Agenda – Council – January 25, 2024

Report – Standing Policy Committee on Property and Development – January 11, 2024

Item No. 4 Extension of Time – Subdivision and Rezoning – 2 Kingston Row, 656 and 658 St. Mary's Road
(St. Vital Ward)
File DASZ 13/2022

STANDING COMMITTEE RECOMMENDATION:

On January 16, 2024, 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. 81/2022 be extended to December 15, 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 – January 11, 2024

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2024, 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 January 11, 2024, 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 January 3, 2024, 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 – 2 Kingston Row, 656 and 658 St. Mary's Road – File No. DASZ 13/2022

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
A. Savage	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 81/2022 under File No. DASZ 13/2022 expired on December 15, 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. 81/2022 be extended to December 15, 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 December 15, 2024, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On May 26, 2022, Council adopted Item No. 15 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated May 9, 2022, which recommended approval of a subdivision and 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. 81/2022 was enacted by Council on December 15, 2022.

Sections 3 and 4 of By-law No. 81/2022 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision and the Zoning Agreement are 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. 81/2022 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 December 15, 2023.

On December 7, 2023, PKF Lawyers, c/o Michael Bellan, 900-444 St. Mary Avenue, Winnipeg, Manitoba, R3C 3T1, submitted an application for an Extension of Time on behalf of the property owners, 2 Kingston Road Ltd., Attention: Alan Talebi, D-663 Stafford Street, Winnipeg, Manitoba, R3M 2X7 and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 81/2022 be extended until December 15, 2024. 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 Direction 3: Promote compact urban form and manage the extension of municipal services for new growth.

- *The continued infill development of this Mature Community will make use of existing municipal infrastructure and promote the development of compact urban form.*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic opportunity 4: Facilitate Compact, Complete Development and Increase Density

4.1 Increase Strategic Infill Development that Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

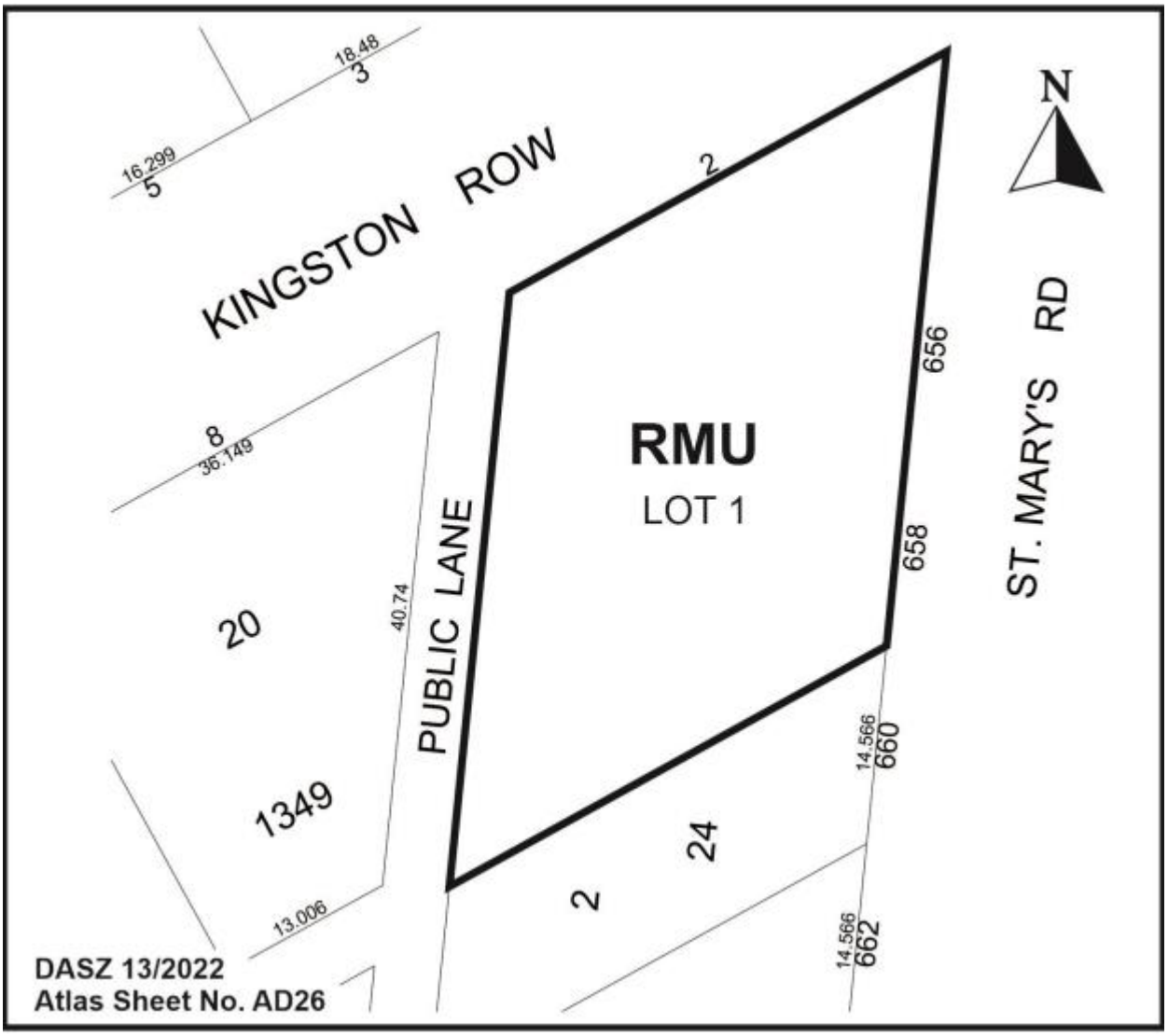
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: M. Hammerberg, Land Development Services Coordinator
Date: December 18, 2023
File No: DASZ 13/2022
Attachments: Appendix “A” – DASZ 13/2022 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 - DASZ 13-22.docx

APPENDIX "A" – DASZ 13/2022 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

900 – 444 ST. MARY AVENUE
WINNIPEG, MANITOBA R3C 3T1
PHONE: 204-956-0490
FAX: 204-947-3747
TOLL FREE: 1-855-561-1807

KING'S COUNSEL:

GORDON M. PULLAN, K.C.
(retired 1951 – 2023)

JOSEPH J. WILDER, K.C.

SAMUEL I. WILDER, K.C.
(1965 – 2023)

THOMAS G. FROHLINGER, K.C.

OF COUNSEL:

BRANDON M. TRASK

Incorporated Professional Practices:

J. J. Wilder K.C. Law Corporation

Israel A. Ludwig Law Corporation

Paul E. Kammerloch Law Corporation

Mona Brown Law Corporation

Derksen Law Corporation

Vincent J. Bueti Law Corporation

Thomas G. Frohlinger Law Corporation

Harvey J. Slobodzian Law Corporation

Jamie L. Turner Law Corporation

Yvonne Tavares Law Corporation

Harwood-Jones Law Corporation

Steven M. Meltzer Law Corporation

J.D.H. King Law Corporation

Michael Bellan Law Corporation

Warnock Law Corporation

**Legal services provided by the writer through the named law corporation above.*

Reply to: **Michael Bellan**
E-Mail: **mbellan@pkflawyers.com**
Assistant: **Kristen Cox**
E-Mail: **kcox@pkflawyers.com**
File No.: **16610-002**

December 4, 2023 **VIA EMAIL**

City of Winnipeg – Land Development Branch
Main Floor, 65 Garry Street
Winnipeg, Manitoba, R3C 4K4

Attention: Michele Hammerberg

Re: DASZ 13/2022
2 KINGSTON ROW, 656/658 ST. MARY'S ROAD
EXTENSION OF TIME REQUEST AND REQUEST FOR RE-APPROVAL (EXTENSION) OF MYLARS
BY-LAW 81/2022

Further in the above-referenced matter, and our recent email exchange, we are requesting the Mylars, which are currently held at the City of Winnipeg, be re-approved (extended) by the City of Winnipeg.

We are requesting an extension of time, and an extension of the mylars, as our client is in the process of consolidating the three individual mortgages which are currently registered on title nos. 2911853/1, 2926785/1, and 3000632/1 with their lender, Steinbach Credit Union (so that there will be one blanket mortgage covering all of the land at the time which we are in a position to register the subdivision series at Teranet). Our client advises that they are in the early stages of the consolidation process with Steinbach Credit Union.

Please find enclosed:

1. Letter of Authorization executed by all of the registered owners on title;
2. Application Submission Requirements form;
3. Current Status of Title Nos. 2911853/1, 2926785/1, and 3000632/1.

As discussed, please invoice 2 Kingston Row Ltd. directly for the fees and costs associated with the extension of time request and the extension of mylars request.

Should you have any questions, please contact Kristen at 204-336-4008.

Yours truly,

PKF LAWYERS
Per:

MICHAEL BELLAN
MB/kc
Enc.

Cc : 2 Kingston Row Ltd. via email
Talebi Holdings Ltd. via email
Dr. Majid Shariati Medical Corporation via email
7576812 Manitoba Ltd. via email