Agenda – Executive Policy Committee – May 16, 2023

Report – Standing Policy Committee on Property and Development – May 4, 2023

Item No. 6 Extension of Time – Subdivision and Rezoning – 634 Portage Avenue (Daniel McIntyre Ward)
File DASZ 33/2021

STANDING COMMITTEE RECOMMENDATION:

On May 4, 2023, the Standing Policy Committee on Property and 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. 54/2022 be extended to April 28, 2024.

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 16, 2023

Report – Standing Policy Committee on Property and Development – May 4, 2023

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On May 4, 2023, the Standing Policy Committee on Property and 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 April 25, 2023, 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.

ADMINISTRATIVE REPORT

Title: Extension of Time – Subdivision and Rezoning – 634 Portage Avenue – File No. DASZ 33/2021

Critical Path: City Centre Community Committee – Standing Policy Committee on Property and 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. 54/2022, under File No. DASZ 33/2021, will expire on April 28, 2023. 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. 54/2022 be extended to April 28, 2024.

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 April 28, 2024, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On November 25, 2021, Council adopted Item No. 7 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development, dated November 10, 2021 which recommended approval of a subdivision and the rezoning to an "RMU" Residential Mixed Use District under Winnipeg Zoning By-Law 200/2006. See Appendix “A” map attached.

The rezoning By-law No. 54/2022 was enacted by Council on April 28, 2022.

Sections 3 and 4 of By-law No. 54/2022 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. 54/2022 has not come into force by the required registration of the Plan of Subdivision and the Zoning Agreement and the one (1) year time limit is set to expire on April 28, 2023.

On April 4, 2023, MLT Aikins LLP, Attention: Maria C. Reimer, 30th Floor – 360 Main Street, Winnipeg, Manitoba, R3C 4G1 applied for an Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 54/2022 be extended 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 proposal aligns with the City Building Policy 6.20 OurWinnipeg 2045 that applies to Corridors, which states: “Prioritize the creation and maintenance of vibrant pedestrian and transit-oriented places in Urban Mixed Use Corridors.”

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposal complies with the Winnipeg Climate Action Plan because the proposed development would increase the density of urban development along a key transit corridor.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

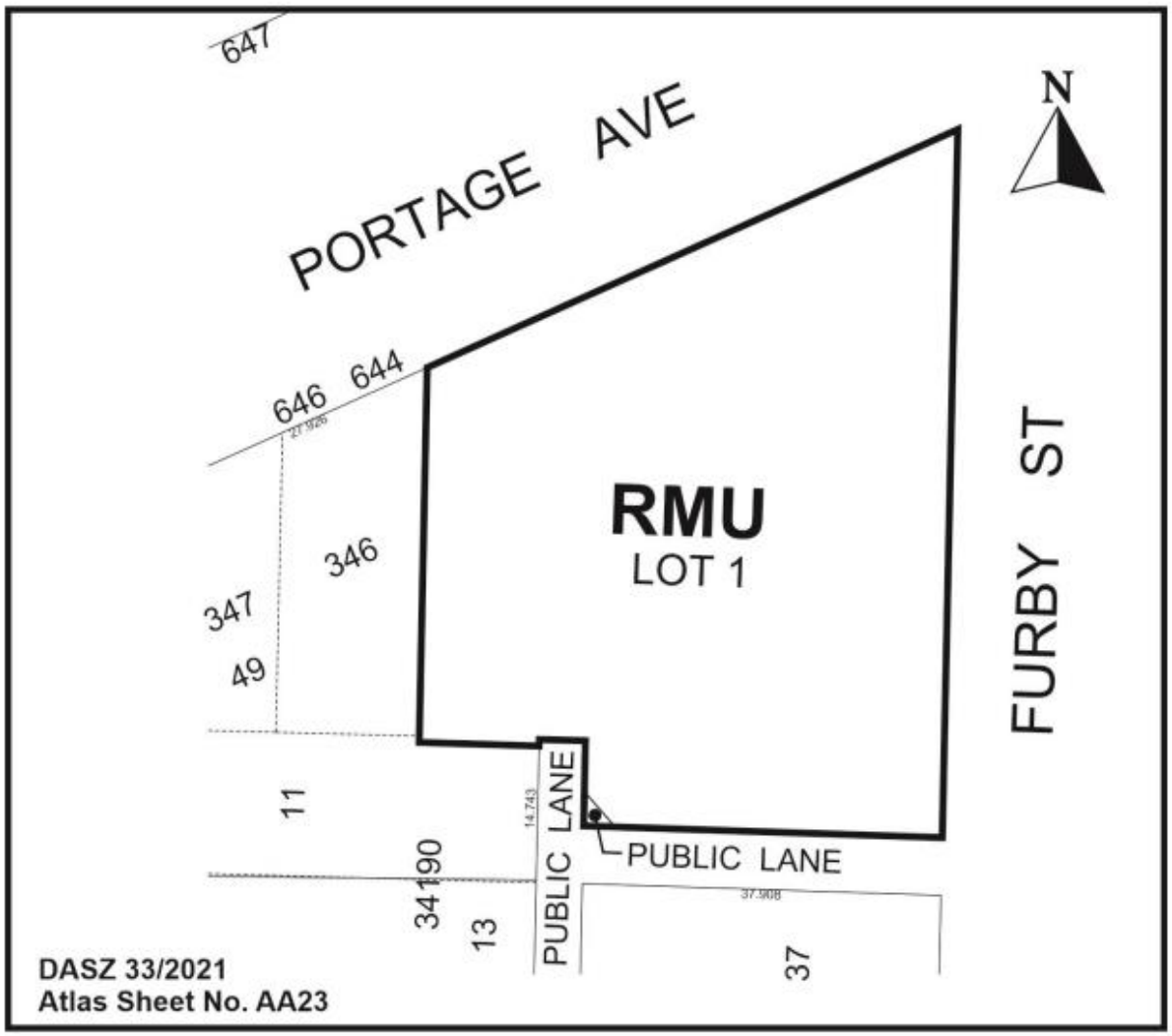
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: M. Hammerberg, Development Applications Coordinator
Date: April 14, 2023
File No: DASZ 33/2021
Attachments: Appendix “A” – DASZ 33/2021 Map
Appendix “B” – Letter Requesting Extension of Time

O:\Reports Directive\Land Development, Geomatics and Land Information Services\Land Development\Extension of Time\Extension of Time Request #1 - DASZ 33-21.docx

APPENDIX "A" – DASZ 33/2021 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

Delivered

April 4, 2023

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

Re: LETTER OF INTENT
Application for Extension – DASZ 33/2021
Plan Deposit 0203/2022 and ByLaw No. 54/2022
10049896 Manitoba Ltd. (the "Owners")
634 Portage Avenue, Winnipeg, MB (the "Property")
File No.: 0136558.00019

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 **$661.50** representing the extension of time application fee plus GST and **$420.00** representing the fee for mylar re-approval, as advised by Danielle Rafael.

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 to us on August 12, 2022 .

Since then, we have actively pursued partial discharges from the encumbrancers listed on title in relation to the portion of the Property being dedicated to the Public Right-of-Way identified in Plan Deposit 0203/2022. Due to circumstances outside of the control of our client or our office, we have only recently received the requisite partial Discharges.

We are now prepared to register Plan Deposit 0203/2022 and ByLaw No. 54/2022 and wish for an extension in order to avoid the risk of expiration while 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 0203/2022 and ByLaw No. 54/2022.

Please find enclosed herewith the following:

1. Extension of Time Application;
2. Certified Copy of ByLaw No. 54/2022;

3. Letter of Authorization;
4. Mylars for Plan Deposit 0203/2022; and
5. Status of Title 3037572/1;

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.