



Special Council Meeting Agenda

Monday, July 15, 2024, 1:00 p.m.
Electronic Meeting

People interested in participating in this meeting can register online using the delegation registration form at www.kitchener.ca/delegation or via email at delegation@kitchener.ca. Please refer to the delegation section on the agenda below for registration in-person and electronic participation deadlines. Written comments received will be circulated prior to the meeting and will form part of the public record.

The meeting live-stream and archived videos are available at www.kitchener.ca/watchnow

Accessible formats and communication supports are available upon request. If you require assistance to take part in a city meeting or event, please call 519-741-2345 or TTY 1-866-969-9994.

Pages

1. Commencement

The meeting will begin with a Land Acknowledgement given by the Mayor.

1.1 Live Stream Link

For direct access to the meeting livestream, please visit the following link: [YouTube](#)

2. Disclosure of Pecuniary Interest and the General Nature Thereof

Members of Council and members of the City's local boards/committees are required to file a written statement when they have a conflict of interest. If a conflict is declared, please visit www.kitchener.ca/conflict to submit your written form.

3. Delegations

Pursuant to Council's Procedural By-law, delegations are permitted to address the Committee for a maximum of five (5) minutes. Delegates who are interested in attending virtually must register by 11:00 a.m. on July 15, 2024 in order to participate electronically.

3.1 None at this time.

4. **Mayoral Business and Updates - Mayor B. Vrbanovic**

5. **In-camera Meeting Authorization**

Note: Any member of Council may question the appropriateness of a listed in-camera item. This may be done during the special Council meeting or at the beginning of the in-camera session.

Council is asked to enact the following resolution to authorize an in-camera meeting:

"That an in-camera meeting of City Council be held immediately following the special council meeting this date to consider a potential land acquisition matter as authorized by Sections 239 (c) of the Municipal Act, 2001, respectively."

5.1 **Building Faster Fund 2024 - Potential Land Acquisition (Land Acquisition - Section 239 (c))**

Staff will provide information and seek direction on this matter.

6. **Staff Reports**

6.1 **Building Faster Fund - 2024 Project, FIN-2024-327** 3

6.2 **Dangerous Dog Designation Appeal - Cane/Kane, COR-2024-326** 7

Council is requested to consider the following matter arising from the Dog Designation Appeal Tribunal meeting earlier this date.

7. **By-laws**

7.1 **Three Readings**

7.1.a Being a by-law to designate the property municipally addressed as 10 Duke Street West, in the City of Kitchener as being of historic and cultural heritage value or interest.

(By-law 2024-140)

7.1.b Being a by-law to designate the property municipally addressed as 60 Victoria Street North, in the City of Kitchener as being of historic and cultural heritage value or interest.

(By-law 2024-141)

7.1.c To confirm all actions and proceedings of the Council for July 15, 2024.

(By-law 2024-142)

8. **Adjournment**

Staff Report



Financial Services Department

www.kitchener.ca

REPORT TO: Committee of the Whole

DATE OF MEETING: July 15, 2024

SUBMITTED BY: Ryan Hagey, Director of Financial Planning & Asset Management,
519-741-2200 ext. 7353

PREPARED BY: Ryan Hagey, Director of Financial Planning & Asset Management,
519-741-2200 ext. 7353

WARD(S) INVOLVED: All Wards

DATE OF REPORT: July 9, 2024

REPORT NO.: FIN-2024-327

SUBJECT: Building Faster Fund – 2024 Investment Plan

RECOMMENDATION:

That the CFO be delegated authority to submit an Investment Plan to the Building Faster Fund for:

- Bramm Yards Remediation
- Sandrock Creek – Meadowlane Park Stormwater Improvements
- Land Acquisition for Future Housing

REPORT HIGHLIGHTS:

- The purpose of this report is to get approval on the projects to submit to the Building Faster Fund based on the eligibility criteria and timelines to complete the project.
- The key finding of this report is that the Bramm Yards Remediation, Sandrock Creek – Meadowlane Park Stormwater Improvements, and Land Acquisition for Future Housing are the recommended projects.
- The financial implications are that \$14M of Building Faster Funds will be used for these projects instead City-source funding.
- This report supports the delivery of core services.

BACKGROUND:

The Building Faster Fund (BFF) was announced in August 2023 as a Provincial funding stream available to municipalities that meet their housing targets. On their website the Province says:

“The Building Faster Fund will provide \$400 million in new annual funding for three years to municipalities that are on target to meet provincial housing targets by 2031. Municipalities that reach 80 per cent of their annual target each year will become eligible for funding based on their share of the overall goal of 1.5 million homes. Municipalities that exceed their target will receive a bonus on top of their allocation.”

Kitchener exceeded its housing targets in 2023 and was notified in April 2024 that it will receive \$14M from BFF. There are still two more years of BFF availability, but whether Kitchener is successful in receiving future funding depends on housing starts in 2024 and 2025.

Eligibility criteria for BFF were published in June 2024 and are very narrow in scope. The four potential uses for BFF include:

1. Capital expenditures on housing-enabling core infrastructure (e.g. roads, bridges, water and wastewater, stormwater) and site servicing to accommodate **future residential development** including new construction, reconstruction and rehabilitation/repair of existing infrastructure.
2. Operating or capital expenditures that support the creation of net new **affordable housing**.
3. Operating or capital expenditures that support the creation of net new **attainable ownership housing**, including through modular construction.
4. Capital expenditures for **homelessness services centers**.

Further, eligible expenses for BFF include:

- Soft costs (planning, studies, and permits),
- Hard costs (construction, labour, and materials)
- Land costs

The Ministry of Municipal Affairs and Housing requires municipalities to submit an Investment Plan by July 19, 2024, that shows how BFF will be used prior to March 31, 2026.

REPORT:

For a project to qualify for BFF it must:

- Enable housing development/reduce homelessness
- Be complete by March 31, 2026, which essentially means one construction season (2025)

The eligibility criteria and timelines severely restrict the projects that could be put forward for BFF, as funds cannot be used for community amenities (e.g. recreation facilities) or for projects that are beyond spring 2026. BFF is also very housing-driven, so staff have focused on outcomes that would enable more housing development over investments in local infrastructure. Based on the eligibility criteria, staff are recommending the following projects for submission to BFF:

Bramm Yards Remediation

The Bramm Yards is one of the most significant City-owned land holdings comprising 3.2 hectares (equivalent to 8 acres) in downtown Kitchener. The City has been considering the future use of this former municipal works site for several years and recently developed a vision for the site which reads:

*To develop a leading-edge mixed use suburban business park that becomes the central gathering point of the growing Innovation District and surrounding neighbourhoods. The business park would include significant health-innovation focused employment with **new and affordable housing**, centred around vibrant streetscapes and high-quality public spaces. All built using leading sustainability practices.*

Before the Bramm Yards can be developed, environmental assessment work must be completed. These “soft” costs are eligible under BFF and will help move the property closer towards sale and a future use including housing. At the same time, the City can also begin work to explore the potential of installing a district energy system to service the Bramm Yards and other properties in downtown Kitchener.

An allocation of \$1M from BFF would cover the majority of the estimated cost for this work. Any remaining costs/ineligible costs would be funded from the Environmental Remediation capital account.

Sandrock Creek – Meadowlane Park Stormwater Improvements

Planned work for this project includes improvements to the stormwater facilities, safety measures, grading alterations, and park elements. The planned stormwater pond with a forebay will help mitigate flooding risks, accommodate increased runoff from intensification, and significantly enhance water quality by removing 70% of suspended solids from runoff over the long term. An 1800-millimeter storm sewer collects runoff from 170 hectares, which is currently untreated for water quality.

Improvements to stormwater facilities are needed across the City to help mitigate flooding risks. Increases in storm frequency/severity as a result of climate change and additional runoff as a result of new development requires improvements to be made to the City’s stormwater assets. These improvements are necessary to accommodate future residential housing across Kitchener.

An allocation of \$3M from BFF would supplement the \$4.7M budgeted for the project in 2024-2025 and put the City comfortably within the most current cost estimates of \$6.5M - \$8.5M. The remaining costs/ineligible costs would be funded from the Stormwater Utility. Capital projects within the City’s stormwater utility have seen a significant increase in costs over the past few years. Allocating BFF funding to this project will help to keep stormwater utility rates affordable for residents by reducing the amount that will be needed in future years to address the City’s existing infrastructure needs.

Land Acquisition for Future Housing

Land costs are a financial barrier to creating new housing, especially new affordable/attainable housing. The City can purchase land that could lead to future housing development, in accordance with BFF guidelines.

An allocation of \$10M from BFF could be added to funds available from the Housing Accelerator Fund (HAF) to secure land for housing development.

Other Options Considered

Staff considered other projects to submit to BFF, but believe the recommendation is the best use of BFF at this time. Other projects considered include:

- Road reconstruction projects
 - Approximately three of Water Infrastructure Program (WIP) utility funded projects could be funded by BFF. Examples from 2025 include:
 - King: Stirling to Ottawa (\$5.0M)
 - Frederick: Bruce to Ottawa (\$5.3M)

- Chapel/Melrose (\$4.9M)
 - Using BFF instead of WIP utility funding would guard against future price inflation and lessen the impact of future WIP rate increases
 - The tie between replacing aging infrastructure and new development in those neighbourhoods is minimal.
- Hidden Valley Pumping Station
 - The majority of this \$19M development charge (DC) funded project could be funded by BFF
 - Using BFF instead of DC funding could lessen future DC rate increases/DC cashflow issues
 - New growth related infrastructure is 100% fully funded/recoverable from DCs so using BFF for this purpose is not recommended
 - Completing this project by March 2026 is unlikely

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

\$14M of BFF will be disbursed to the City over two instalments:

- 70% once the Investment Plan has been approved the Ministry
- 30% after the City has completed its year-end report.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

PREVIOUS REPORTS/AUTHORITIES:

- DSD-2024-240 Bramm Yards Master Plan

APPROVED BY: Jonathan Lautenbach, CFO

Staff Report

Corporate Services Department



www.kitchener.ca

REPORT TO: Special Council

DATE OF MEETING: July 15, 2024

SUBMITTED BY: Dianna Saunderson, Manager, Council and Committee Services / Deputy Clerk, 519-741-2200 ext. 7278

PREPARED BY: Mariah Blake, Committee Coordinator, 519-741-2200 ext. 7277

WARD(S) INVOLVED: All

DATE OF REPORT: July 4, 2024

REPORT NO.: COR-2024-326

SUBJECT: Dangerous Dog Designation Appeal – Cane/Kane

RECOMMENDATION:

That the decision of the Dog Designation Appeal Committee to designate “Cane/Kane” as _____ as referred to Council from the Appeal meeting held early this date, regarding an appeal filed by the Humane Society of Kitchener-Waterloo and Stratford Perth for the dog, be ratified and confirmed, as outlined on Corporate Services Department report COR-2024-326.

REPORT HIGHLIGHTS:

- The purpose of this report is to request that Council consider the decision of the Dog Designation Appeal Committee at the July 15, 2024 Special Council Meeting, directly following the Dog Designation Appeal Committee meeting; regarding an appeal filed by the Humane Society of Kitchener Waterloo and Stratford Perth (HSKW) for the dog, “Cane/Kane,” who is in the custody of the HSKW.
- The HSKW believes it is not in the best interest of the public to release the dog back into the community with a Dangerous Designation, and believes the dog cannot be rehabilitated.
- The HSKW is requesting the Dog Designation Appeal Committee: substitute the Dangerous Dog Designation of Cane/Kane with a Prohibited designation; or modify the Dangerous Dog Designation of Cane/Kane to include the condition that the dog remain in the custody of the Human Society to be disposed of in a humane manner.
- This report supports the delivery of core services.

BACKGROUND:

On June 21, 2024, the Human Society of Kitchener-Waterloo and Stratford Perth designated a white American Bulldog, named “Cane/Kane,” owned by Jeremy Nichol, as a Dangerous Dog, pursuant to the City’s Dog Designation By-law. The Humane Society of Kitchener-

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

Waterloo and Stratford Perth made an appeal to the Committee to substitute the designation from Dangerous to Prohibited, alternatively if the Committee was not in agreement to substitute to prohibited, they requested that the conditions of dangerous designation include the condition that the dog remain in the custody of the Humane Society to be disposed of in a humane manner. The Humane Society noted a history of the attacks, outlining 4 confirmed separate dog bite incidents by the dog, "Cane/Kane," resulting in the victims attending hospital or requiring medical attention on the following dates: February 3, 2024, April 11, 2023, May 19, 2024, and May 28, 2024. The Humane Society believes there have been further attacks that have gone unreported. It was noted the dog is now in the custody of the Humane Society, following attempts to locate the dog for over a year. The Human Society does not have the ability to designate a dog as Prohibited unless first designated as Dangerous, with an additional violation of the conditions of the Dangerous designation. The Human Society believes it is not in the best interest of the public to release the dog back into the community with a Dangerous Designation, and believes the dog is beyond rehabilitation. As a result, the Human Society made an appeal to the Dog Designation Appeal Committee requesting the designation substitution.

REPORT:

The Dog Designation Appeal Committee established by the Council of the Corporation of the City of Kitchener pursuant to City of Kitchener pursuant to Chapter 420 (Dog Designations) of the City of Kitchener Municipal Code and the Statutory Powers Procedures Act R.S.O 1990 Chapter S.22, sat on July 15, 2024 to consider an appeal filed with the City by Humane Society of Kitchener-Waterloo and Stratford Perth to substitute the designation from Dangerous to Prohibited. If the Committee is not able to substitute the designation to prohibited, the Committee was presented with an alternative option to modify the Dangerous Dog Designation of "Cane/Kane" to have a condition that the dog remain in the custody of the HSKW to be disposed of in a humane manner.

The Dog Designation Appeal Committee will be holding a hearing on the morning of July 15, 2024, where they will be receiving testimony from the Appellant (HSKW) related to the 4 confirmed separate dog bite incidents that "Cane/Kane" was involved in and be further advised that the dog poses danger to people and other animals, and as a result is being kept in isolation, causing physical and mental decline. The owner of the dog Jeremy Nichol has been provided notice of the hearing but is indisposed and is unlikely to be able to be in attendance to speak to the matter. Following completion of the hearing, once the Committee has heard all of the evidence, they will review and consider the provisions of Chapter 420 (Dog Designations) of the City of Kitchener Municipal Code and will render their decision verbally within the meeting related to the designation. The decision will be provided in writing to the respondent in writing at the earliest opportunity following the completion of the meeting.

Due to the current living conditions of the dog, Council is being requested to expedite the matter and consider the recommendation of the Dog Designation Appeal Committee the same date as the Appeal hearing. When this matter is considered on the agenda, a member of the Committee will be required to share the recommendation of the Committee with Council to fill in the blank as outlined in the staff recommendation, confirming the Committee's position. The Clerk will also ensure the recommendation is available for display during the Special Council meeting.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

COMMUNITY ENGAGEMENT:

INFORM – All those in attendance at the July 15, 2024 Hearing, will be advised of the Committee's decision and that the matter will be considered at the July 15, 2024 Special Council Meeting, as required in the By-law. In addition, a Notice of Hearing was provided to the appellant and the respondents via registered mail on June 25, 2024; thereby, notifying both parties the process for registering as a delegation, and that the Committee may proceed in their absence to render any decision within its jurisdiction, including substituting the Humane Society of Kitchener Waterloo and Stratford Perth designation and that each party will not be entitled to any further notice in these proceedings.

PREVIOUS REPORTS/AUTHORITIES:

There are no previous reports/authorities related to this matter.

APPROVED BY: Victoria Raab, General Manager, Corporate Services