Agenda – Council – April 25, 2024

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

Item No. 9 Extension of Time – Subdivision and Rezoning – 1022 and 1038 Pembina Highway, 966 and 968 Merriam Boulevard (Fort Rouge-East Fort Garry Ward) File DASZ 53/2021

STANDING COMMITTEE RECOMMENDATION:

On April 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. 71/2022 be extended to February 23, 2025.

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 – April 11, 2024

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 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 April 11, 2024, 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 4, 2024, 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 – 1022 and 1038 Pembina Highway, 966 and 968 Merriam Boulevard – File No. DASZ 53/2021

Critical Path: City Centre 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. 71/2022 under File No. DASZ 53/2021 expired on February 23, 2024. 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. 71/2022 be extended to February 23, 2025.

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 February 23, 2025, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On April 28, 2022, Council adopted Item No. 8 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated April 5, 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. 71/2022 was enacted by Council on February 23, 2023.

Sections 3 and 4 of By-law No. 71/2022 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. 71/2022 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 February 23, 2024.

On February 13, 2024, Thompson Dorfman Sweatman LLP, c/o Nicholas E. Woelcke, 1700-242 Hargrave Street, Winnipeg, Manitoba, R3C 0V1, submitted an application for an Extension of Time and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 71/2022 be extended until February 23, 2025. 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

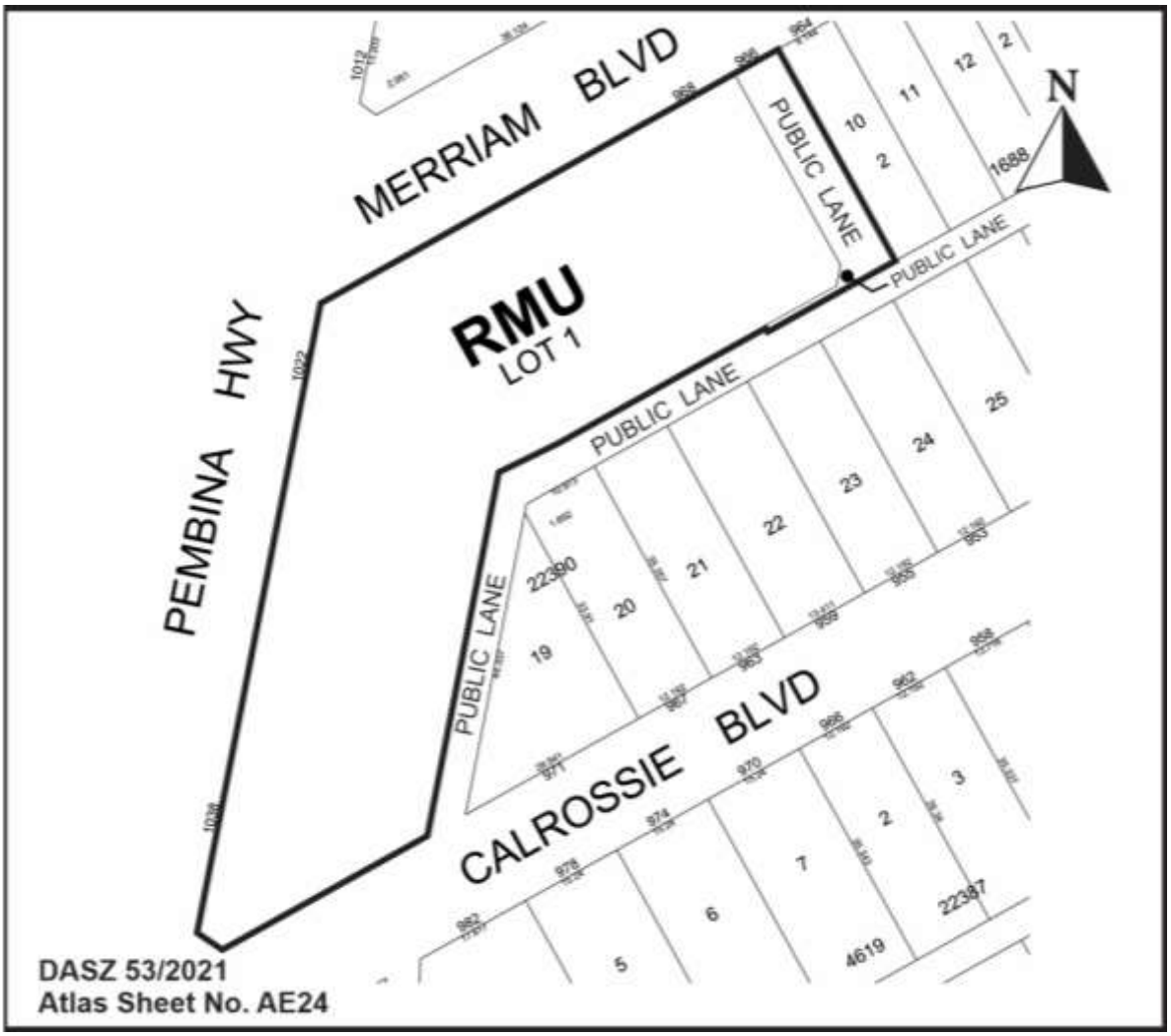
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: M. Hammerberg, Land Development Services Coordinator
Date: March 1, 2024
File No: DASZ 53/2021
Attachments: Appendix “A” – DASZ 53/2021 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 - DASZ 53-21.docx

APPENDIX "A" – DASZ 53/2021 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

THOMPSON DORFMAN SWEATMAN

Writer's Name Nicholas E. Woelcke
Direct Telephone 204-934-2301
E-mail Address new@tdslaw.com
Direct Fax 204-934-1205

February 13, 2024

EMAILED

City of Winnipeg
Real Estate and Land Development
Planning, Property and Development
Main Floor – 65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Michele Hammerberg

Dear Sirs / Mesdames:

Re: **File No. DASZ 53/2021**
By-Law No. 71/2022
Our Matter No. 0193013 BDK

We confirm we represent Cambridge Hospitality Corp. ("**Cambridge**") and 1022 Pembina Ltd., and we have been working with Pre-Con Builders Ltd. ("**Pre-Con**").

We hereby request an Extension of Time for the coming into force of By-Law No. 71/2022 for 12 months from its expiry date of February 23, 2024.

We require an Extension of Time to:

(a) finalize the securities required with Planning, Property and Development;

(b) confirm with the various utilities what easements will be required; and

(c) have the plan of subdivision registered in the Winnipeg Land Titles Office.

Our cheque in an amount representing the fees for the Extension of Time Request (including GST) and the Mylar Reapproval Fee, will be couriered to your attention upon receipt by our office of your invoice for same.

THOMPSON DORFMAN SWEATMAN

We also enclose:

(i) Letter of Authorization from Pre-Con; and

(ii) Statuses of Title for 1022 and 1038 Pembina Highway, and 966 and 968 Merriam Boulevard.

If you require anything further to process our request, if you have any questions, or if you foresee any issues with the granting of the requested extension, please do not hesitate to contact the undersigned.

Yours truly,

THOMPSON DORFMAN SWEATMAN LLP

Per:

Nicholas E. Woelcke

Thompson Dorfman Sweatman LLP • 1700 – 242 Hargrave Street • Winnipeg, Manitoba • Canada R3C 0V1 • 855.483.7529

TDS is the exclusive member firm in Manitoba, Canada for Lex Mundi – the world's leading network of independent law firms with in-depth experience in 100+ countries worldwide.