Minutes – Executive Policy Committee – December 8, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 2, 2021

Item No. 11 Extension of Time – Subdivision and Rezoning – 1454 Ravelston Avenue West – File No. DASZ 39/2019 (Transcona Ward)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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. 92/2020 be extended to September 30, 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 – December 2, 2021

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

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.

Carried

Moved by Councillor Gilroy,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Yea:	Bowman, Allard, Browaty, Gillingham, Gilroy, Mayes, Rollins	7
Nay:		0

Carried

STANDING COMMITTEE RECOMMENDATION:

On December 2, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 22, 2021, the East Kildonan-Transcona 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.

On October 25, 2021, the East Kildonan-Transcona Community Committee laid over the matter to its meeting on November 22, 2021.

ADMINISTRATIVE REPORT

Title: Extension of Time – Subdivision and Rezoning – 1454 Ravelston Avenue West – File No. DASZ 39/2019

Critical Path: East Kildonan-Transcona Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Jasper	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 92/2020 under File No. DASZ 39/2019 expires on September 30, 2021. The Owner 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. 92/2020 be extended to September 30, 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 September 30, 2022, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On March 20, 2020, Council adopted Item No. 5 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated March 2, 2020 which recommended approval of a subdivision and rezoning to an "RMF-S" Residential Multi-Family (Small) District and an "R2" Residential Two-Family District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

The rezoning By-law No. 92/2020 was enacted by Council on September 30, 2020.

Sections 3 and 4 of By-law No. 92/2020 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision and 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 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. 92/2020 has not come into force by the required registration of the Plan of Subdivision and Zoning Agreement and the one (1) year time limit will expire on September 30, 2021.

On September 20, 2021, the Owner's Lawyer, Taylor McCaffrey LLP, Attention: David C. King, 2200 – 201 Portage Avenue, Winnipeg, Manitoba, R3B 3L3, applied for an Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 92/2020 be extended to September 30, 2022 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

The proposed plan of subdivision and rezoning for the subject lands are consistent with the Key Direction and policies of *OurWinnipeg* and *Complete Communities*. The proposal also complies with the *Transcona West Area Structure Plan*.

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: September 23, 2021
File No: DASZ 39/2019
Attachments: Appendix “A” – DASZ 39/2019 Map
Appendix “B” – Letter Requesting Extension of Time

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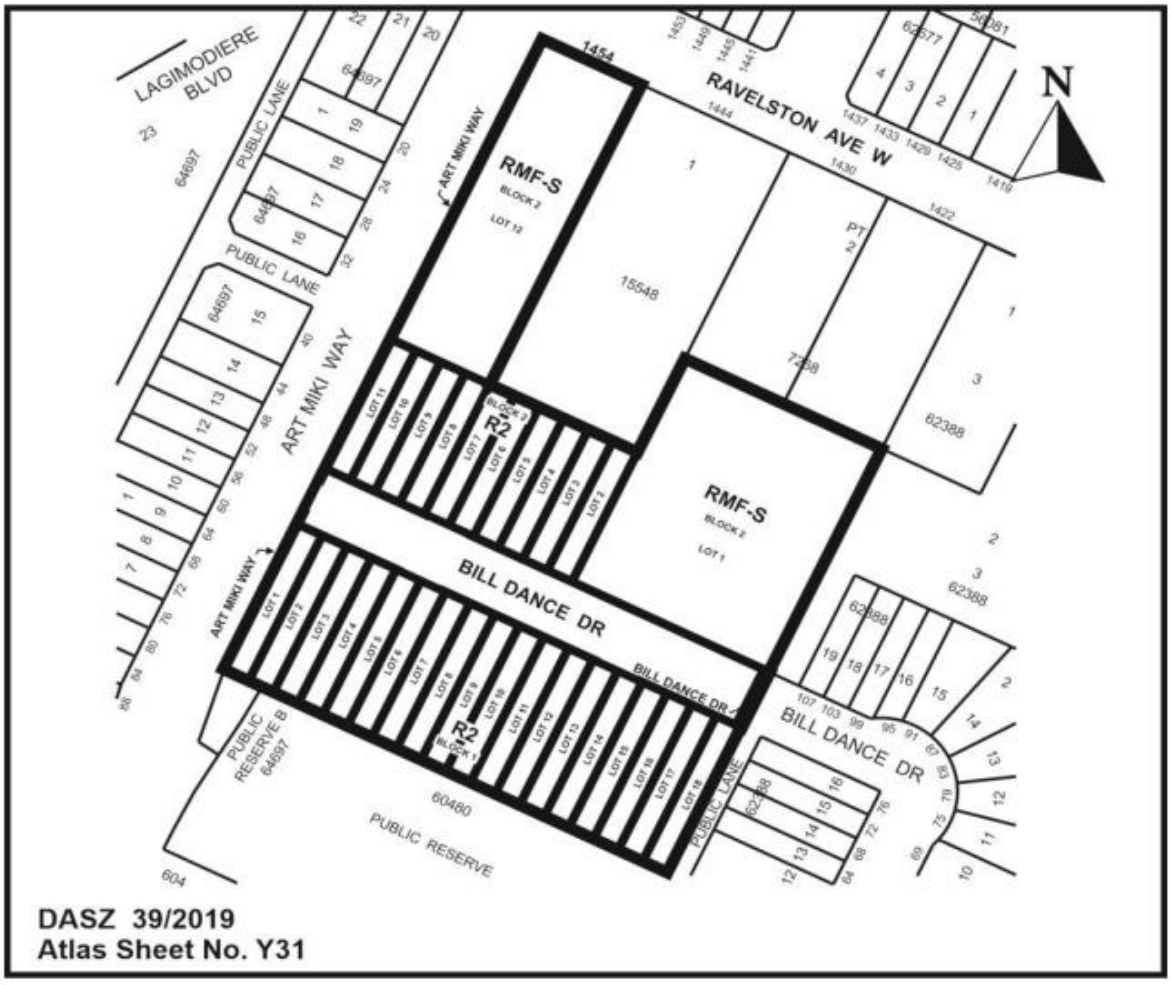
APPENDIX "A" – DASZ 39/2019 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

TAYLOR
McCAFFREY
LAWYERS

Taylor McCaffrey LLP
2200 - 201 Portage Avenue
Winnipeg, MB R3B 3L3

David C. King
Professional services provided through
David C. King Law Corporation
Direct Line: 204 988-0420
Direct Fax: 204 953-7181
E-Mail: dcking@tmlawyers.com
Assistant: Wendy Lord
Direct Line: 204 988-0421

September 9, 2021

Michele Hammerberg **Via Courier**
The City of Winnipeg
Land Development Branch
Planning, Property and Development Department
Main Floor – 65 Garry Street
Winnipeg, Manitoba, R3C 4K4

Dear Ms. Hammerberg:

Re: 1454 Ravelston Avenue West
DASZ 39/2019
10050232 Manitoba Ltd. (the "Developer")
Our File No. 111859-3

We wish to advise you that we are the solicitors for the Developer with respect to this matter.

We are still in the process of trying to file this Plan of Subdivision and supporting documents in The Property Registry. We are currently trying to get several signatures on the Plan before re-submitting. As a result, we are not sure if filings will be complete before September 30, 2021, which is when the By-law expires. We therefore request that you start an extension application.

Please let me know if you require anything further from our office or our client.

Yours truly,

TAYLOR McCAFFREY LLP

Per:

David C. King
DCK\tb
cc. 10050232 Manitoba Ltd. (att'n: P. Shahi)

RECEIVED
SEP 20 2021
LAND DEVELOPMENT