Agenda – Executive Policy Committee – November 13, 2024

Report – Standing Policy Committee on Property and Development – November 8, 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. 5 Extension of Time – Closing of Public Lane North of 341 Scotia Street between Scotia Street and the Red River (Mynarski Ward) File DAC 3/2020

STANDING COMMITTEE RECOMMENDATION:

On November 8, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the following to Council:

1. That Recommendation 3 under File DAC 3/2020 approved by Council on July 23, 2020, be deleted and replaced with the following:

    3. That in the event By-law No. 21/2023 is not registered in The Winnipeg Land Titles Office by February 23, 2025, the matter shall be deemed to be concluded, shall not be proceeded with, and that no further extensions be granted.

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 – November 13, 2024

Report – Standing Policy Committee on Property and Development – November 8, 2024

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On November 8, 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 October 29, 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 public lane north of 341 Scotia Street between Scotia Street and the Red River - File DAC 3/2020

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	H. Borys	N/A	N/A

EXECUTIVE SUMMARY

On July 23, 2020, Council approved application DAC 3/2020 to close the public lane adjacent to 341 Scotia Street. On July 21, 2022, Council approved the Purchaser's request for an extension of time to July 23, 2023. On June 29, 2023, the Purchaser's lawyer submitted a request for a further extension. The request was not immediately processed by the Public Service because the lawyer anticipated that the closing by-law would be registered at the Winnipeg Land Titles Office prior to its expiry date. By letter dated July 26, 2024, the Purchaser's lawyer advised that registration has not been finalized and requested that that the second request for a further extension proceed.

The Public Service supports an extension until February 23, 2025.

RECOMMENDATIONS

1. That Recommendation 3 under File DAC 3/2020 approved by Council on July 23, 2020, be deleted and replaced with the following:

    3. That in the event By-law No. 21/2023 is not registered in The Winnipeg Land Titles Office by February 23, 2025, the matter shall be deemed to be concluded, shall not be proceeded with, and that no further extensions be granted.

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 February 23, 2025 to complete the necessary registrations at the Winnipeg Land Titles Office to implement the intent of Council's July 23, 2020 decision.

HISTORY/DISCUSSION

On July 23, 2020, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development to close the public lane adjacent to 341 Scotia Street. The closing, sale and consolidation of the land with the Purchaser's adjoining property will regularize an existing private approach, and eliminate an encroachment by an existing garage. A condition of Council's approval required the closing by-law to be registered in the Winnipeg Land Titles Office no later than July 23, 2022.

A closing by-law requires that the related closing plan be prepared by a Manitoba Land Surveyor and approved by the City's Geomatics Branch. The preparation of the closing plan was delayed for several weeks because the necessary field work could not be completed until water levels of the Red River had receded sufficiently. This uncontrollable delay resulted in the Purchaser's lawyer requesting an extension of time until July 23, 2023. Council granted the request on July 22, 2022. By-law No. 21/2023 was passed by Council on February 23, 2023.

On June 29, 2023, the Purchaser's lawyer, requested a further extension beyond July 23, 2023 because the Purchaser would only be taking possession of the closing area land on or about July 26, 2023 and that would mean that conveyance documents, including By-law No. 21/2023 could not be registered until after the expiration date of the first extension. Although received on June 29, 2023, the Public Service did not immediately process this second extension request believing that the Purchaser's lawyer would complete registrations of all documents including By-law No. 21/2023 prior to the by-law expiry date of February 23, 2024. By letter dated July 26, 2024, the Purchaser's lawyer advised that registration have not been finalized. The Purchaser's lawyer explained that the documents were submitted to the Winnipeg Land Titles Office on or about March 7, 2024, and that several documents had deficiencies requiring amendment before registration could proceed. The Purchaser's lawyer further advised that the deficiencies cited by the Winnipeg Land Titles Office have been addressed and is confident that if Council grants the further request, the document registrations required to fulfill the intent of Council's decision of July 23, 2020 will occur.

The Public Service supports an extension until February 23, 2025, but does not support the granting of extensions beyond February 23, 2025.

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

Consideration was given as to whether this report connects to any of the goals, objectives or directions of OurWinnipeg Policy alignment. It was determined that the Policy is not applicable to this specific report.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to any of the Strategic Opportunities and Key Directions in the Climate Action Plan. It was determined that the Plan is not applicable to this specific report

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Poverty Reduction Strategy (PRS), as well as the corresponding 2021-2023 Implementation Plan. It was determined that the Strategy is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Geomatics
Prepared by: Catherine P. Gagnon
Date: July 24, 2024
File No: DAC 3/2020
Attachments:
Appendix A - Extension of Time Request Letter dated June 29, 2023
Appendix B - Miscellaneous Plan 15617
Appendix C - Aerial of Proposed Closing

APPENDIX A – EXTENSION OF TIME REQUEST LETTER DATED APRIL 12, 2022

AVS LAW LLP

Ross A. Antymniuk, B.A., LL.B. *
Heather Kemkaran-Antymniuk, LL.B. *
Chad H. Schaan, B.A., LL.B.
Gord C. Steeves, B.A., LL.B.*
David A. Kochan, B.A., LL.B.
S. Tristan Smith, B.A. (Hons.), LL.B.
Laura A. Antymniuk, B.A., J.D.

*Services provided by a Professional Law Corporation

Please reply to: Gord C. Steeves

Direct Email: gord@avdkslaw.ca

June 29, 2023

Via email

City of Winnipeg
Planning, Property and Development
Unit 31 – 30 Fort Street
Winnipeg, MB
R3C 4X7

Attention Catherine P. Gagnon:

RE: Closing of public lane north of and adjoining 341 Scotia Street
Request for Extension of Time
DAC 3/2020

Thank you for our conversation of earlier today and pursuant to our discussion we confirm:

1. On July 23, 2020, Council approved the above noted closing proposal subject to conditions.

2. On July 21, 2022, Council approved an application for an extension of time subject to:

(i) a condition requiring the closing by-law to be enacted no later than July 23, 2023; and

(ii) a condition requiring the by-law must be registered within one year of it being passed, **unless an extension of time is applied for prior to July 23, 2023**, and Council approves the extension, the matter "*... shall be deemed to be concluded and shall not be proceeded with.*".

3. Closing By-law No. 21/2023 was passed by Council February 23, 2023.

4. By-law No. 21/2023 will expire on February 23, 2024 if it has not been registered in the Winnipeg Land Titles Office and the City has not received an application for an extension of time, or receiving the application, Council denies the extension.

5. The purchase and sale has been negotiated, and that the City has proposed a closing date of July 26, 2023.

Seine River Professional Center

Phone: 204.254.3511 Fax: 204.257.5139 200-600 St. Anne's Road Winnipeg, MB. R2M 2S2

6. The closing plan, by-law, transfer of land, plan of subdivision and supporting documents will not be released to us for registration at the Winnipeg Land Titles Office no later than February 23, 2024, until such time as all steps necessary for the closing of the purchase and sale have been satisfied.

There may be other conditions respecting the release of documents and plans.

Accordingly, by this letter, we are requesting a further extension of time, because of the provisions of Council's approval of the initial extension requiring that the request be made prior to July 23, 2023, and that the closing of the purchase and sale will occur after July 23, 2023, after which we anticipate being in a position to finalize registration of the closing plan, bylaw, plan of subdivision and supporting documents to give effect to Council's conditions of approval of DAC 3/2020.

Yours truly,

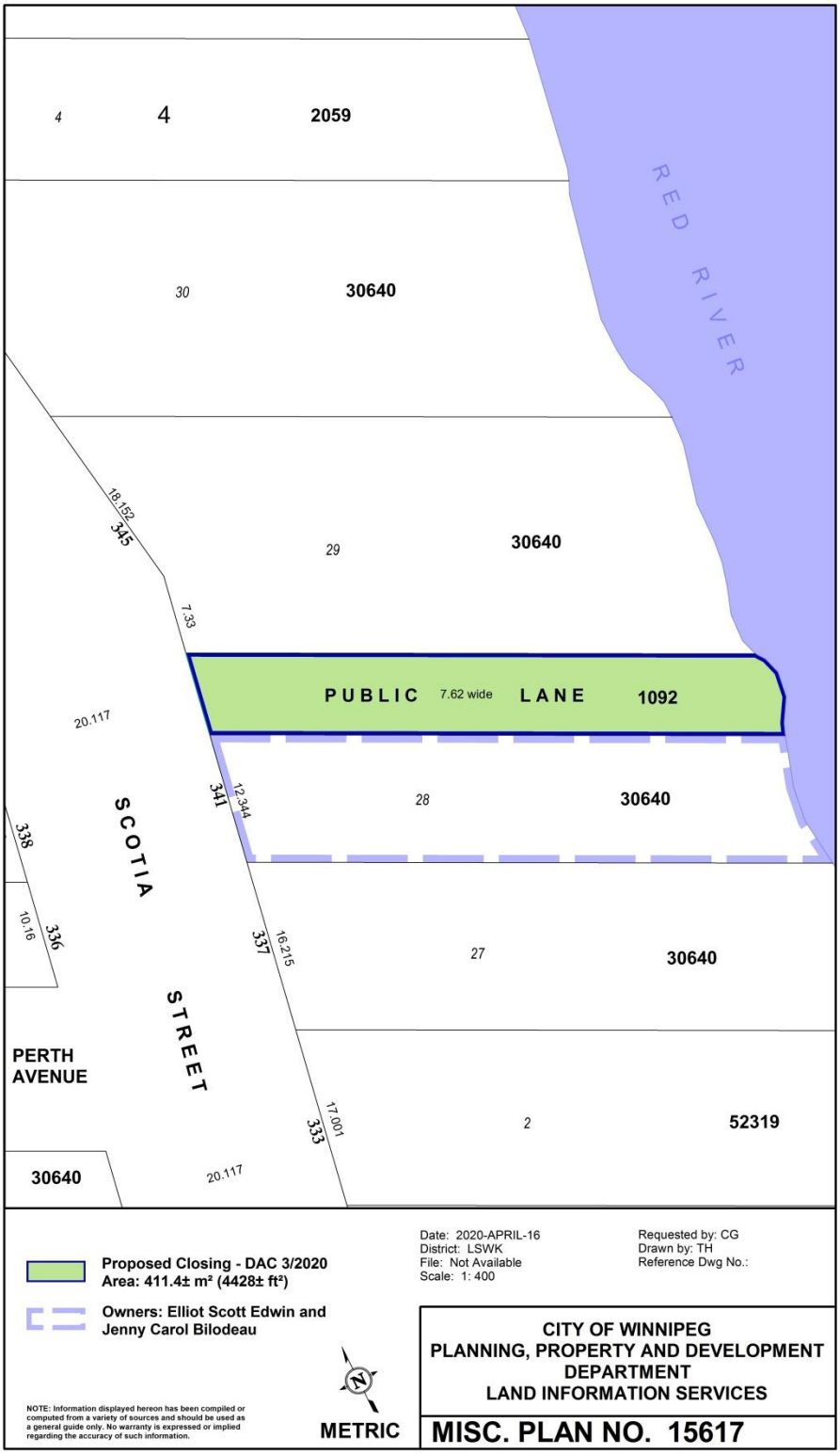
AVS LAW LLP

Per:

Gord C. Steeves

GCS/tb
Encl.

APPENDIX B – MISCELLANEOUS PLAN 15617



APPENDIX C – AERIAL VIEW OF SUBJECT CLOSING

