Agenda – Executive Policy Committee – June 18, 2024

Report – Standing Policy Committee on Property and Development – June 4, 2024

Item No. 5 Extension of Time – Subdivision and Rezoning –Southwest Corner of Lee Boulevard and Waverley Street (Waverley West Ward) File DASZ 36/2022

STANDING COMMITTEE RECOMMENDATION:

On June 4, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the following to Council:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 146/2022 be extended to June 22, 2025.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Executive Policy Committee – June 18, 2024

Report – Standing Policy Committee on Property and Development – June 4, 2024

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On June 4, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 27, 2024, the Assiniboia 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 –Southwest Corner of Lee Boulevard and Waverley Street – File No. DASZ 36/2022

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Hammerberg	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 146/2022 under File No. DASZ 36/2022 expires on June 22, 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. 146/2022 be extended to June 22, 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 June 22, 2025, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On September 22, 2022, Council adopted Item No. 7 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development, dated September 8, 2022, which recommended approval of a subdivision and rezoning to an "RMF-S" Residential Multi-Family (Small) District, "RMF-L" Residential Multi-Family (Large) District and a "C2" Commercial Community District under Winnipeg Zoning By-Law 200/2006.

The rezoning By-law No. 146/2022 was enacted by Council on June 22, 2023. See Appendix "A" map attached.

Sections 3 and 4 of By-law No. 146/2022 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision and 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:

(b) the plan of subdivision and 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. 146/2022 has not come into force by the required registration of the Plan of Subdivision and Zoning Agreement, File No. DASZ 36/2022, by caveat in the Winnipeg Land Titles Office and the one (1) year time limit is due to expire on June 22, 2024.

On April 23, 2024, MLT Aikins LLP, c/o Maria Reimer, 30th Floor -360 Main Street, Winnipeg, Manitoba, R3C 4G1, on behalf of the Owner, Waverley Way Ltd., submitted a request for an extension of time in order to complete the necessary registrations at the Winnipeg Land Titles Office. 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 2045 POLICY ALIGNMENT

The site is located within the Established Neighbourhoods – Recent Communities policy area under the *Complete Communities Direction Strategy 2.0* of *OurWinnipeg 2045.*

Our Winnipeg 2045 Goal – City Building

6.16 Established Neighbourhoods

Designate Established Neighbourhoods within the Urban Structure, representing lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice and affordability, and conservation of green infrastructure and heritage resources and districts, as defined in Complete Communities.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

- Increase strategic infill development that provides access to and capitalizes on existing and planned corridors with frequent transit service.

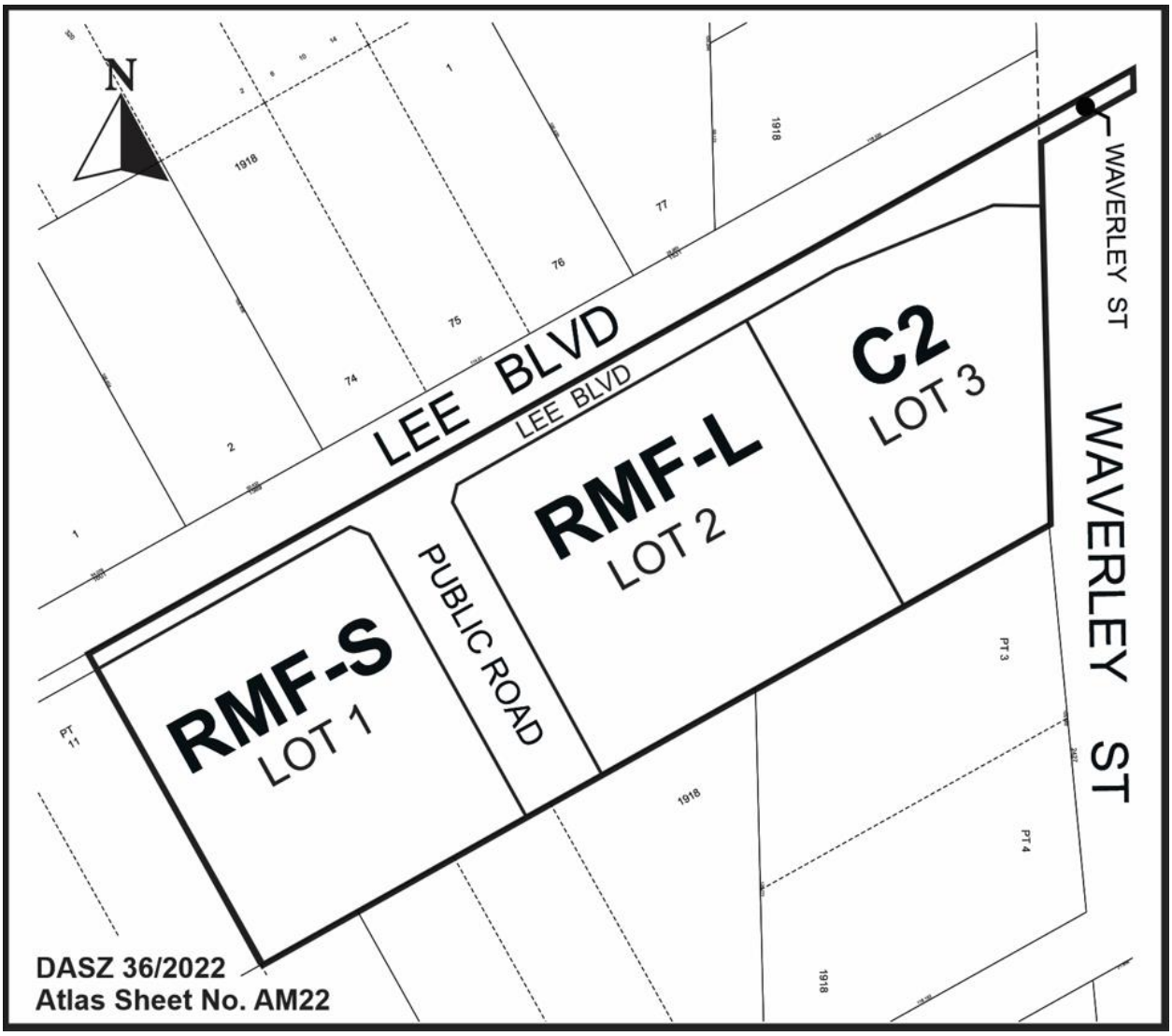
WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: M. Hammerberg, Acting Land Development Service Coordinator
Date: May 8, 2024
File No: DASZ 36/2022
Attachments: Appendix “A” – DASZ 36/2022 Map
Appendix “B” – Letter Requesting Extension of Time

APPENDIX "A" – DASZ 36/2022 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

MLT AIKINS

WESTERN CANADA'S LAW FIRM

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April 23, 2024

City of Winnipeg
Land Development
Main Floor
65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Michele Hammerberg

Re: LETTER OF INTENT
Application for Extension – DASZ 36/2022
Waverley Way Ltd. (the "Registered Owner")
Lee Boulevard, Winnipeg, MB Roll No. 03091544300
MLT Aikins File No: 0133519-00004

Further to the above noted matter, please find attached hereto our Application for Extension on behalf of the Registered Owner. We understand you will invoice the Registered Owner in respect of the Mylar re-approval fee and the Extension Request in due course.

Please accept this letter as our letter of intent with respect to our request for an extension of one (1) year.

We are actively preparing to register Plan Deposit 1789/2022 and most matters with respect to the same have been completed. We understand Plan Mylars have now been sent from Legal Services to your office, which is processing the same and concurrently following up with the Registered Owner as to the payment of securities and any other fees.

We are requesting an extension of time to avoid the risk of the by-law expiration after the subdivision Plan Mylars and associated documents submitted in series therewith have been submitted to the Land Title Office for registration, but before registration is complete.

In light of the aforementioned matters, we would respectfully request an extension be granted in order to enable the registration of Plan Deposit 1789/2022. Please find enclosed herewith the following:

1. Extension of Time Application;
2. Letter of Authorization;
3. Current Status of Title 2861759/1.

MLT AIKINS

WESTERN CANADA'S LAW FIRM

We understand your office currently is in possession of the Mylars for Plan Deposit 1789/2022.

We trust you will find the enclosed in order. Should you have any questions or require any further information, please do not hesitate to contact us.

Yours truly,

MLT AIKINS LLP

Per:

Maria C. Reimer

MCR:

Enclosures