Agenda – Council – June 22, 2023

Report – Standing Policy Committee on Property and Development – June 1, 2023

Item No. 10 Extension of Time – Subdivision and Rezoning – 180 Creek Bend Road
(St. Norbert-Seine River Ward)
File DASZ 12/2021

STANDING COMMITTEE RECOMMENDATION:

On June 12, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 52/2022 be extended to October 28, 2023.

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 – June 1, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 12, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 1, 2023, the Standing Policy Committee on Property and 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 May 19, 2023, 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.

ADMINISTRATIVE REPORT

Title: Extension of Time – Subdivision and Rezoning – 180 Creek Bend Road – File No. DASZ 12/2021

Critical Path: Riel 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. 52/2022, under File No. DASZ 12/2021, expired 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. 52/2022 be extended to October 28, 2023.

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 October 28, 2023, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On November 25, 2021, Council adopted Item No. 5 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated November 10, 2021 which recommended approval of a subdivision and rezoning to an "RMF-M" Residential Multi-Family (Medium) District and a “PR1” Parks and Recreation 1 (Neighbourhood) District under Winnipeg Zoning By-Law 200/2006. See Appendix “A” map attached.

The rezoning By-law No. 52/2022 was enacted by Council on April 28, 2022.

Sections 3 and 4 of By-law No. 52/2022 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision and the 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 the Zoning Agreement have 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. 52/2022 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 expired on April 28, 2023.

On April 19, 2023, the Lawyer, Leven Tadman Golub Law Corporation, Attention: Mara L. Koven-LaPointe, 700 – 330 St. Mary Avenue, Winnipeg, Manitoba, R3C 3Z5, on behalf of the Owner 10115220 Manitoba 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. 52/2022 be extended to October 28, 2023 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 Complete Communities Direction Strategy 2.0* (CCDS 2.0) is a citywide secondary plan that guides growth, development, and land use in the city of Winnipeg.
- The subject property is located in an "Established Neighbourhood – Recent Community" in *Complete Communities'* Urban Structure map. Established Neighbourhoods will accommodate contextually sensitive growth and change to increase the diversity of housing choices, improve housing affordability, and more efficiently use land, infrastructure and services.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

- **Key Direction 4.1:** Increase strategic infill development that provides access to and capitalizes on existing and planned corridors with frequent transit service
- **Key Direction 4.2:** Ensure new areas of growth are designed according to the principles of Complete Communities.

WINNIPEG POVERTY REDUCTION STRATEGY 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: April 27, 2023
File No: DASZ 12/2021
Attachments: Appendix "A" – DASZ 12/2021 Map
Appendix "B" – Letter Requesting Extension of Time

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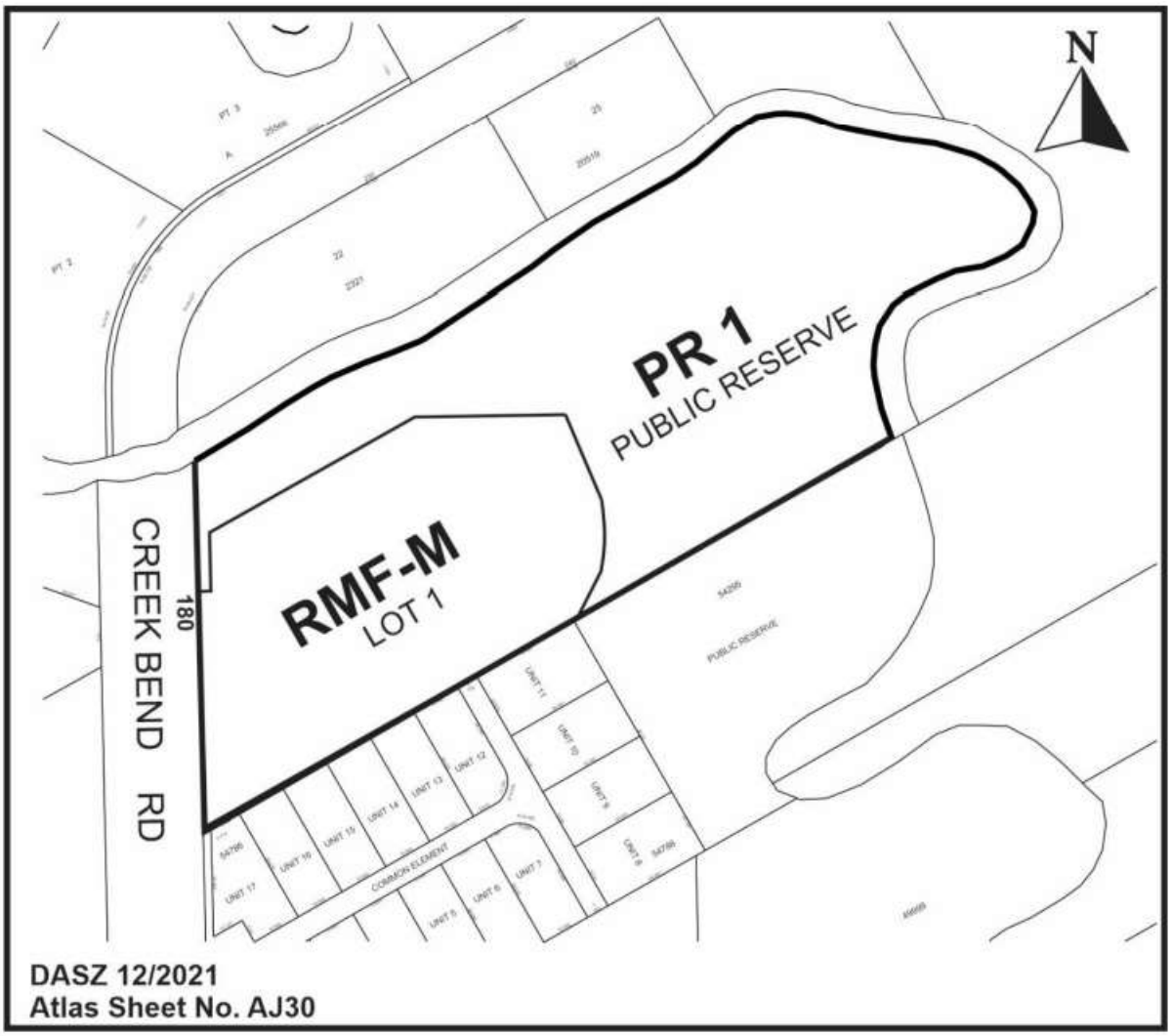
APPENDIX "A" – DASZ 12/2021 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

LeveneTadmanGolub

LEVENE TADMAN GOLUB LAW CORPORATION

700 - 330 St. Mary Avenue
Winnipeg, Manitoba R3C 3Z5
Phone: 204-957-0520 / Fax: 204-957-1696
Website: www.ltglc.ca

Mara L. Koven-Lapointe*
Reply: (204) 957-8424
mkoven-lapointe@ltglc.ca

File: 122146

April 19, 2023

City of Winnipeg
Planning, Property & Development
Land Development Branch
65 Garry Street, Main Floor
Winnipeg, MB R3C 4K4

Dear Sir/Madam:

Re: Extension of Time Application under DASZ 12/2021

Please be advised that we represent 10115220 Manitoba Ltd.

RECEIVED
APR 20 2023
LAND DEVELOPMENT

Enclosed are the following:

1. Extension of Time Application Form;
2. Letter of Intent;
3. Letter of Authorization; and
4. Status of Title.

We would ask that you review our client's application and advise of the fee assessed and the new expiration date.

Yours truly,

LEVENE TADMAN GOLUB LAW CORPORATION

MARA L. KOVEN-LAPOINTE*

/smr/enc.

*Services provided by Mara L. Koven-Lapointe Law Corporation

April 13, 2023

Planning, Property & Development
Main Floor, 65 Garry Street
Winnipeg, MB R3C 4K4

Re: Extension of Time Application – 180 Creek Bend Road (DASZ 12/2021)
Letter of Intent

Please be advised that I am president of 10115220 Manitoba Ltd., the registered owner of 180 Creek Bend Road. I purchased the shares of the corporation on September 1, 2022. At the time of the change in ownership, the Application for Subdivision and Re-Zoning was partially completed. Unfortunately there was a breakdown in communication between the Applicant, the Surveyor, the City of Winnipeg representatives and our legal counsel and I am advised that the process for Subdivision and Re-Zoning was not completed.

I was made aware of this issue a few weeks ago during my application for a Demolition Permit for the building located on the land. Upon being made aware of the issue, my legal counsel immediately began taking steps to re-commence the process to complete the registration of By-Law No. 52/2022. It is my belief that it is only a matter of a month or two to complete the process. However, given that the By-Law is set to expire on April ~~30~~ 28, 2023, we are submitting this request for an extension of time.

Our plans for the development of the property remain unchanged. We are now proceeding with demolition of the existing home and will expeditiously proceed with the planned development thereafter.

Please take this as my request for a six-month extension of time for registration of By-Law No. 52/2022 and the accompanying subdivision documents.

Sincerely,

10115220 Manitoba Ltd.

Per:_____
Amit Bindra - President