


TITLE: EXTENSION—CONDITIONAL USE 448 DOUGLAS STREET OWNER & APPLICANT: KELLER DEVELOPMENTS LTD.		
MEETING DATE: July 21, 2021		Page 1 of 2
DEPARTMENT: Planning, Property & Buildings	ATTACHMENTS: A. Extension request letter B. Original Conditional Use Decision C. Original public hearing report	
PRESENTER: Bernice Leyeza, Community Planner	MANAGER: Andrew Mok, for Ryan Nickel, Director of Planning & Buildings	

RECOMMENDATIONS:

That the approval deadline of Conditional Use Decision C-02-20 be extended to July 31, 2022.

BACKGROUND:

The applicant, Kate McKenzie of Keller Developments Ltd., is requesting a deadline extension to Conditional Use Decision C-02-20 to allow for a duplex on an interior lot for a property located at 448 Douglas Street in the Residential Single Detached (RSD) Zone.

ANALYSIS:

The applicant did not begin development on the site before the decision’s expiry due to financial reasons. The site was sold, and the new property owner has different plans to the site that will be more appropriate for the neighbourhood. The applicant submitted an extension request (Attachment A) to the Planning & Buildings Department on July 8, 2021.

Conditional Use Decision C-02-20 originally was to expire on April 16, 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-02-20 is now deemed to expire on July 31, 2021.

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