Agenda – Executive Policy Committee – September 17, 2024

Report – Standing Policy Committee on Property and Development – September 13, 2024

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Item No. 11 Extension of Time – Subdivision and Rezoning – Southwest corner of St. Mary's Road at Redview Drive (St. Norbert-Seine River Ward) File DASZ 41/2022

STANDING COMMITTEE RECOMMENDATION:

On September 13, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 10/2023 be extended to September 29, 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 – September 17, 2024

Report – Standing Policy Committee on Property and Development – September 13, 2024

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 13, 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 September 6, 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 – Plan of Subdivision and Rezoning –Southwest corner of St. Mary's Road at Redview Drive – File No. DASZ 41/2022

Critical Path: Riel 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. 10/2023 under File No. DASZ 41/2022 will expire on September 29, 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. 10/2023 be extended to September 29, 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 September 29, 2025, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On December 15, 2022, Council adopted Item No. 16 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-S" Residential Multi-Family (Small) District and "PR1" Parks and Recreation 1 (Neighbourhood) District, under Winnipeg Zoning By-Law 200/2006.

The rezoning By-law No. 10/2023 was enacted by Council on September 29, 2023. See Appendix "A" map attached.

Sections 3 and 4 of By-law No. 10/2023 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:

(a) 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. 10/2023 has not come into force by the required registration of the Plan of Subdivision and Zoning Agreement, File No. DASZ 41/2022, by caveat in the Winnipeg Land Titles Office and the one (1) year time limit expires on September 29, 2024.

On July 5, 2024, MLT Aikins LLP, c/o Maria Reimer, 30th Floor, 360 Main Street, Winnipeg, Manitoba, R3C 4G1 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

City Building Objective 1

Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals: Facilitate growth and change strategically within Winnipeg's unique Transformative Areas and Established Neighbourhoods, to enhance the ability of the urban environment to contribute towards this Plan's goals.

City Building Objective 3

Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset: New and existing communities are complete when they demonstrate: universally designed environments; mixed-income neighbourhoods; a continuum of housing types; multi-modal connections within and to elsewhere in the city; heritage conservation; opportunities for physical activity, social interaction, and access to healthy food, daily needs, employment, education, recreation, and green infrastructure.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

- **Key Direction 4.1:** Increase strategic infill development that provides access to and capitalizes on existing and planned corridors with frequent transit service.
- **Key Direction 4**.2: Ensure new areas of growth are designed according to the principles of Complete Communities.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

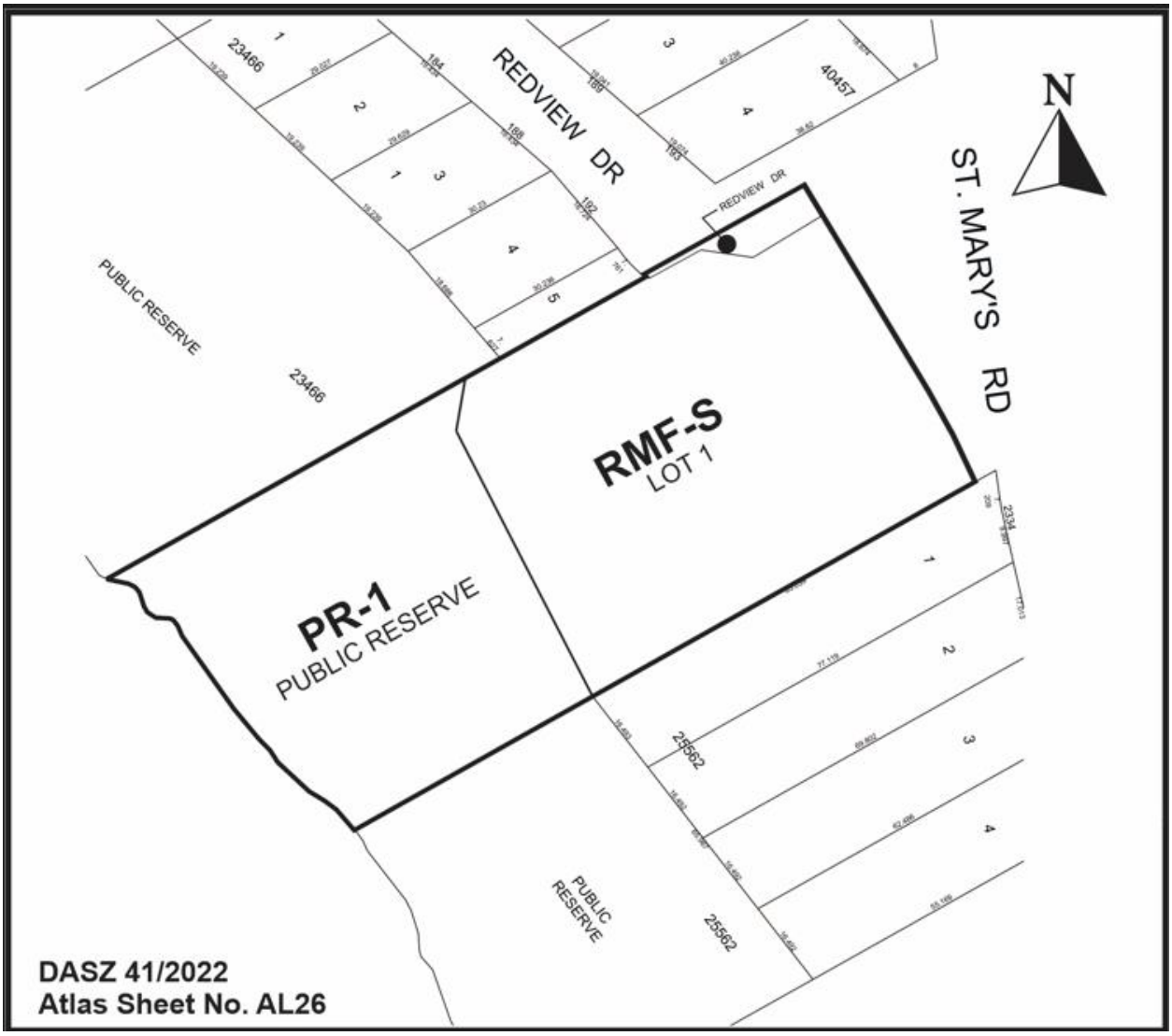
Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: M. Hammerberg, Land Development Service Coordinator
Date: August 12, 2024
File No: DASZ 41/2022
Attachments: Appendix “A” – DASZ 41/2022 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 41-22.docx

APPENDIX "A" – DASZ 41/2022 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

MLT AIKINS

WESTERN CANADA'S LAW FIRM

MLT Aikins LLP
30th Floor - 360 Main Street
Winnipeg, MB R3C 4G1
T: (204) 957-0050
F: (204) 957-0840

Maria C. Reimer*
*** services provided by**
M C Reimer Law Corporation
Direct Line: (204) 957-4867
Fax: (204) 957-0840
E-mail: mreimer@mltaikins.com

Kathleen Hamilton
Commercial Paralegal
Direct Line: (204) 957-4796
E-mail: khamilton@mltaikins.com

July 5, 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 41/2022
10104686 Manitoba Ltd. ("Registered Owner")
Subdivision and Rezoning – Southwest St. Mary's Road at Redview Drive, Winnipeg, MB
MLT Aikins File No: 0152324-00003

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 have not yet received the Plan Mylars. We are requesting an extension of time to avoid the risk of the by-law expiration after the subdivision Plan Mylars, and associated documents, 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 0407/2023. Please find enclosed herewith the following:

1. Extension of Time Application;
2. Letter of Authorization of Landmark Planning & Design Inc.;
3. Current Status of Title Nos. 3152346/1 & 3149836/1.

We understand your office currently is in possession of the Mylars for Plan Deposit 0407/2023.

MLT AIKINS

WESTERN CANADA'S LAW FIRM

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