Agenda – Council – January 25, 2024

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

Item No. 11 Extension of Time – Closing of Oak Point Highway immediately north of and adjoining 200 and 250 Oak Point Highway (Point Douglas Ward) File DAC 1/2021

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 Recommendation 3 under File DAC 1/2021 approved by Council on May 27, 2021, be deleted and replaced with the following:

    3. That in the event By-law 4/2022 is not registered in The Winnipeg Land Titles Office no later than November 27, 2024, the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for, prior to November 27, 2024, 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 – 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 4, 2024, 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.

ADMINISTRATIVE REPORT

Title: Extension of Time – Closing of Oak Point Highway immediately north of and adjoining 200 and 250 Oak Point Highway – File DAC 1/2021

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet			

EXECUTIVE SUMMARY

On May 27, 2021, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development to close a portion of Oak Point Highway immediately north of and adjoining 250 and 200 Oak Point Highway. On January 27, 2022, Council passed closing By-law 4/2022 requiring registration in the Winnipeg Land Titles Office no later than January 27, 2023, and on April 27, 2023, Council approved the applicant's request for an extension of time until November 27, 2023.

On November 21, 2023, the applicant submitted a letter, a copy of which is attached to this report as Appendix A, requesting a further extension of time to November 27, 2024, in order to complete registrations required to give legal effect to the closing. The applicant cited the unforeseen and lengthy labour dispute at Manitoba Teranet, the registering agent for the Winnipeg Land Titles Office, resulting in the applicant's inability to successfully register By-law No. 4/2022 prior to the deadline of November 27, 2023.

The Public Service supports an extension of time until November 27, 2024.

RECOMMENDATIONS

1. That Recommendation 3 under File DAC 1/2021 approved by Council on May 27, 2021, be deleted and replaced with the following:

   3. That in the event By-law 4/2022 is not registered in The Winnipeg Land Titles Office no later than November 27, 2024, the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for, prior to November 27, 2024, 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 November 27, 2024 to complete the necessary registrations at the Winnipeg Land Titles Office to implement the intent of Council's May 27, 2021 decision.

HISTORY/DISCUSSION

On May 27, 2021, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development to close a portion of Oak Point Highway immediately north of and adjoining 250 and 200 Oak Point Highway. On January 27, 2022, Council passed closing By-law 4/2022 requiring registration in the Winnipeg Land Titles Office no later than January 27, 2023. On January 25, 2023, the applicant submitted a letter requesting an extension of time citing delays for the planned subdivision of adjoining private holdings. The Public Service was supportive of the request and on April 27, 2023, Council approved an extension until November 27, 2023.

On November 21, 2023, the applicant submitted a letter, a copy of which is attached to this report as Appendix A, requesting a further extension of time to November 27, 2024, in order to complete registrations required to give legal effect to the closing. The applicant cited the unforeseen and lengthy labour dispute at Manitoba Teranet, the registering agent for the Winnipeg Land Titles Office, resulting in the applicant's inability to successfully register By-law No. 4/2022 prior to the deadline of November 27, 2023.

The Public Service supports an extension of time until November 27, 2024.

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: November 22, 2023
File No: DAC 1/2021
Attachments:
Appendix A - Extension of Time Request Letter dated November 21, 2023
Appendix B - Miscellaneous Plan 15695
Appendix C - Aerial View of Proposed Closing

APPENDIX A – EXTENSION OF TIME REQUEST LETTER DATED NOVEMBER 21, 2023

ADE & LEE
LAW GROUP LLP

Myong Lee, JD
Tel: 204-487-5915
E-mail: myong@adeleelaw.ca

November 21, 2023

The City of Winnipeg
Planning, Property and Development Department
2nd Floor- 65 Garry Street
Winnipeg, MB R3C 4K4

Via e-mail

Attention: C. Gagnon

RE: Closing of Part – Oak Point Highway immediately North of 200 and 250 Oak Point Highway – By-Law No. 4/2021 DAC 1/2021 [c/r DAPS 1/2021]

On January 27, 2022, City Council passed Closing By-Law 4/2022. Clause 4 of the By-Law provides in part, that it must be registered at the Winnipeg Land Titles Office (the "Office") no later than November 27, 2023, failing which a request for an extension must be applied for prior to November 27, 2023. Because of a lengthy labour dispute only recently resolved at Manitoba Teranet, the registering agent for the Office, there is a backlog of submissions impacting a variety of registrations and it is anticipated that that backlog will result in our being unable to satisfy the deadline for registration imposed by By-Law 4/2023.

Accordingly, we respectfully request an extension until November 27, 2024 to allow us to complete necessary registrations.

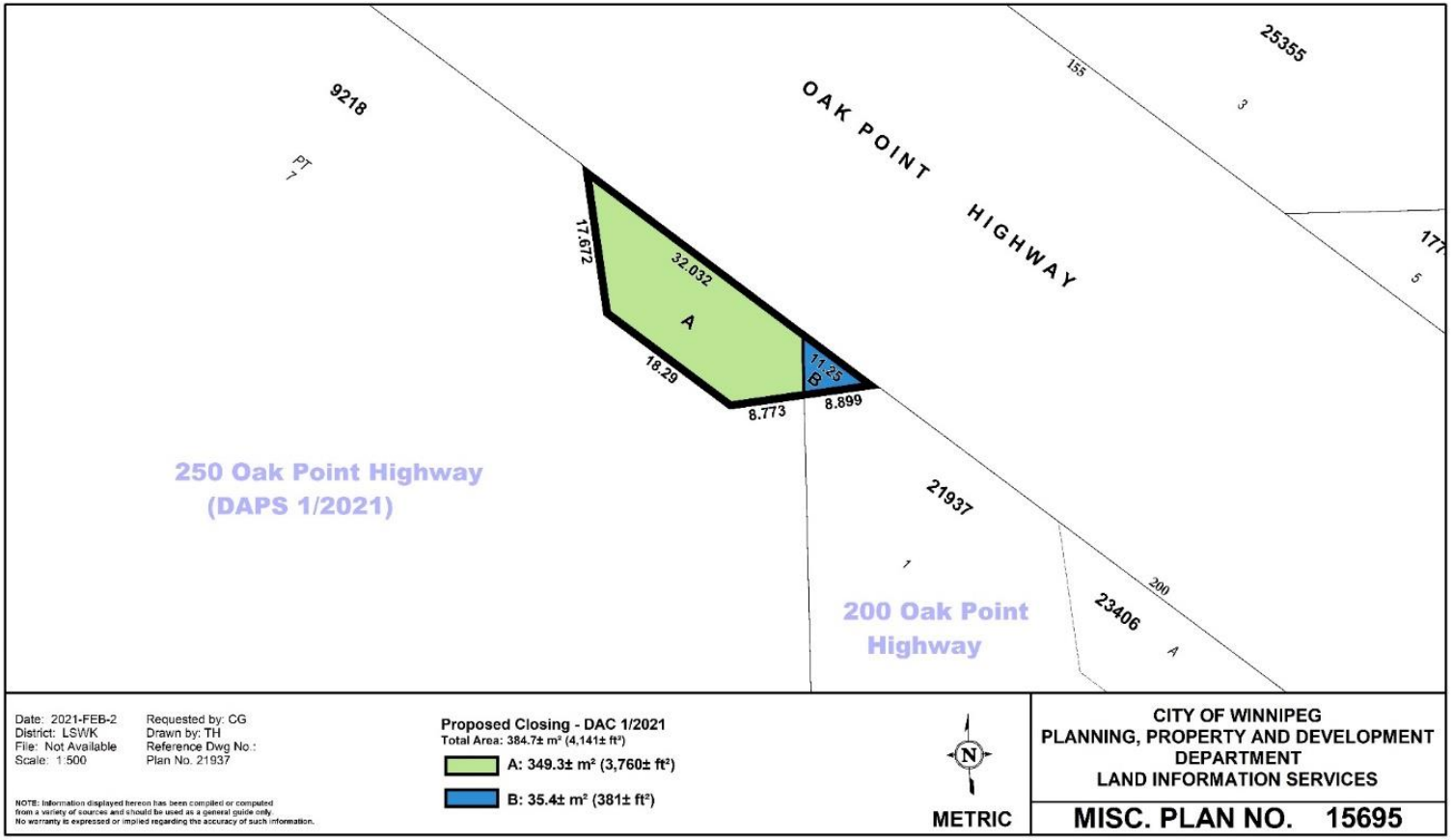
We thank you for your time and attention to this matter.

Yours truly,

ADE & LEE LAW GROUP LLP
Per:

MYONG LEE

APPENDIX B – MISCELLANEOUS PLAN 15695



APPENDIX C – AERIAL VIEW OF SUBJECT CLOSING

