Agenda – Executive Policy Committee – March 18, 2025

Report – Standing Policy Committee on Property and Development – March 6, 2025

Item No. 9 Extension of Time – Proposed Closing of Part of Ross Avenue, East of McPhillips Street, South of Pacific Avenue (Point Douglas Ward) File DAC 2/2021

STANDING COMMITTEE RECOMMENDATION:

On March 6, 2025, 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 2/2021 approved by Council on September 29, 2021, be deleted and replaced with the following:

    "3. That the By-law will expire and this matter will be deemed to be concluded if the By-law is not registered at the Winnipeg Land Titles Office by December 15, 2025, unless:

        A. the Purchaser applies for an extension of time no later than December 15, 2025; and

        B. Council approves the extension of time."

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 – March 18, 2025

Report – Standing Policy Committee on Property and Development – March 6, 2025

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On March 6, 2025, 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 February 25, 2025, 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 – Proposed Closing of part of Ross Avenue, east of McPhillips Street, south of Pacific Avenue – File DAC 2/2021

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
G. Chappell (Acting)	H. Borys	N/A	N/A

EXECUTIVE SUMMARY

On September 29, 2021, Council approved the closing of a portion of Ross Avenue east of McPhillips Street, south of Pacific Avenue (see Appendices A and B).

On June 27, 2024, Council approved the purchaser's request for extension of time until December 15, 2024.

On December 13, 2024, the purchaser's lawyer advised that registration is not complete and requests a further extension (see Appendix C).

The Public Service supports an extension until December 15, 2025.

RECOMMENDATIONS

1. That Recommendation 3 under File DAC 2/2021 approved by Council on September 29, 2021, be deleted and replaced with the following:

    "3. That the By-law will expire and this matter will be deemed to be concluded if the By-law is not registered at the Winnipeg Land Titles Office by December 15, 2025, unless:

        A. the Purchaser applies for an extension of time no later than December 15, 2025; and

        B. Council approves the extension of time."

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 December 15, 2025, to satisfy the intent of Council's September 29, 2021 decision.

There are no financial implications for the City of Winnipeg

HISTORY/DISCUSSION

On September 29, 2021, Council approved the closing of a portion of Ross Avenue east of McPhillips Street, south of Pacific Avenue to accommodate plans to use the land for vehicle ingress/egress, parking, and aesthetic improvements in relation to its adjoining property to the north. Conditions of that approval required that Council pass a by-law within two years following the date of approval. In addition, the by-law required registration in the Winnipeg Land Titles Office no later than one year from the date it was passed. Council passed closing By-law No. 161/2022 on December 15, 2022.

On December 14, 2023, the law firm of Myers LLP, on behalf of the purchaser, submitted a request for an extension of time citing delays at the Winnipeg Land Titles Office due to an ongoing labour dispute.

On June 27, 2024 Council approved an extension of time to December 15, 2024.

On December 13, 2024 the law firm of Duboff Edwards Schachter, who had only recently been retained as solicitors for the purchaser, submitted a request for a further extension of time until December 15, 2025. The solicitor cited the complexity of the transaction and that they had only recently taken over conduct of the project from another law firm. The solicitor also explained that there was a further delay respecting registration of documents at the Land Titles Office (see Appendix C). The matter has since been resolved, however, the delay resulted in an inability to register the by-law prior to its expiry.

The Public Service recommends a further extension to December 15, 2025.

CONSULTATION

Because this report is made in connection with a request for extension of time only, consultation was with Legal Services Department (as to legal issues) only. Public Utilities were not 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.

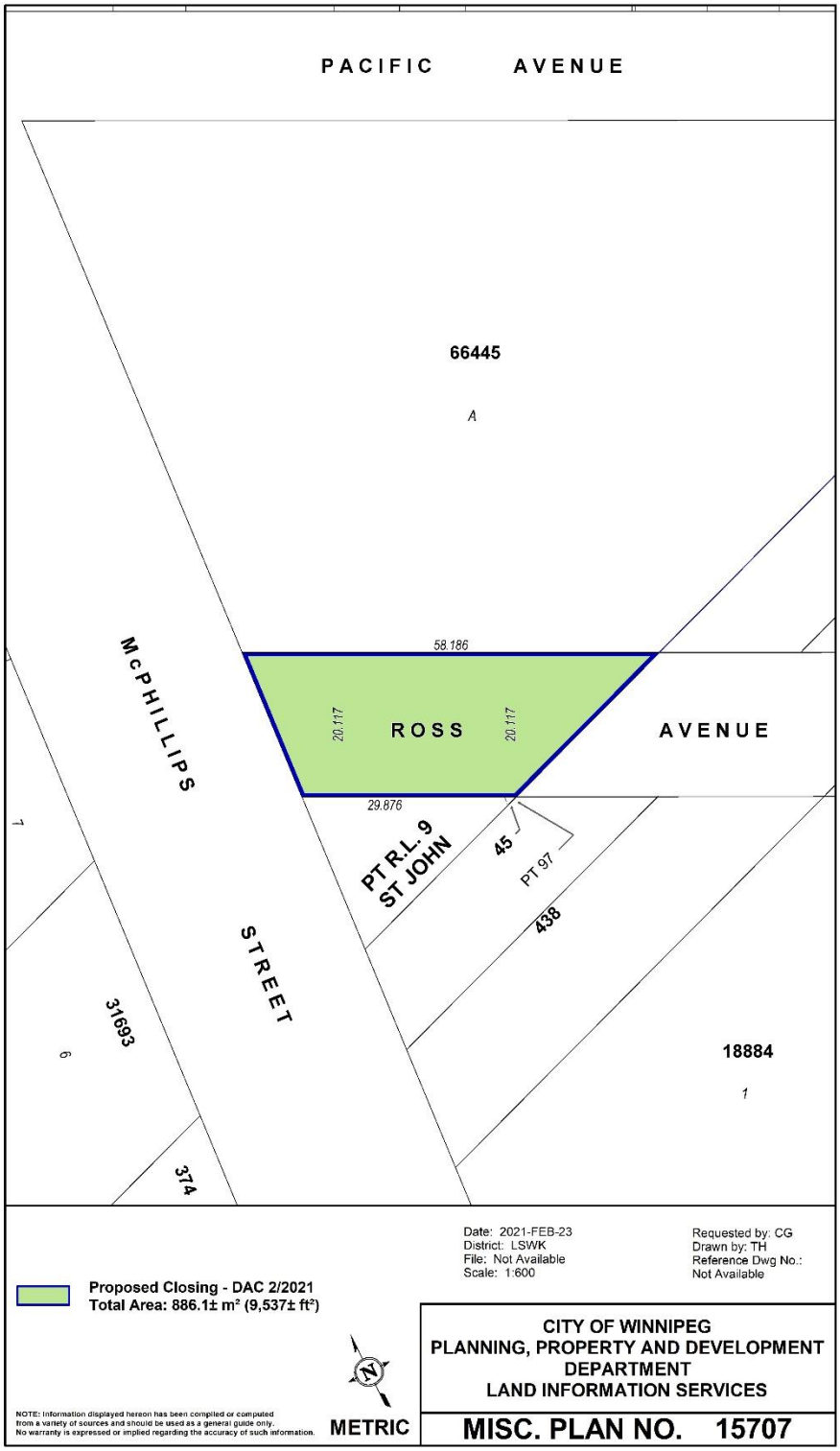
WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

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.

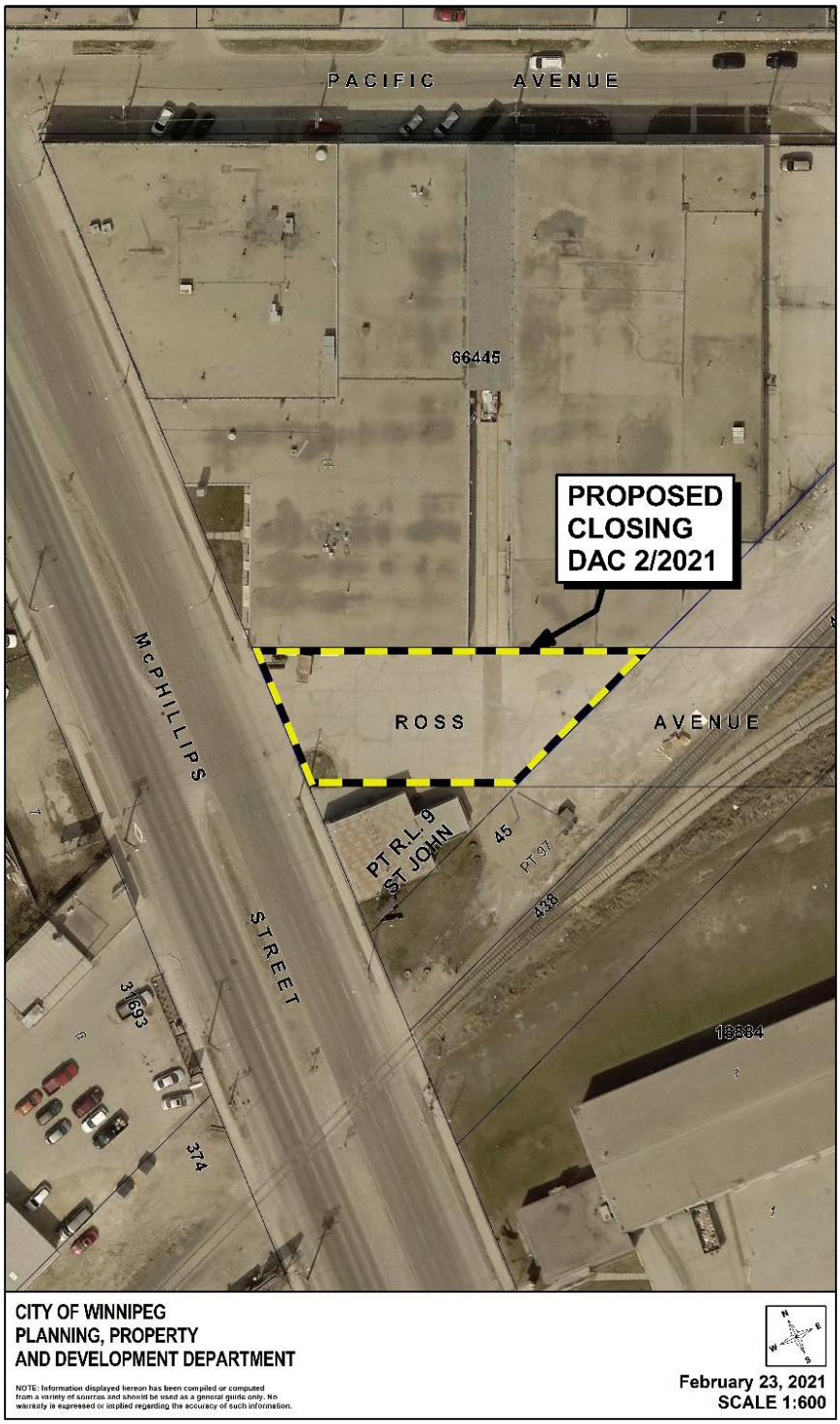
SUBMITTED BY

Department: Planning, Property and Development Department
Division: Geomatics
Prepared by: Catherine P. Gagnon
Date: January 2, 2025
File No: DAC 2/2021
Attachments:
Appendix A - Miscellaneous Plan 15707
Appendix B - Aerial View of Subject Closing
Appendix C - Extension of Time Request Letter dated December 13, 2024

APPENDIX A – MISCELLANEOUS PLAN 15707



APPENDIX B – AERIAL VIEW OF SUBJECT CLOSING



APPENDIX C – EXTENSION OF TIME REQUEST LETTER DATED DECEMBER 13, 2024

DUBOFF EDWARDS SCHACHTER
LAW CORPORATION

Paul Savard
Duboff Edwards Schachter Law Corporation
Direct Line: 204-594-1321
Fax: 204-942-3362
savard@deslaw.ca

Assistant: Ashley Boyd
Direct Line: 204-594-1310
boyd@deslaw.ca

December 13, 2024

The City of Winnipeg
Planning, Property and Development Department
2nd Floor- 65 Garry Street
Winnipeg Manitoba R3C 4K4

Via Courier

Attention: C. Gagnon/ J. Pelletier

Dear Sir or Madam:

Re: **MBT ONE 909 INC.**
Closing of Part- Ross Avenue for Incorporation into planned area under DASZ 28/2022 / DAC 2/2021
Our File No.: **231232-2402**

Please accept this letter requesting an extension of time to fulfill the obligation as detailed in the Council Decision for the proposed closing and to comply with the closing By-law No. 161/2022.

We are not able to fulfil the obligations and recommendations prior to December 15, 2024, partly due to the complexity of the file and also as a result of our office taking over conduct of the registrations relatively recently from the previous law firm. We took possession of the registration documents on or about November 1, 2024, and encountered a further delay with registrations as a result of land titles rejecting the form of by-law amendment that was provided by the City (which appears to have since been resolved).

With the complexity of this transaction and the time requirements for the various departments to process the extension process and the possibility that the land titles office processing time may increase in the future, we request an extension to December 15, 2025, for the filing and registration of the above referenced By-Law and plan.

Please find enclosed the following:

1. Our firms trust cheque in the amount of $1,081.50 made payable to the City of Winnipeg representing the approval fee of the closing plan mylars.
2. Plan Mylar for the closing;

Should you have any questions or concerns please contact our office directly.

Yours truly,

DUBOFF EDWARDS SCHACHTER LAW CORPORATION

Per:

PAUL SAVARD

/ab

Encl.