Agenda – Council – July 21, 2022

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 4, 2022

Item No. 8 Extension of Time – Closing of Public Lane North of 341 Scotia Street between Scotia Street and the Red River (Mynarski Ward) File DAC 3/2020

STANDING COMMITTEE RECOMMENDATION:

On July 13, 2022, 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 Recommendation 3 under File DAC 3/2020 approved by Council on July 23, 2020, be deleted and replaced with the following:

    3. That in the event the by-law:

        A. is not enacted on or before July 23, 2023; and

        B. is not registered in The Winnipeg Land Titles Office within one (1) year following the date it is enacted by Council, the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for, prior to July 23, 2023, and Council approves the extension.

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 4, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 13, 2022, 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 4, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 21, 2022, the Lord Selkirk-West Kildonan 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.

Brad McGregor, Junior Planner, Richard Wintrup, submitted a presentation titled “341 Scotia Street”, with respect to the matter.

ADMINISTRATIVE REPORT

Title: Extension of Time – Closing of public lane north of 341 Scotia Street between Scotia Street and the Red River – File DAC 3/2020

Critical Path: Lord Selkirk-West Kildonan Community Committee - Standing Policy Committee on Property and Development, Heritage and Downtown Development - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Robinson	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

On July 23, 2020, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development to close the public lane immediately north of and adjacent to 341 Scotia Street, between Scotia Street and the Red River. The closing will expire on July 23, 2022 unless an extension of time is approved by Council.

The Public Service supports the request from the Purchasers for an extension of time until July 23, 2023.

RECOMMENDATIONS

1. That Recommendation 3 under File DAC 3/2020 approved by Council on July 23, 2020, be deleted and replaced with the following:

    3. That in the event the by-law:

        A. is not enacted on or before July 23, 2023; and

        B. is not registered in The Winnipeg Land Titles Office within one (1) year following the date it is enacted by Council,

        the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for, prior to July 23, 2023, and Council approves the extension.

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 for a road closing.

IMPLICATIONS OF THE RECOMMENDATIONS

Should Council concur in the recommendation, the applicant will be permitted an extension of time to July 23, 2023 to complete the necessary registrations at the Winnipeg Land Titles Office to implement the intent of Council's July 23, 2020 decision.

HISTORY/DISCUSSION

On July 23, 2020, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development to close the public lane immediately north of and adjacent to 341 Scotia Street, between Scotia Street and the Red River. The closing and subsequent sale to the owners of 341 Scotia Street for consolidation with property legally described as SP Lot 28 Plan 30640 WLTO and known as 341 Scotia Street will regularize an existing private approach, and eliminate an encroachment by an existing garage located at 341 Scotia Street. Recommendation 3 requires the closing by-law to be enacted by Council no later than July 23, 2022 and registered in the Winnipeg Land Titles Office no later than one year following the date of enactment.

On June 8, 2021, Council approved the sale of the closing area and the purchase and sale negotiations were finalized in early 2022. A development application required to facilitate consolidation with the immediately adjoining private holdings was submitted on April 8, 2022. The by-law cannot be prepared and presented to Council for enactment without an approved closing plan. The purchaser's solicitor has advised that the field survey work required for preparation of the closing plan cannot be undertaken until current water levels of the Red River have receded so the purchasers, through their solicitor, have requested an extension of time until July 23, 2023.

CONSULTATION

Because this report is made in connection with a request for extension of time only, neither the Public Service nor Public Utilities were consulted.

OURWINNIPEG POLICY ALIGNMENT

N/A

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Geomatics
Prepared by: Catherine P. Gagnon
Date: May 19, 2022
File No: DAC 3/2020
Attachments:
Appendix A - Extension of Time Request Letter dated April 12, 2022
Appendix B - Miscellaneous Plan 15617
Appendix C - Aerial View of Proposed Closing

APPENDIX A – EXTENSION OF TIME REQUEST LETTER DATED APRIL 12, 2022

AVS LAW LLP

Ross A. Antymniuk, B.A., LL.B. *
Heather Kemkaran-Antymniuk, LL.B. *
Chad H. Schaan, B.A., LL.B.
Gord C. Steeves, B.A., LL.B.*
David A. Kochan, B.A., LL.B.
S. Tristan Smith, B.A. (Hons.), LL.B.
Karen A. Diggins, H.B.Sc., J.D.

*Services provided by a Professional Law Corporation

Please reply to: Gord C. Steeves

Direct Email: gord@avdkslaw.ca

April 12, 2022

Via Courier

City of Winnipeg
Planning, Property and Development
Fort Garry Place
2nd floor-65 Garry Street #4
Winnipeg, MB R3C 4K4

Attention: C. Gagnon / J. Pelletier

Dear Madam:

Re: Proposed Closing of the Public Lane North of 341 Scotia Street, Between Scotia Street and the Red River
DAC 3/2020

The writer is counsel for the purchasers of the right of way. By this letter we are requesting an extension to July 31st, 2023. We enclose our law firm's cheque in the amount of $805.00 pursuant to Bylaw 66/2016. We have heard from all our surveyors, currently the OHMW is below water level of the Red River, which has just peaked and should be visible mid-May- beginning of June. Given the circumstances, we are requesting an extension of time under DAC 3/2020.

Yours truly,

AVS LAW LLP

Per:

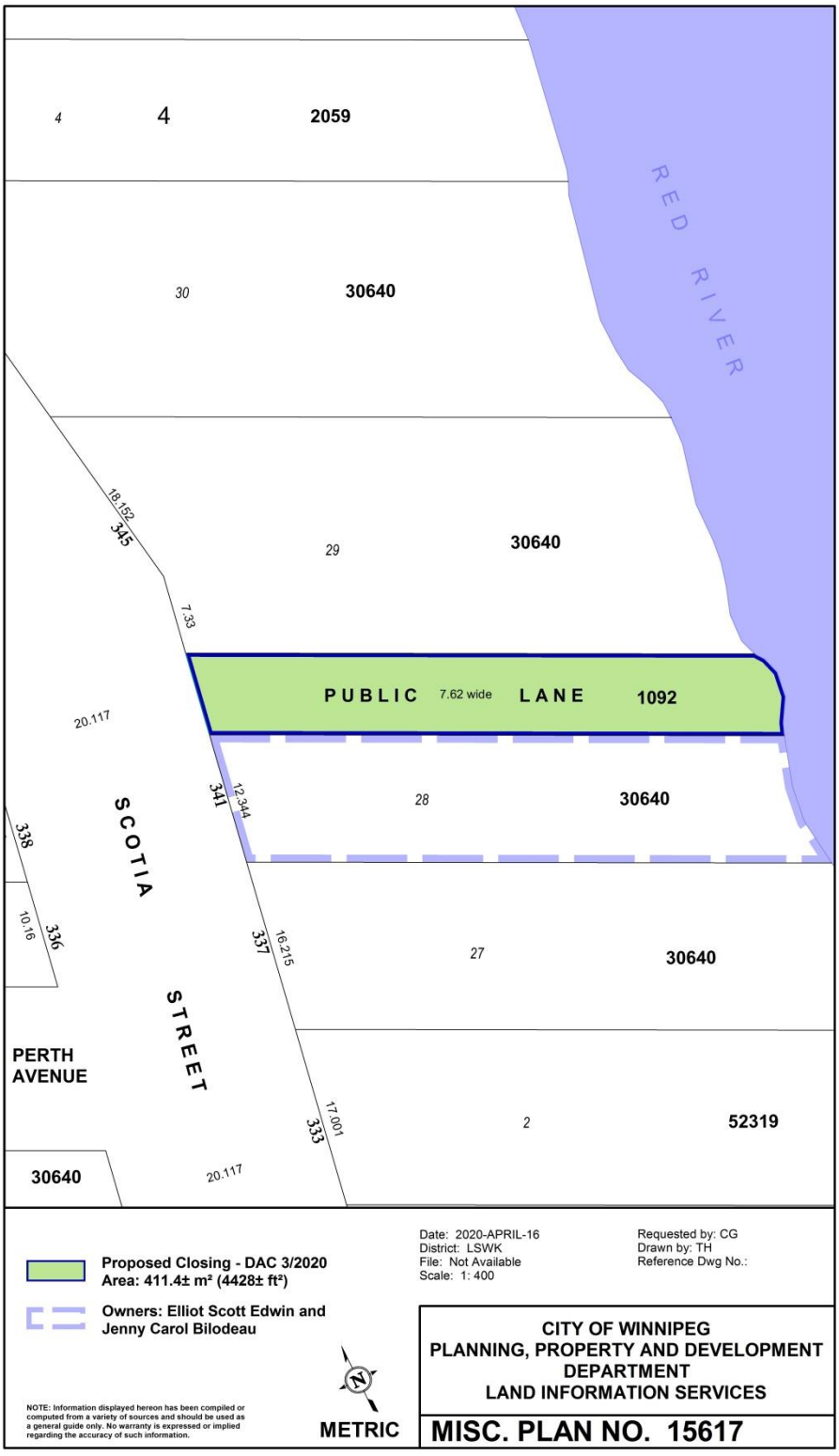
Gord C. Steeves

GCS/tb
Encl.

Seine River Professional Center

Phone: 204.254.3511 Fax: 204.257.5139 200-600 St. Anne's Road Winnipeg, MB. R2M 2S2

APPENDIX B – MISCELLANEOUS PLAN 15617



APPENDIX C – AERIAL VIEW OF SUBJECT CLOSING

