipeg, Manitoba, R3L 0K6, on behalf of the Owner Brier Holdings Ltd. applied for an Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 54/2020 be extended to May 29, 2022 in order to complete the required registrations. All applicable documents and caveats had been submitted to the Winnipeg Land Titles Office via e-registration process, however, registration occurring prior to the By-law expiring could not be guaranteed by Teranet. 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 proposal is consistent with the policies guiding development along *Regional Mixed Use Corridors* in the *Complete Communities Direction Strategy* which promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate. The proposal is also compatible with the existing land uses in the area.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

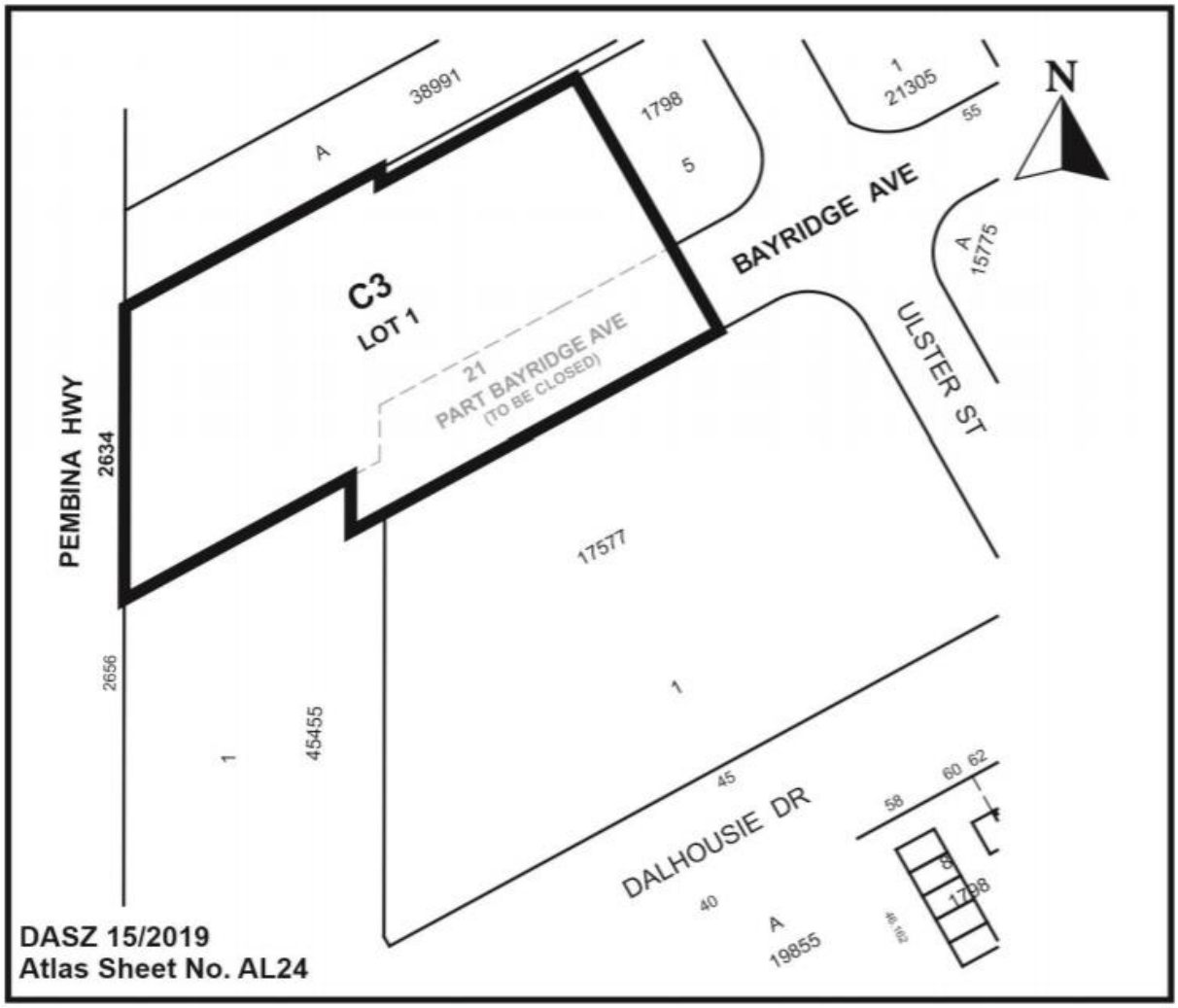
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: June 7, 2021
File No: DASZ 15/2019
Attachments: Appendix “A” – DASZ 15/2019 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 15/2019 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

BARNES 1906 &DUNCAN
SURVEYING, ENGINEERING & GEOMATICS

May 26, 2021

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

Re: Extension of Time – 2634 Pembina Highway, 21 Bayridge Avenue

Please accept this letter as my request for an extension of time to extend an existing By-law from coming into force for the above mentioned properties. My understanding is that the By-law will expire on May 29th, 2021.

This project involved the sale of a portion of Bayridge Avenue by the City of Winnipeg to my client, Brier Holdings Ltd. This portion of Bayridge Avenue required a Plan of Survey to be completed to close the street. The agreed to closing date for the transfer of Bayridge Avenue to Brier Holdings Ltd was May 20, 2021. Paperwork was received by legal counsel for my client by the agreed to closing date.

This project involved the registration of the Plan of Survey to close Bayridge Avenue. This land would then be transferred to Brier Holdings whereby it would be consolidated by way of a Plan of Subdivision. There was also an easement plan requirement to satisfy Manitoba Hydro's easement requirements.

All of the above plans, requests to issue title and applicable registration of Caveats affecting newly issued titles were submitted through the e-registration process at the Land Titles Office (Teranet Manitoba) on May 21, 2021. The submittal of the registration requests and documents is only 8 days prior to the expiry date of the By-law. Teranet cannot guarantee that the documents can be registered by this Friday May 28th to meet the May 29th deadline so that is why I am requesting an extension out of an abundance of caution, to allow the registration process to be completed. My request is for a 6 month extension.

I have included herewith a letter of authorization from Michael Bodnar, CFO and Secretary of Brier Holdings Ltd. I have also included copies of the Certificates of Titles for the properties owned by Brier Holdings Ltd, and a City of Winnipeg Caveat 3347517/1 registered against Title Number 2183418/1. The City of Winnipeg Application form is also included along with my payment of $1030.00 for the extension of time fee ($600 + GST) and the Mylar re-approval fee ($400).

If you have any questions or require any additional information, please feel free to contact me directly, at 204-284-5999.

Yours Truly

BARNES & DUNCAN

Christian Korell, M.L.S.

cc: Mike Bodnar, Brier Holdings Ltd.
cc: Chrys Pappas, Thompson Dorfman Sweatman

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Our File: