


<b>TITLE:</b> <b>EXTENSION—CONDITIONAL USE</b> <b>2513 MCDONALD AVENUE</b> <b>OWNER: NATHAN EDWARD HENRY FORTIN</b> <b>APPLICANT: KELLER DEVELOPMENTS LTD. (KATE MCKENZIE)</b>		
<b>MEETING DATE:</b> July 21, 2021		<b>Page 1 of 2</b>
<b>DEPARTMENT:</b> Planning, Property & Buildings	<b>ATTACHMENTS:</b> A. Extension request letter B. Original Conditional Use Decision C. Original public hearing report	
<b>PRESENTER:</b> Bernice Leyeza, Community Planner	<b>MANAGER:</b> Andrew Mok, for Ryan Nickel, Director of Planning & Buildings	

**RECOMMENDATIONS:**

That the approval deadline of Conditional Use Decision C-01-20 be extended to July 31, 2022.

**BACKGROUND:**

The applicant, Kate McKenzie of Keller Developments Ltd., on behalf of the property owner, Nathan Edward Henry Fortin, is requesting a deadline extension to Conditional Use Decision C-01-20 to allow for a four-unit multiple dwelling for a property located at 2513 McDonald Avenue in the Residential Low Density (RLD) Zone.

**ANALYSIS:**

Due to financial reasons and rising building prices from the COVID-19 pandemic, the applicant did not yet act on the conditional use decision and pursue development. The applicant submitted an extension request (Attachment A) to the Planning & Buildings Department on July 12, 2021.

Conditional Use Decision C-01-20 originally was to expire on June 4, 2021. However, due to the COVID-19 pandemic, the Government of Manitoba issued successive emergency orders that allowed the deadline to be extended to July 31, 2021 as of the writing of this report (see the next report section “Legislative Requirements”).

**LEGISLATIVE REQUIREMENTS:**

Subsection 110(1) of The Planning Act states that conditional use decisions expire and cease to have any effect if not acted upon within 12 months of the date of the decision. However, Subsection 110(2) of The Planning Act allows the Planning Commission to extend the deadline under for an additional period not longer than 12 months if an application is received before the original deadline.

Further, in light of the ongoing COVID-19 pandemic, subsequent Orders in Council under The Emergency Measures Act, with Order in Council 81/2021 the latest one in effect, suspends Subsection 110(1) of The Planning Act until July 31, 2021. Therefore, Conditional Use Decision C-01-20 is now deemed to expire on July 31, 2021.

The Planning & Buildings Department received the request prior to the provincially amended deadline.