Minutes – Council – July 18, 2024

Minute No. 417
Report – Standing Policy Committee on Property and Development – July 4, 2024

Item No. 7 **Extension of Time – Plan of Subdivision and Rezoning –301, 305 and 309 Harold Avenue East and Abutting City-owned Parcel (Transcona Ward)**
File DASZ 8/2022

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 8/2023 be extended to December 22, 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 – July 4, 2024

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

Pursuant to The Municipal Conflict of Interest Act, Councillor Wyatt advised that he would refrain from voting on the above motion due to a direct pecuniary interest, and left the meeting.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 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 July 4, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 24, 2024, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- In Recommendation 1, delete the words “2024” and replace with “2025”

and forwarded the matter to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: Extension of Time – Plan of Subdivision and Rezoning –301, 305 and 309 Harold Avenue East and abutting City-owned parcel – File No. DASZ 8/2022

Critical Path: East Kildonan-Transcona 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. 8/2023 under File No. DASZ 8/2022 will expire 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. 8/2023 be extended to December 22, 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 22, 2024, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On December 15, 2022, Council adopted Item No. 10 of the Report of the Standing Policy Committee on Property and Development, dated November 30, 2022, which recommended approval of a plan of subdivision and rezoning to an “RMF-M” Residential Multi-Family (Medium) District under Winnipeg Zoning By-Law 200/2006.

The rezoning By-law No. 8/2023 was enacted by Council on June 22, 2023. See Appendix “A” map attached.

Sections 3 and 4 of By-law No. 8/2023 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:

(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. 8/2023 has not come into force by the required registration of the Plan of Subdivision and Zoning Agreement, File No. DASZ 8/2022, by caveat in the Winnipeg Land Titles Office and the one (1) year time limit expires on June 22, 2024.

On June 4, 2024, AP Custom Homes, c/o Anand Sharma, 1027 McPhillips Street, Winnipeg, Manitoba, R2X 2K6 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

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, Development Applications Coordinator
Date: June 12, 2024
File No: DASZ 8/2022
Attachments: Appendix “A” – DASZ 8/2022 Map
Appendix “B” – Letter Requesting Extension of Time

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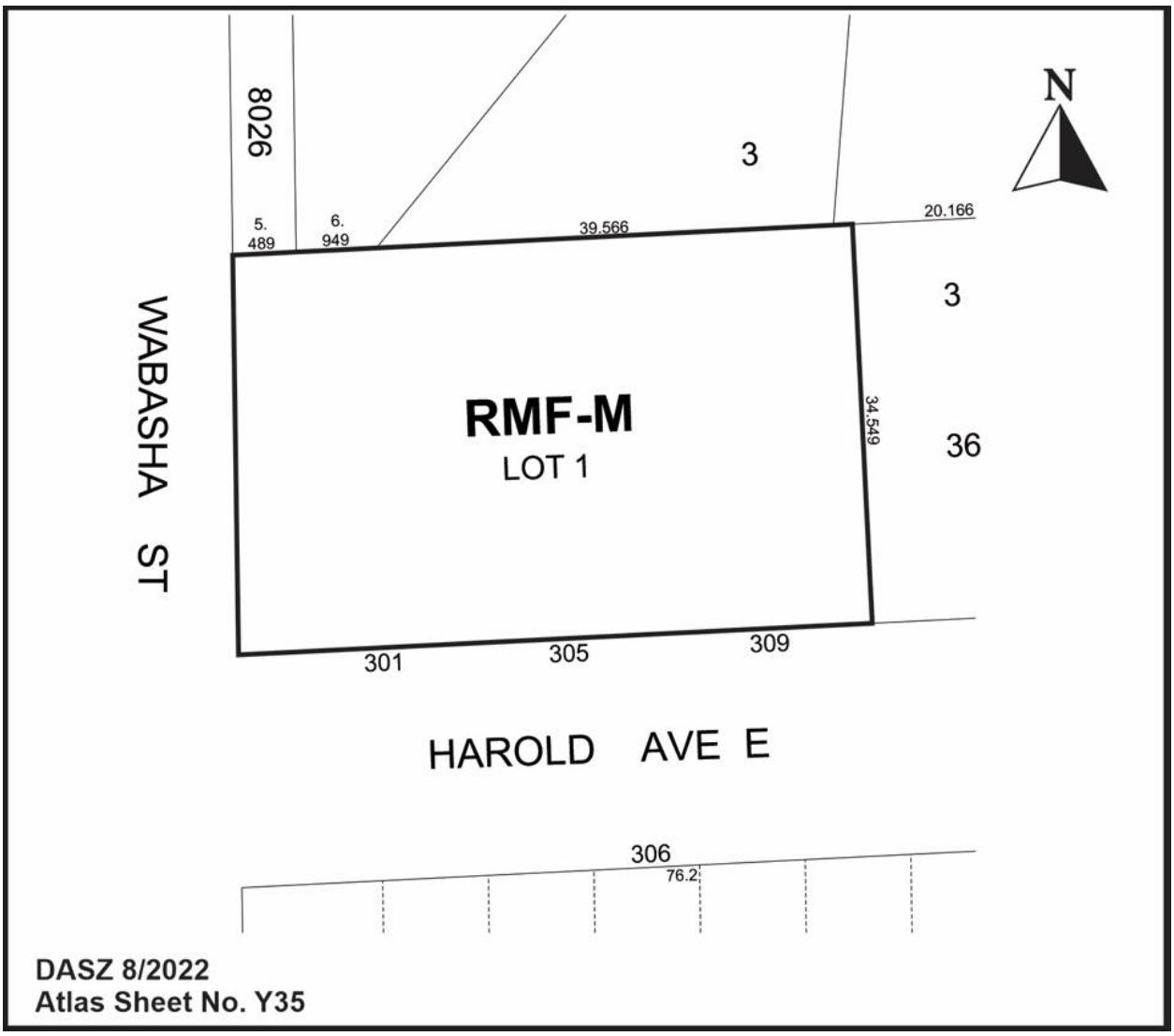
APPENDIX "A" – DASZ 8/2022 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

File No. DASZ 8/2022– Letter of Intent

June 04,2024 .

To Whom it may concern,

My project got delayed because of recent market changes in the real estate industry. It took me extra time to have all necessary finance approvals in place before starting the project. Now, I have all the necessary approvals in place and ready to go ahead. I will be paying securities to the land development this month so they can release My lars to my lawyer.

You are requested to provide an extension of 6 months on the above file.



Thanks,

Anand Sharma

AP Custom Homes Ltd.