Minute No. 128
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 2, 2021

Item No. 12 **Extension of Time – Proposed Subdivision and Rezoning – 1916, 1918 & 1920 St. Mary's Road**
(St. Norbert-Seine River Ward)
File DASZ 38/2013

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. 116/2017 be extended to December 13, 2022.

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

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DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

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 December 8, 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 December 2, 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 November 23, 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 – Proposed Subdivision and Rezoning – 1916, 1918 & 1920 St. Mary's Road – File No. DASZ 38/2013

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
G. Jasper	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 116/2017 under File No. DASZ 38/2013 will expire on December 13, 2021. The Owner will not be able to satisfy all of the conditions prior to expiry and has requested a fifth extension of time to finalize their plans, satisfy obligations and 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. 116/2017 be extended to December 13, 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 recommendation is concurred in, the Developer will be allowed a time extension to December 13, 2022, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On February 26, 2014, Council adopted Item No. 2 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated February 18, 2014 which recommended approval of a subdivision and rezoning to an "RMF-L" Residential Multi-Family (Large) District and a "PR1" Parks and Recreation District under Winnipeg Zoning By-Law 200/2006.

On February 24, 2016, Council adopted Item No. 11 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated February 16, 2016 extending the time limit to satisfy the enactment of the necessary rezoning by-law to February 26, 2017.

On January 25, 2017, Council adopted Item No. 11 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated January 17, 2017 extending the time limit to satisfy the enactment of the necessary rezoning by-law to February 26, 2018.

On December 13, 2017, By-law No. 116/2017 was enacted by Council. See Appendix "A" map attached. Section 3 of By-law No. 27/2017 stipulates:

Coming into force

3(1) Section 1 comes into force when The City of Winnipeg executes the Development Agreement for Servicing referred to in that section, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council.

3(2) Section 2 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 38/2013 is registered in the Winnipeg Land Titles Office by caveat against the subject land 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.

On January 31, 2019, Council adopted Item No. 22 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated January 7, 2019 extending the time limit to satisfy the Coming into Force provisions of By-law 116/2017 to December 13, 2020.

On December 17, 2020, Council adopted Item No. 10 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated December 7, 2020 extending the time limit to satisfy the Coming into Force provisions of By-law 116/2017 to December 13, 2021.

By-law No. 116/2017 has not come into force by the required registration of the Plan of Subdivision and Zoning Agreement DASZ 38/2013 by caveat in the Winnipeg Land Titles Office and the one (1) year time limit is due to expire on December 13, 2021.

The Co-Applicant, Samuel Goszer of Alesta Developments Corporation, on behalf of the Owner, Dan Labossiere, President of 10058612 Manitoba Ltd., 202 – 1615 St. Mary's Road, Winnipeg, Manitoba, R2M 3W8 has requested a fifth extension of time in order to finalize plans, satisfy obligations and 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 would be acceptable and circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

Urban Planning Division

OUR WINNIPEG POLICY ALIGNMENT

The proposed development is located along a Regional Mixed-Use Corridor (St. Mary's Road) under the Complete Communities Direction Strategy of OurWinnipeg and has been supported by the Winnipeg Public Service as being consistent with these direction policies which promotes a mix of housing opportunities and intensification along Regional Mixed-Use Corridors.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

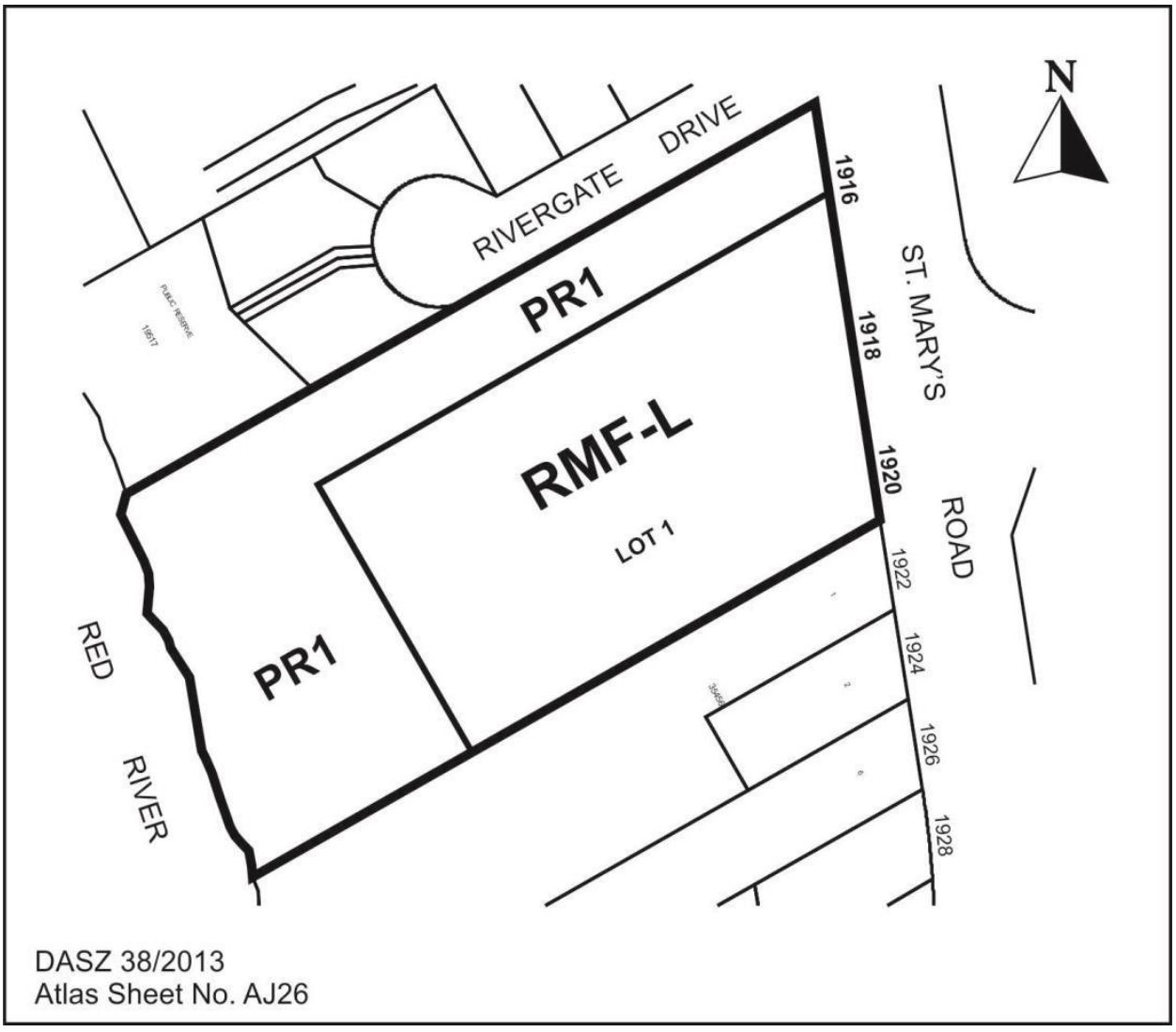
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: October 25, 2021
File No: DASZ 38/2013

Attachments:
Appendix "A" – DASZ 38/2013, By-law No. 116/2017 Map
Appendix "B" – Extension of Time Request

APPENDIX "A" – DASZ 38/2013, BY-LAW NO. 116/2017 MAP



APPENDIX "B" – EXTENSION OF TIME REQUEST

From: Samuel Goszer <sgoszer@alesta.ca>
Sent: Friday, October 22, 2021 12:00 PM
To: Hammerberg, Michele <MHammerberg@winnipeg.ca>
Cc: Skobel, Chris <CSkobel@winnipeg.ca>; Savage, Angie <asavage@winnipeg.ca>; Finnigan, Elise <EFinnigan@winnipeg.ca>; Dan Labossiere <DanL2014@outlook.com>; Amanda Robinson (ARobinson@ltglc.ca) <ARobinson@ltglc.ca>
Subject: RE: DASZ-38/2013; 1916,1918 &1920 St. Mary's Road

Good morning,

Please accept this letter as a formal request to extend the above referenced application by one (1) year.

As registered owners of the three parcels above referenced via bare trustee, 10046993 Manitoba Ltd., we make this request in order to ensure we have sufficient time to finalize/register the following (which are all in varying stages of finalization):

1. Mylars (further input required from Donna Beaton, Senior Urban Planner with the Urban Planning Branch);
2. Servicing Agreement (presently with Daniel Trenchard) and posting the associated security; and
3. Easement Agreement(s) (presently with Erin Dyck).

My law office will send a print copy of this email, together with cheque for $600.00 plus GST, to the attention of Greg Jasper at Planning, Property and Development Department, Land Development Branch, Main Floor, 65 Garry Street, Winnipeg, Manitoba, R3C 4K4 on Monday.

Regards,

Samuel (Sam) Goszer

Partner

ALESTA DEVELOPMENTS CORPORATION

Email: SGoszer@Alesta.ca

Mobile: 204.510.8004

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