**Agenda – Council – June 22, 2023**

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

**Item No. 11 Extension of Time – Subdivision and Rezoning – 1927 St. Mary's Road, 66 Alburg Drive and 70 Alburg Drive (St. Norbert-Seine River Ward) File DASZ 9/2021**

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. 43/2022 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.

**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 – 1927 St. Mary's Road, 66 Alburg Drive and 70 Alburg Drive – File No. DASZ 9/2021

**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. 43/2022, under File No. DASZ 9/2021, 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. 43/2022 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 June 24, 2021, Council adopted Item No. 11 of the Executive Policy Committee, dated June 16, 2021, which recommended approval of a subdivision and rezoning to a "C1" Commercial Neighbourhood District under Winnipeg Zoning By-Law 200/2006. See Appendix “A” map attached.

The rezoning By-law No. 43/2022 was enacted by Council on April 28, 2022.

Sections 3 and 4 of By-law No. 43/2022 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. 43/2022 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 25, 2023, the Lawyer, Tacium Vincent & Associates, Attention: John G. Harrison, 206 St. Mary’s Road, Winnipeg, Manitoba, R2H 1J3, on behalf of the Owners, 5229111 Manitoba Inc. and Kevin and Myrna Penner, applied for an Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 43/2022 be extended to April 28, 2024 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

**City Building Objective 1**. Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals:

*Facilitate growth and change strategically within Winnipeg's unique Transformative Areas and Established Neighbourhoods, to enhance the ability of the urban environment to contribute towards this Plan's goals.*

**City Building Objective 3**. Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset:

*New and existing communities are complete when they demonstrate: universally designed environments; mixed-income neighbourhoods; a continuum of housing types; multi-modal connections within and to elsewhere in the city; heritage conservation; opportunities for physical activity, social interaction, and access to healthy food, daily needs, employment, education, recreation, and green infrastructure.*

## 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

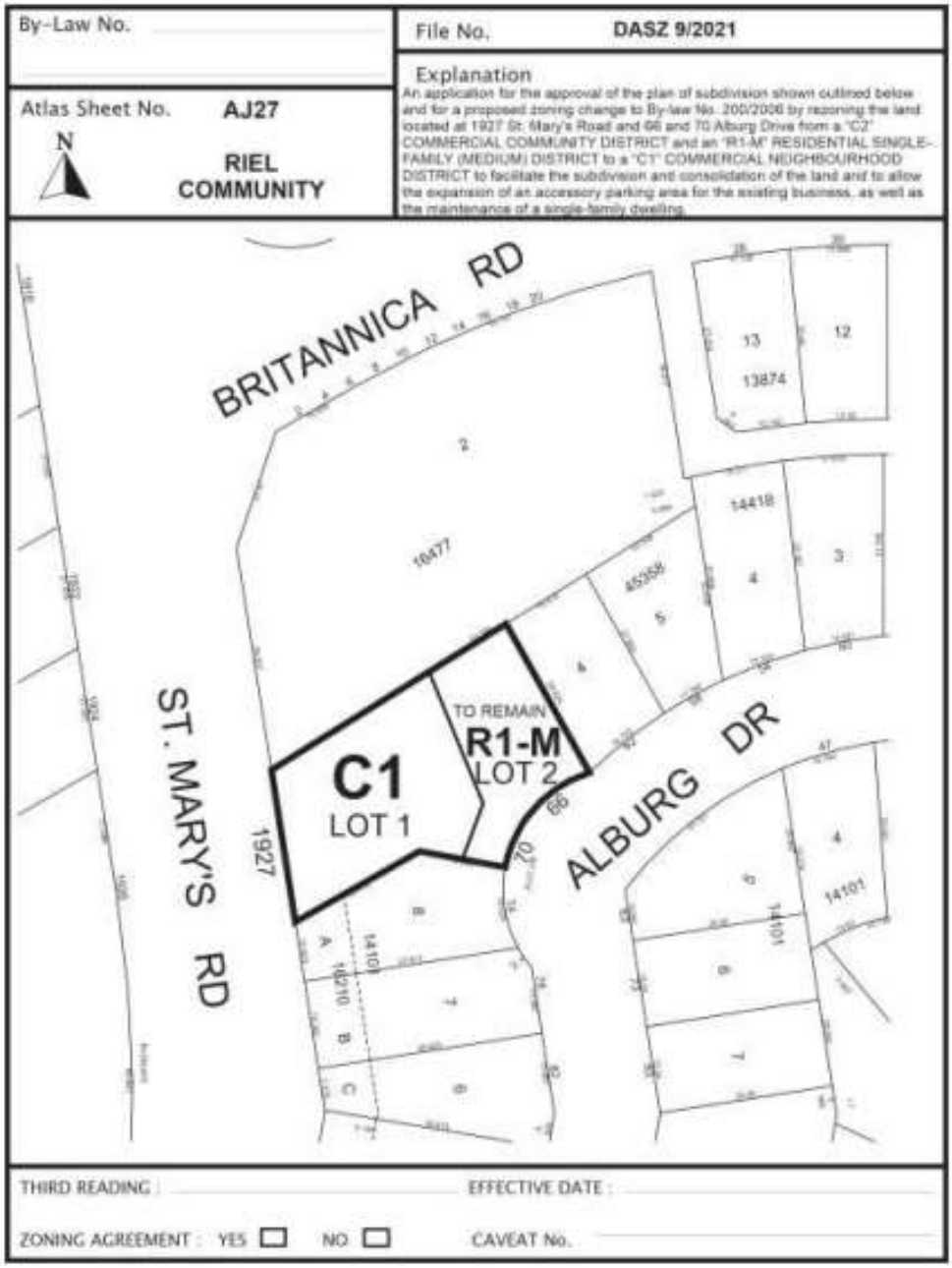
N/A

**SUBMITTED BY**

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: M. Hammerberg, Development Applications Coordinator
Date: May 9, 2023
File No: DASZ 9/2021
Attachments: Appendix “A” – DASZ 9/2021 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 9-21.docx

**APPENDIX "A" – DASZ 12/2021 MAP**



**APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME**

TACIUM VINCENT & ASSOCIATES

**JOHN G. HARRISON**
**(204)-989-8761**
**jgh@taciumvincent.com**

**Legal Assistant:**

**MARILYN TAFERNER**
**(204)-989-8764**
**marilyn@taciumvincent.com**

## LETTER OF INTENT – APPLICATION FOR EXTENSION OF TIME

April 25, 2023

LAND DEVELOPMENT BRANCH
Main Floor, 65 Garry Street
Winnipeg, Manitoba R3C 4K4

Re: Your File No.: DASZ 9/2021 – By-Law 43/2022

Subdivision and Rezoning Project Addresses:

1927 St. Mary's Road, Winnipeg, MB legally described as LOT 1 PLAN 45358 WLTO IN RL 125 PARISH OF ST. NORBERT – Owned by 5229111 MANITOBA INC.

66 Alburg Drive, Winnipeg, MB legally described as LOT 3 PLAN 45358 WLTO IN RL 125 PARISH OF ST. NORBERT – Owned by KEVIN PENNER & MYRNA PENNER

70 Alberg Drive, Winnipeg, MB legally described as LOT 2 PLAN 45358 WLTO IN RL 125 PARISH OF ST. NORBERT – Owned by 5229111 MANITOBA INC.

My name is John G. Harrison, and I am the authorized applicant for the above referenced 5229111 Manitoba Inc., Kevin Penner and Myrna Penner, and my relevant contact information is as follows:

Mailing Address: Tacium Vincent & Associates, 206 St. Mary's Road, Winnipeg, MB, R2H 1J3

Daytime Phone Number: 204-989-8761

Email Address: jgh@taciumvincent.com

I am hereby requesting an extension of time of no more than one (1) year to allow for registration of the following required documents:

1. Transfer of Land (and related documentation such as amended TD mortgage for the Penners;
2. Mylar for new subdivision;
3. Manitoba Hydro Statutory Easement Agreement;
4. eDischarge;
5. Zoning Agreement(s).

Additional time is required in order that the City of Winnipeg may revise wording of the Zoning Agreement, which may in fact become two Zoning Agreements because certain land will be commercial and certain land will be residential. We undertake to complete matters as soon as reasonably possible.

The following items accompany this letter:

1. Letter of Authorization from 5229111 Manitoba Inc.;
2. Letter of Authorization from Kevin and Myrna Penner;
3. Cheque for $661.50 payable to the City of Winnipeg for this extension request;
4. Cheque for $420.00 payable to the City of Winnipeg for reapproval of mylar;
5. Mylar originally provided by the City of Winnipeg;
6. Current Statuses of Title for Lots 1, 2 and 3 involved.

I trust that this is what you require, but if you need anything else please advise and I will respond promptly.

Yours truly,

**John G. Harrison**

Encl.

206 St. Mary's Road,
Winnipeg, MB, R2H 1J3
Phone (204) 989-4229
Fax (204) 254-7744