



Finance and Corporate Services Committee Agenda

Monday, March 17, 2025, 3:00 p.m. - 5:00 p.m.

Council Chambers - Hybrid

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

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.

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Chair: Councillor S. Davey

Vice-Chair: Councillor B. Ioannidis

Pages

1. **Commencement**

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. **Consent Items**

The following matters are considered not to require debate and should be approved by one motion in accordance with the recommendation contained in each staff report. A majority vote is required to discuss any report listed as under this section.

3.1	Surety Bonds Regulation, FIN-2025-088	3
3.2	Public Art Commission for Mill-Courtland Community Centre, DSD-2025-062	15

4. Delegations

Pursuant to Council's Procedural By-law, delegations are permitted to address the Committee for a maximum of five (5) minutes. All Delegations where possible are encouraged to register prior to the start of the meeting. For Delegates who are attending in-person, registration is permitted up to the start of the meeting. Delegates who are interested in attending virtually must register by 1:00 p.m. on March 17, 2025 in order to participate electronically.

4.1 Item 5.1 - Tara Bedard, Waterloo Region Immigration Partnership

5. Discussion Items

5.1	Municipal Newcomer Strategy, Scope and Development Approach, CSD-2025-054 <i>(Staff will provide a 5-minute presentation on this matter).</i>	30 m	24
5.2	Parks-Fireworks Exemption Tecumseh Park August 23, 2025, CSD-2025-048 <i>(Staff will provide a 5-minute presentation on this matter).</i>	15 m	33
5.3	2026 Municipal and School Board Election Alternative Voting Methods, COR-2025-001 <i>(Staff will provide a 5-minute presentation on this matter).</i>	30 m	36
5.4	2025 Dog Designation Appeal Committee Review, COR-2025-111 <i>(Staff will provide a 5-minute presentation on this matter).</i>	20 m	58

6. Information Items

6.1 None.

7. Adjournment

Marilyn Mills
Committee Coordinator

REPORT TO: Finance and Corporate Services Committee

DATE OF MEETING: March 17, 2025

SUBMITTED BY: Katie Fischer, Director Financial Reporting & ERP Solutions, 519-904-9354

PREPARED BY: Katie Fischer, Director Financial Reporting & ERP Solutions, 519-904-9354

WARD(S) INVOLVED: All Wards

DATE OF REPORT: March 3, 2025

REPORT NO.: FIN-2025-088

SUBJECT: Surety Bonds Regulation

RECOMMENDATION:

That the housekeeping amendments required on the City's investment policy FIN-PLA-605, attached as Appendix A to staff report FIN-2025-088, be approved.

REPORT HIGHLIGHTS:

- The purpose of this report is to incorporate housekeeping amendments to the City's Investment Policy to reflect the new regulation associated with acceptance of surety bonds as securities under the Planning Act.
- This report supports the delivery of core services.

BACKGROUND:

On November 20, 2024, a new regulation *O. Reg. 461/24: Surety Bonds - Section 70.3.1 of the Act* came into force under the *Planning Act R.S.O. 1990, c. P.13*. This regulation provides land owners and those applying for planning approvals with the option of using surety bonds as securities required for development approvals.

REPORT:

Municipalities generally require securities as a condition of development approvals, such as part of a site plan or subdivision agreement, to ensure that monies to guarantee the installation of services will be available to the City when required. Traditionally, these securities were in the form of cash (via bank draft or certified cheque) or a letter of credit.

Surety bonds are a new security option that the City is required to accept for development approvals under the Planning Act. Under the new regulation, the surety bond will provide a guaranteed payment to the municipality if the developer defaults in performing an obligation

guaranteed by the surety bond, within 15 business days after the municipality provides notice of default. Developers have indicated that surety bonds are more flexible and frees up capital, as compared to the traditional cash or letter of credit securities, which can thereby be used to build homes faster.

The City of Kitchener's Investment Policy FIN-PLA-605 provides the approved form of securities that the City accepts, as it relates to the City's risk exposure associated with financial institutions. This policy is therefore recommended to be amended to reflect the new form of security that the City is required to accept. Additionally, staff have noted an unintentional omission previously in the policy and have proposed to add in the language associated with accepting cash securities as is current practice. The amended policy, with proposed changes tracked (shown in red font colour), is attached in Appendix A.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

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:

- FIN-PLA-605 Investment Policy
- *Municipal Act, 2001, S.O. 2001, c.25*
- *Planning Act, R.S.O. 1990, c. P.13*

APPROVED BY: Jonathan Lautenbach, Chief Financial Officer

ATTACHMENTS:

Appendix A – FIN-PLA-605 Investment Policy

POLICY		FIN-PLA-605	
Investment		Category FIN - Finance	Sub-category FIN - Financial Planning
Approval Type COUNCIL	Department/Division Financial Planning	Author and Position Senior Financial Analyst	
Date Approved August 30, 2004	Last Reviewed/Amended March 3, 2025	Next Review Date March 3, 2030	

Related Policies or Procedures

- [Municipal Act, 2001, S.O. 2001, c. 25, Part XIII, Section 418\(1\)](#)
- [Municipal Act, 2001, S.O. 2001, c. 25 O. Reg. 438/97: Eligible Investments, Related Financial Agreements and Prudent Investment](#)
- [Planning Act, R.S.O. 1990, c.P.13 O. Reg. 461/24: Surety Bonds - Section 70.3.1 of the Act](#)

Policy Purpose

It is the policy of the City of Kitchener to invest public funds in a manner that will provide the highest investment return while protecting and preserving capital, maintaining liquidity, meeting the daily cash flow demands of the City and conforming to all legislation governing the investment of public funds.

The purpose of the policy is to establish guidelines and controls related to the investment and holding of public funds to ensure funds are available when needed, while maximizing return.

Definitions

Asset-backed Securities – short- or long-term debt instruments, which are backed by high quality assets (such as loans or mortgages) of the issuer, issued under Reg. 733(50)(1) of the Loans and Trust Corporations Act

Commercial Paper – short-term notes or drafts issued by a corporation, incorporated under the laws of Canada or a province of Canada

Credit Risk – risk to an investor that the issuer of an investment will default interest or principal payments

Credit Union - community based financial co-operatives owned and controlled by members

Diversification – process of investing in a range of security types by class, sector, maturity, and quality rating

Dominion Bond Rating Service (DBRS) – a service that assesses the credit rating of institutions

Forward Rate Agreement (FRA) – contract with a qualified financial institution allowing an investor to fix the interest rate to be received on an investment for a specified term beginning at an agreed to future date

Interest rate risk – risk of an increase or decrease in the value of a fixed income security caused by declining or rising interest rates

Long-term investment – investment whose term to maturity is greater than two years.

Liquidity – measure of asset's convertibility into cash

ONE Fund Public Sector Group of Funds – pooled investment fund meeting the eligibility criteria defined by the regulations under the Municipal Act. It is operated by the Local Authorities Service Limited and CHUMS Financing Corporation

Regulation – Ontario Regulation 438/97 related to section 418 and 418.1 of the Municipal Act, 2001 “Eligible Investments, Related Financial Agreements and Prudent Investment”

Schedule I Bank – a chartered bank operating under the Bank Act. The voting shares must be widely held with no investor holding more than 10% and foreign ownership limited to 25%

Schedule II Bank – a chartered bank operating under the Bank Act. It may be wholly owned by non-residents

Schedule III Bank – a foreign bank branch of foreign institutions operating under the Bank Act under certain restrictions

Short-term investment – investment whose term to maturity is two years or less

Supranational Institutions – an agency sponsored by highly rated foreign bank(s) or Governments issuing debt to fund loans in developing countries for large infrastructure projects. They may be owned or guaranteed by a consortium of national governments

Trust Company – financial institution which acts as a fiduciary, trustee or agent in the administration of trust funds, estates and custodial arrangements

Policy Scope

The investment policy applies to all financial assets of the City of Kitchener held within the general fund, capital fund, reserve funds, enterprise funds, and trust funds.

Application

☒ **Employees** *(Indicate below which categories apply: All employees, Permanent full-time, Temporary full-time, Continuous part-time, Casual, Probationary, Student, Management, Non-union)*

- All employees

☐ **Unions** *(Indicate below which categories apply: All Unions, CUPE 68 Civic, CUPE 68 Mechanics, CUPE 791, IATSE, IBEW, KPFFA)*

- Click or tap here to enter text.

☐ **Council**

☐ **Specified Positions:** Click or tap here to enter text.

☐ **Other:** Local Boards and Advisory Committees

Responsibilities:

Council

Under section 224(e) of the Municipal Act 2001, Council is responsible for “maintaining the financial integrity of the municipality.” Council is required to make decisions that adhere to the financial policies and procedures that have been put in place to provide investment income for the municipality.

Chief Administrative Officer

Under section 229(a) of the Municipal Act 2001, the Chief Administrative Officer is responsible for “exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality.” This includes ensuring that processes are in place that support the effective administration related to investment of City funds.

Chief Financial Officer (Treasurer)

Under section 286(1) of the Municipal Act 2001, the treasurer is responsible for “handling all of the financial affairs of the municipality on behalf of and in the manner directed by the council.” For the purpose of this policy this includes:

- Monitoring adherence to statutory requirements
- Ensuring preservation of capital
- Monitoring interest rate risk
- Ensuring liquidity of investments
- Maximizing return on investments

Director of Financial Planning Reporting & ERP Solutions

As part of their role the Director of Financial Planning Reporting & ERP Solutions has been delegated authority and is responsible for:

- Managing the City’s overall investment portfolio
- Establishing investment procedures aligned with this policy
- Monitoring cash flow to make effective investment decisions
- Ensuring proper controls are in place related to investments
- Delegating specific investment related tasks to staff where appropriate

Policy Content

Objectives:

The primary objectives, in order of priority, of the City's investment activities shall be:

a) Adherence to statutory requirements

Investment activity will be governed by the Municipal Act as amended and limited to eligible investments under the Act and associated provincial regulations

b) Preservation of capital

Safety of principal is a key objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital including:

- Utilizing credit ratings to assess the overall credit risk related to a particular investment
- Diversifying the overall investment portfolio in accordance with this policy
- Properly assessing and mitigating risk associated with fluctuating interest rates for short- and long-term investments

c) Liquidity

The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating and capital requirements that might be reasonably anticipated and to limit temporary borrowing requirements.

d) Return on Investments

The investment portfolio shall be designed to attain the maximum rate of return while meeting the above three objectives

Eligible investments

a) Section 418 of Ontario Regulation 438/97 provides a list of eligible securities that the municipality may invest in. The regulation includes securities such as bonds, debentures, promissory notes, and other evidence of indebtedness. The City of Kitchener will consider potential investment opportunities related to all eligible securities types included in the regulation provided that:

- They align with the City's overall investment policy objectives and comply with all other aspects of this policy
- They have a credit rating of "Superior" or "Good" as defined in Schedule A and meet the minimum credit rating requirements and conditions as outlined in the regulation

- They have not been specifically restricted or excluded in this policy

b) Exclusions – Prudent Investor Standard (Section 418.1)

Part of Ontario Regulation 438/97 includes new prudent investor standards that allow municipalities that meet certain eligibility criteria the option to invest in a broader range of securities. The City of Kitchener has not opted-in to this new standard and as such, is only authorized to invest in securities described under section 418 and not section 418.1 of the regulation.

c) The City may enter Forward Rate Agreements (FRA) to reduce the risk of future interest rate changes associated with known cash inflows provided that:

- The FRA is only executed with Schedule I, II, or III Banks whose minimum DBRS rating is “A (high)” or equivalent as prescribed in the regulation
- The term of any FRA must be less than 12 months
- An agreement must specify the forward amount, settlement date, forward interest rate, reference interest rate, as well as other pertinent details as prescribed in the regulation
- The agreement must be reviewed and approved by the Treasurer and comply with all other requirements of the regulation

d) The City of Kitchener may enter into an Agency Agreement with the “ONE Fund Program” for the purpose of participating in joint municipal investment funds. Unrated municipalities are only permitted to invest in the following securities if made through the ONE Fund Program:

- Commercial paper
- Corporate debt and shares
- Asset-backed securities

A Council approved bylaw is required prior to entering into any such agreement.

Diversification

The City of Kitchener will diversify its investments by security type and institution according to Schedule B. These restrictions apply at the time an investment is made. At specific times, portfolio limitations may be exceeded as a result of timing of individual instrument maturities.

Safekeeping and custody

Backup information for the City’s Investments and letters of credit are stored physically on site or electronically on City servers.

Term of investments

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than two years from the date of purchase. Reserve and Trust Funds may be invested in securities exceeding two years if the maturity of such investments is made to coincide as nearly as possible with the expected use of the funds.

Performance standards

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles commensurate with the investment risk constraints and the cash flow needs. Yields on the short-term portfolio should be higher than the rate given by the City's bank for the City's general bank account.

Standard of care

a) Prudence

Investments shall be made with judgment and care under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Investment officers and employees exercising due diligence and acting in accordance with written procedures and this Policy shall be relieved of personal responsibility for an individual security's credit risks or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidation or the sale of securities are carried out in accordance with the terms of the Policy.

b) Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Officers and employees shall not undertake personal transactions with the same individuals with whom business is conducted on behalf of the Corporation.

c) Internal Control

The Treasurer shall ensure adequate internal controls over investment policies and procedures. The Treasurer shall establish a process of independent review by an internal or external auditor.

d) Reporting

The Treasurer shall provide an investment report to Council at least twice per year.

Authorized investment dealers

Authorized investment dealers must be registered as Investment Dealers with the Ontario Securities Commission and be members of the Investment Dealers Association of Canada, and be approved by the Treasurer.

Securities for subdivision and Development Servicing

The objective of the securities policy is to ensure that monies to guarantee the installation of services will be available to the City when required.

The City of Kitchener shall accept only the following approved securities:

a) Cash in the form of bank draft or certified cheque, at the discretion of the Treasurer.

a)b) Letter of Credit (in prescribed form acceptable to the City Solicitor) issued by a Schedule I bank, Schedule II bank, Schedule III bank or Trust Company with a minimum DBRS rating A (low) (or equivalent).

b)c) Letter of Credit (in prescribed form acceptable to the City Solicitor) issued by a Credit Union provided that:

- The Credit Union is verified as a member of the Central 1 Credit Union
- The Central 1 Credit Union is rated A (low) (or equivalent) or higher
- The Credit Union has its Head Office in Ontario
- The cumulative Letters of Credit do not exceed 1% of the Credit Union's Tier 1 Capital as per the Credit Union's most recent audited financial statements.

d) Surety Bond (in prescribed form acceptable to the City Solicitor) in accordance with the requirements of O. Reg. 461/24: Surety Bonds - Section 70.3.1 of the Act under the Planning Act, R.S.O. 1990, c. P.13.

If a Letter of Credit or a Surety Bond was previously accepted in accordance with the above and the institution has since been downgraded and/or no longer meets the minimum

requirements, the City may request a new acceptable form of security.

Results of Review

- ☐ No Edits Required
- ☒ Housekeeping Edits
- ☐ Substantial Edits
- ☐ Repeal/Replace

Policy History

Administrative and Housekeeping Changes

Date	Nature of Change
2016-07-01	I-605 policy template re-formatted to new numbering system and given number FIN-PLA-605

Substantial Changes

Date	Council/CLT Directive
2008-04-07	Resolution passed by Council
2012-12-03	Resolution passed by Council, see report FCS-12-189
2016-06-01	I-605 policy template was re-formatted to new numbering system and given number FIN-PLA-605
2017-06-05	Resolution passed by Council, see report FCS-17-095
2021-04-26	Resolution passed by Council, see report FIN-2021-20

SCHEDULE A:

LONG-TERM CREDIT RATINGS

The following chart compares the different scales for long-term securities used by four rating agencies recognized in Ontario Regulation 438/97.

Credit Quality	DBRS	S&P	Moody's	Fitch
Superior: extremely strong capacity to repay principal and interest	AAA	AAA	Aaa	AAA
	AA (high)	AA+	Aa1	AA+
	AA	AA	Aa2	AA
	AA (low)	AA-	Aa3	AA-
Good: strong capacity to repay principal and interest	A (high)	A+	A1	A+
	A	A	A2	A
	A (low)	A-	A3	A-

SHORT-TERM CREDIT RATINGS

The following chart compares the different scales for short-term securities used by three rating agencies recognized in Ontario Regulation 438/97.

Credit Quality	DBRS	S&P	Fitch
Superior: extremely strong capacity to repay principal and interest	R-1 (high) R-1 (middle)	A-1+	F-1+
Good: strong capacity to repay principal and interest	R-1 (low)	A-1	F-1

Schedule B:

INVESTMENT POLICY DIVERSIFICATION SUMMARY – SHORT-TERM PORTFOLIO

Sector	Maximum Portfolio Share	Limits**
Government of Canada	100%	None
Provinces	100%	25%/issuer
Municipalities	20%	10%/issuer
Schedule I Banks	100%	Top 5 major chartered banks: 75%/issuer*; Other Schedule I banks: 25%/issuer
Schedule II Banks and Schedule III Banks	30%	HSBC Canada: 25%; Other Schedule II and III banks: 10%/issuer
Credit Unions and Trust Companies	20%	10%/issuer
Pooled Investment Funds	100%	None

* The minimum primary bank account balance required to obtain a preferred rate is excluded from the limit per issuer.

** Compliance with limits is required within 30 days of non-compliance.

INVESTMENT POLICY DIVERSIFICATION SUMMARY – LONG-TERM PORTFOLIO

Sector	Maximum Portfolio Share	Limits
Government of Canada	100%	None
Governments of other countries and supranationals	10%	5%/issuer
Provinces	50%	25%/issuer
Municipalities Region of Waterloo Other municipalities College, University, Housing Corp., Hospital	35% total 35% 25% 10%	10%/issuer
Incorporated Municipal Electrical Utilities	100%	Common Shares – Total issued to City at incorporation; Preferred Shares – None
Financial Schedule I banks – top 5 major chartered banks Other Schedule I, II, III banks, Trust Companies, Credit Unions	75% total 75% 20%	Top 5 - 25%/issuer Other – 10%/issuer
Pooled Investment Funds	75%	10% limit on equity portfolio

REPORT TO: Finance and Corporate Services Committee

DATE OF MEETING: March 17, 2025

SUBMITTED BY: Andrea Hallam, Manager, Arts & Creative Industries, 519-783-8269

PREPARED BY: Eric Rumble, Coordinator, Arts & Creative Industries, 519-783-8294

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: February 24, 2025

REPORT NO.: DSD-2025-062

SUBJECT: Public Art Commission for Mill Courtland Community Centre

RECOMMENDATION:

That the commission and creation of a new public artwork, “Swoop,” by Agnes Niewiadomski and Michelle Purchase, to be installed at Mill Courtland Community Centre as part of its expansion renovation, be approved; and further,

That the Mayor and Clerk be authorized to implement an agreement, satisfactory to the City Solicitor, with the artist team, outlining the obligations of the commission.

REPORT HIGHLIGHTS:

- The purpose of this report is to explain the selection rationale and recommended proponent from the 2024-25 Mill Courtland Community Centre public art competition.
- The key finding of this report is the jury selection of one proposal, which resulted from a successful open call for submissions and a three-stage selection process.
- The financial implication is a \$25,000 allotment from the facility renovation budget, plus approximately \$10,000 from the consolidated public art account.
- Community engagement included a diverse jury composition, endorsement from the Arts & Culture Advisory committee and feedback from users of the community centre.
- This report supports the delivery of core services through the 1% for public art policy.

BACKGROUND:

City of Kitchener’s public art program installs site-specific artworks at newly constructed facilities such as libraries, community centres, fire stations, parking garages, and other public spaces and civic buildings. These artworks include permanent installations in a wide variety of styles and materials, chosen with a preference for artistic merit and material innovation, site responsiveness, public engagement and accessibility, durability and sustainability.

Mill-Courtland Community Centre (MCCC) is eligible for a public artwork allotment through the City of Kitchener’s public art policy, [GOV-COR-816](#).

MCCC will soon be renovated to increase the footprint of the building and update existing infrastructure to meet its current and expected demand for services and programs. The planned expansion of the facility involved community consultation to determine priorities for the centre's indoor and outdoor spaces, which informed a business case and then a detailed design, led by a project team including City staff and neighbourhood association members. Renovations will begin this spring and are expected to be completed in 2026.

REPORT:

The MCCC public art competition was open to artists or artist teams based in the Waterloo Region with experience creating public art and/or participatory artworks with community contributions. The open call requested ideas for a \$30,000 commission, which would need to cover the successful artist's or team's design and production fees, insurance and other administrative costs, as well as materials, fabrication and installation expenses, including studio space, transportation or travel. Interested artists were encouraged to visit MCCC and learn about its active uses before applying, and to respond to a theme of "togetherness" that was highlighted during expansion consultations with residents.

Staff assembled a jury to evaluate the expressions of interest received, determine a short list of potential proponents to be paid to further develop their ideas, and recommend a final selection after considering further input from citizens with connections to MCCC. Jurors were carefully chosen to include the following members:

- Mélika Hashemi (professional artist)
- Jason Panda (professional artist)
- Jacob Irish (professional artist & Public Art Working Group representative)
- Nicola Martin (representing the Mill-Courtland Neighbourhood Association)
- Lisa Lambourne (representing MCCC staff)
- Cassandra Cautius (representing the renovation architect, Barry Bryan Associates)
- Debbie Chapman (Ward 9 councillor)

Competition

After determining a selection process and timing in collaboration with Community Services staff, Arts & Creative Industries (A&CI) staff shared an open call for expressions of interest on the City's website for 90 days from March until June 2024. In addition to a togetherness theme, the call identified a clear preference for ideas featuring hands-on opportunities for community members to help create the artwork and/or programming or interactive potential once installed. Other evaluation criteria included:

- Artistic merit of a proposed concept to enhance or activate public space at MCCC.
- Appropriateness of the scale, visibility and/or presence of a proposed artwork.
- General technical feasibility (durability, assembly, safety, accessibility).

The open call was promoted via City communications channels, local e-newsletters and emails to appropriate arts sector workers based in the region. A public information session was held at MCCC in April 2024.

Eleven submissions were received before the deadline. In stage one, the jury reviewed, rated and discussed their preferences of all submissions. The jury selected four submissions to advance to stage two.

In September 2024, A&CI staff met on site with the four remaining artists or artist teams. Each proponent was paid \$500 to further develop their artwork proposal and then present it to the jury in early November. The jury was tasked with eliminating one proposal during its stage two meeting and it easily reached consensus on that decision. Another proposal was subsequently eliminated by A&CI staff due to substantial technical and feasibility concerns. The remaining two options were progressed to stage three.

Stage three involved sharing the two finalist options with a display at MCCC and a request for public input on the facility expansion project's [Engage WR webpage](#) for three weeks in January 2025. More than 80 responses were received to a series of questions about each option, with a clear preference for one of the proposals.

The selected concept (see appendix A) was indicated as “strongly” or “very” representative of the togetherness theme by 95.1% of respondents, and its potential to enhance MCCC and make its users happy was confirmed by 91.6% and 97.6% of respondents, respectively. The jury met again in late January to review the public input and determined its support for the community's preference.

Jury Statement

Swoop proposes an eye-catching reimagination of the vaulted ceiling area inside MCCC — a great, cannot-miss-it location that will attract interest from everyone who enters the facility. The artwork will engage with the community that relies on the Centre by providing opportunities to contribute to its fabrication and an ongoing source of inspiration for activities or programs after it is installed.

The renewable, natural and locally sourced willow will bring a unique material language into the space, balancing strong craftsmanship with a handmade quality that aligns with the centre's well-established character. The sense of motion and collective flow of the piece will beautifully mirror the communal interaction and movement of people in the building as well.

Citizen input on two finalist options also indicated a clear preference that the jury wanted to respect. Residents confirmed that *Swoop* represented the concept of togetherness well and that it would enhance the space. Comments about the idea's appeal included its repurposing of renewable, low-impact materials, its use of vertical space at MCCC, the hands-on involvement of the community in its production, and the positive symbolism and multicultural resonance of swallows and flocks of birds.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

The recommendation has no impact on the capital or operating budget.

Guided by the City's public art policy, 1% of the facility renovation budget was determined to be a \$25,000 allocation. Because the policy indicates \$30,000 as the minimum amount required to produce an artwork for the City's collection, and selection processes have further costs such as compensating artists to develop proposals, honoraria for jurors and jury meeting costs, A&CI contributed another \$10,000 from the consolidated public art account.

COMMUNITY ENGAGEMENT:

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

CONSULT – The call for expressions of interest was created in collaboration with MCCC staff and informed by previous A&CI efforts to refine its open call template to reduce barriers to inclusivity and attract more equity-seeking applicants. The selection jury for this process attempted to be representative of community demographics and include both visual arts professionals and locals with active involvement in MCCC activities.

The soliciting of citizen input using the Engage WR platform was motivated by consultation with centre users that indicated a high priority on their involvement in things that happen inside MCCC. Without past outcomes to reference the success of the effort, staff felt that the community response was general positive and useful to the selection process.

At the Arts & Culture Advisory meeting on Tuesday, February 18, 2025, all members present voted to “endorse the jury selection of the artist team, Agnes Niewiadomski and Michelle Purchase, and their proposed artwork, *Swoop*, for the Mill Courtland Community Centre.”

PREVIOUS REPORTS/AUTHORITIES:

- CSD-2022-422 Mill Courtland Community Centre Expansion Business Case

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – Stage two proposal for *Swoop* public artwork at MCCC



***Swoop* by Agnes Niewiadomski and Michelle Purchase**

Using basket weaving techniques, we (Agnes and Michelle) will conduct a series of community-based workshops to craft a flight of hand-woven willow swallows. The swallows, which will hang from the ceiling and/or be affixed to an indoor wall, will be locally sourced from wild and farmed willow. Likewise, dyes, made from local walnut (brown) and acorn (black) pigments, will be handmade, along with a set of woven baskets resembling swallow mud nests, placed in the upper room corners.



sample woven willow swallows - aprox. 30cm x 45cm

Swallows, small migratory songbirds found worldwide, carry myriad cultural symbols. They are known for their homing instincts, denoting stability and home in many cultures. Indigenous North American beliefs associate swallows with protection and good fortune. As such the presence of swallows is seen as a sign that the community is being watched over and safeguarded from harm. In Europe and China, swallows are seen as a blessing that wards off harm, and for sailors, they are harbingers that signify safe shores ahead.

Swallows also allude to love and loyalty, as male and female pairs look alike and often mate for life. This association with love, freedom, and hope connects to the 2SLGBTQI+ community and Pride celebrations. And their return each spring after long migrations ties swallows to renewal, new beginnings, and the end of difficult times—all markers of resilience and transformation.

There are more than a dozen willow species native to Canada, and their presence provides vital habitats, prevents erosion, and aids in ecosystem restoration. They also bloom early in spring, offering some of the first food for pollinators. Known for their flexibility, the willow is adaptable and strong with the ability to bounce back following adversity. In folklore, willows represent renewal, and the bark has a compound used in modern pain relievers like aspirin.



Our flight will feature a gradation of natural colors in reference to movement, transition, and change—a nod to personal growth, the forging of new friendships, and the acceptance of physical and emotional change .

As symbols, the swallow and willow align with the values of the MCCC, which serves a diverse community, often helping families who have come from afar to find safety and support. MCCC connects people to resources in support of building healthy, vibrant neighborhoods. The swallows and willow remind us of the resilience of nature and

how we can thrive even under challenging conditions. This makes them fitting emblems of hope, new beginnings, and adaptability.

We are passionate about our shared love for nature and creativity, especially through hands-on art-based activities. By building deep connections to nature, a sense of responsibility for the environment with strong bonds to our surroundings is nurtured. Engaging hands-on crafting, alongside friends (old and new), enhances mental health and well-being, which in turn contributes to a sense of belonging—to each other, to the community, and to the plants and animals that inhabit our natural environment.



Above is the mood board from the artists to help convey textures & other details of their concept.

MCCC public art competition: stage two PRELIMINARY BUDGET ESTIMATE				
Title SWOOP				
Artists:		Agnes Niewiadomski & Michelle Purchase		
			Budget	Budget Notes Briefly explain your calculations
				daily rate per artist charged at \$500 (8 hour day) or \$50 per hour
Professional Fees: Artistic (these estimates all include HST)				
Willow harvesting from local sites, soaking and mellowing			\$735.00	
Nest weaving - 15 nests (\$150 per nest)			\$2,250.00	
Willow weaving community workshops			\$11,000.00	216 birds - (1:5 student to teacher ratio - approx. 2-3 hours to make a bird) If 10 students per workshop need about 22 half day workshops \$250 to each instructor per workshop
Installation - two people for two weeks (140 hours @50 per hour)			\$7,000.00	
Project Management / Administration - planning, liase with city staff, organizing, promotion, calculations and measurements, sourcing materials, etc. (9% of total - approx 54 hours @ \$50 per hour)			\$2,700.00	
Subtotal Professional Fees: Artistic			\$23,685.00	
Professional Fees: Technical Support				
develop prototype for custom willow weaving tools along with blacksmith				Sandra says \$500 to develop the prototype
Custom Tool manufacturing workshops at Two Smiths- blacksmith studio with artist Sandra Dunn				Sandra – It's a minimum charge of \$1500.00 for a group session. One day classes are \$375.00 per person.
Engineer consult and specification/drawing approval			\$300.00	have used Micheal Zwart at Tacoma Engineering before, Michelle performed a consult then she drafted the specifications and construction details for the approval
Engineer site inspection during / after installation?				
Subtotal Professional Fees: Technical			\$300.00	
Travel Costs				
Personnel travel				included in other costs
Freight, shipping or additional baggage				included in other costs
Packing and Crating				included in other costs
Per Diem and Accommodation (maximum \$150/person/day)				non anticipated
Other Travel Costs				
Subtotal Travel Costs			\$0.00	
Project Costs				
Production Space & Equipment				
Storage space rental (\$100 per month - 8 months?)			\$800.00	
Community space rental for workshops			\$0.00	in-kind from City
Equipment rental - Scissor Lift - two weeks			\$1,783.40	Cooper Rentals - 19ft lift 793.50 (per week, 26ft is \$891.70 per week - includes insurance, envionmental fee, taxes, delivery (\$125 each way) - daily rental approx \$170 per day

Sculpture Tools and Materials		
Materials: dry willow (to ensure variety of colour and quality we will collect some willow and purchase some willow)	\$1,000.00	priced by the pound \$18 per pound before tax - approximately 200 birds (60 grams per bird - 7.5 birds per pound of willow) - need about 29 pounds for birds and about 1 pound per nest
willow soaking tank	\$0.00	Agnes has a tank
freezer (for storing soaked willow)	\$0.00	Agnes has a freezer
Fabrication Hardware: secateurs, awls, etc.	\$350.00	branch ranch sells awls for \$48, replacement blades or sharpening for secateurs that Agnes already has
Installation Materials		
Installation Hardware: brackets, wires/aircraft cable (1/16"), sleeves/fasteners, crimping tool etc.	\$300.00	
hanging hardware: wires and eye loops fastened to walls/beams, drill/tool rental	\$300.00	
Subtotal Project Costs	\$4,533.40	
Other Costs (Provide details in budget notes)		
working at heights training (2 people) - 6.5 hour course	\$508.50	Acute Services (\$254.25 each) https://acuteservices.com/working-at-heights-training-kitchener/
harness - class A harness features one D-ring on the back	\$165.55	\$71.98 each plus tax
Studio & personal liability insurance for shows and workshops	\$800.00	Agnes is \$1240 per year. Ayr Farmers Mutual is \$71.10 per month (over 8 months = \$568.80)
Subtotal Other Costs	\$1,474.05	
Total Project Costs	\$29,992.45	

Staff Report

Community Services Department



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REPORT TO: Community and Infrastructure Services Committee

DATE OF MEETING: March 17, 2025

SUBMITTED BY: Elin Moorlag Silk, Manager, Service Coordination & Improvement

PREPARED BY: Elin Moorlag Silk, Manager, Service Coordination & Improvement
Olabukonla Mise, Project Manager, Municipal Newcomer Strategy

WARD(S) INVOLVED: All Wards

DATE OF REPORT: March 6, 2025

REPORT NO.: CSD-2025-054

SUBJECT: Municipal Newcomer Strategy – Scope & Development Approach

RECOMMENDATION:

That Council endorse the scope and approach outlined in CSD-2025-054 for the development of the Municipal Newcomer Strategy.

REPORT HIGHLIGHTS:

- The purpose of this report is to provide Council with an overview of the purpose, approach, scope, intended deliverables, and timeline for the development of the City's first-ever Municipal Newcomer Strategy.
- Development of the Municipal Newcomer Strategy will involve significant community engagement with newcomers, collaboration with newcomer-serving organizations, and the utilization of research, data and best practices. This approach will ensure the strategy is experience-based and data-driven.
- The scope for the strategy development will be focused on the experiences and needs of newcomers who have arrived in Canada within the last 10 years, AND on areas of service and opportunities within the City of Kitchener's jurisdiction.
- While the development of the Municipal Newcomer Strategy aligns with our strategic priority to *Foster a Caring City Together*, it also plays a crucial role in enhancing Kitchener's economic resilience by leveraging the potential of newcomers in business creation, workforce sustainability, and long-term economic growth.
- The end goal throughout this development phase is to create a strategy that enhances the quality of life for newcomers by improving access to City services, facilities, events, and supports, while fostering opportunities for economic prosperity, cultural inclusion, and active community participation.

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

BACKGROUND:

The idea to develop a Municipal Newcomer Strategy came out of the City's 2022 strategic plan process through consultations with community-led advisory groups who identified newcomers (immigrants from various streams, including skilled workers, and refugees) as a priority population for the City of Kitchener to focus on. As a starting point, the development of a strategy to guide this municipal work was identified as the first step and was included in the City's 2023-2026 Strategic Plan under the *Fostering a Caring City Together* list of priorities.

Given the immigration trends across Canada and within our region over the past 10 years, it is timely for the City of Kitchener to turn our attention to how best to support newcomers in our community. As of the 2021 census, 23% of the Canadian population is made up of immigrants, and 30% of Kitchener's population is reported to be born outside of Canada (which is a 4% jump after remaining stable at 26% for the 2016 and 2011 census). Among immigrants living in Kitchener, approximately 22% are considered recent immigrants, which means they have arrived over the last five years.

The tables below provide an overview of recent immigration trends in Kitchener. Table 1 highlights the top 10 countries of origin for recent immigrants in 2021, showing a doubling of the number of recent immigrants compared to 2016. It also reflects shifts in their countries of origin, which indicate evolving global migration patterns and present new opportunities for community and economy building in Kitchener.

TABLE 1: COUNTRY OF ORIGIN FOR RECENT IMMIGRANTS LIVING IN KITCHENER

Top 10 Countries	2021 Census			2016 Census		
	N	%	rank	N	%	rank
India	3,565	22%	1	925	12%	1
Eritrea	2,055	13%	2	340	4%	5
Syria	1,695	10%	3	725	9%	2
Nigeria	605	4%	4	60	1%	27
Philippines	500	3%	5	320	4%	6
China	495	3%	6	420	5%	4
Turkey	460	3%	7	70	1%	24
Brazil	425	3%	8	35	0.5%	39
Pakistan	365	2%	9	230	3%	8
Ethiopia	360	2%	10	195	3%	12
Total	16,345			7,910		

Table 2 categorizes recent immigrants living in Kitchener by the primary immigration pathways contributing to these larger immigration trends. As demonstrated, Economic Immigrants and Refugees are the two largest categories of newcomers settling in Kitchener, accounting for 79% in 2021 and 75% in 2016.

TABLE 2: CATEGORIES OF RECENT IMMIGRANTS LIVING IN KITCHENER

Immigration Category	Arrivals in Kitchener 2021	Top Source Countries 2021	Arrivals in Kitchener 2016	Top Source Countries 2016
Economic immigrants	6,295 (39%)	India, Nigeria, Philippines	3,690 (41%)	India, Philippines, Pakistan
Refugees	6,590 (40%)	Eritrea, Syria, Turkey	3,090 (34%)	Iraq, Eritrea, Syria
Family sponsorships	3,260 (20%)	India, Eritrea, China	2,205 (24%)	India, United States of America, Pakistan
Other immigrants	200 (1%)	Nigeria, Poland, Brazil, El Salvador	90 (1%)	Colombia, United States of America
TOTAL	16,345		9,075	

While the tables above draw on the most recent available data from the 2021 census, it is essential to recognize significant global and national events that have occurred post-2021, which may have contributed to a notable increase in newcomers in Kitchener. These events, though not captured in the 2021 Statistics Canada data, have likely impacted service demands and community dynamics. Such key events include:

- Russian Invasion of Ukraine (2022)
- Afghan Refugee Resettlement (2021 – ongoing)
- Global Humanitarian Crises in regions such as Syria and Rohingya-majority areas (2021+)
- Significant Increases in International Students entering Waterloo Region (2022+)

These additional resettlement trends show the need for flexibility in the Municipal Newcomer Strategy's design to accommodate emerging population shifts and service needs driven by global events.

REPORT:

In building a project charter for the development of the Municipal Newcomer Strategy, substantial engagement with staff across all departments within the City of Kitchener, along with representatives from newcomer-serving organizations (such as Immigration Partnership, KW Multicultural Centre, and Compass Refugee Centre) has been conducted. The purpose of these consultations was to better understand newcomer services available within the community and to better understand some of the experiences or challenges City of Kitchener staff have encountered when serving newcomers within their various roles. Within these conversations, ideas, insights, and opportunities were shared related to the scope and approach to the development of the newcomer strategy, which was incredibly helpful in developing a clear purpose, goals, approach, deliverables, and timeline for development of the strategy.

It is also important to note that while the development of the Municipal Newcomer Strategy aligns with our strategic priority to *Foster a Caring City Together*, it can also play a crucial role in enhancing Kitchener's economic resilience by leveraging the potential of newcomers in business creation, workforce sustainability, and long-term economic growth. Thus, the

development of the Municipal Newcomer Strategy can also be seen as an important component of the strategic investment in Kitchener's economic and social future, supporting the city's long-term prosperity by building a stronger economy, building stronger communities, and engaging in better workforce planning. In fact, research shows that newcomers drive economic growth in a number of ways, as illustrated below.

How Newcomers can Drive Economic Growth in Kitchener



Municipal Newcomer Strategy Development

The following section provides an outline of the purpose, scope, approach, and deliverables for the development of the Municipal Newcomer Strategy.

Purpose

To develop a Municipal Newcomer Strategy for the City of Kitchener that enhances the quality of life for newcomers by improving access to City services, facilities, events, and supports, while fostering opportunities for:

- economic prosperity,
- cultural inclusion, and
- active community participation.

Throughout development of the strategy, the focus will be on actionable and achievable recommendations within the City's jurisdiction to help create a welcoming and supportive environment where newcomers can thrive and contribute meaningful to the life of our community and our City's economy.

Project Scope

In developing the Municipal Newcomer Strategy, priority will be placed on the experiences and needs of newcomers who have arrived in Kitchener within the last 10 years. Typically the categorization of 'Newcomer' or 'recent immigrant' by the federal government, as reported by Statistics Canada, would be those who have arrived within the past five years. However, for this project, the decision to define 'newcomers' as individuals who have arrived in Canada within the last 10 years acknowledges the varied timelines for settlement and integration into the community, which differ based on individual circumstances. This approach aligns with the Immigration, Refugees and Citizenship Canada (IRCC) perspective, which emphasizes that not all newcomers integrate within a specific timeframe. Expanding the time band to 10 years also ensures inclusion of those who arrived shortly before or during the COVID-19 pandemic, recognizing that the pandemic's disruptions likely delayed integration and access to supports for many individuals.

Development of the strategy will also draw on established frameworks, including the United Nations Sustainable Development Goals (SDGs), Canada's Social Determinants of Health (SDH), and regional initiatives such as the Community Safety and Wellbeing Framework and Immigration Partnership's model, to guide its development and ensure alignment with global, national, and local priorities for fostering inclusive and thriving communities; please see Appendix A.

Some examples of areas of jurisdiction that affect newcomers but **are out of scope** in development of the strategy include: Regional responsibilities (public transit, subsidized housing, social services), Federal and Provincial immigration policies and programs, employment and credential recognition process, and education systems (K-12 and post-secondary).

The strategy **will focus** on areas of service and opportunities within the City's jurisdiction, ensuring actionable recommendations while integrating equity considerations throughout its development. Some examples areas of focus within the City's jurisdiction include the following: direct programming offered out of City pools and community centres, informational materials about the City's services, engagement practices for City-led projects, access to and use of City of Kitchener facilities, and recruitment/retention policies and practices for City of Kitchener staff.

Project Approach

To develop a strategy that is beneficial for newcomers and for the community as a whole, while also being feasible to implement, the following approach will be taken:

1. **Conduct widespread engagement** with newcomers and with newcomer-serving organizations to understand needs, barriers and challenges, to leverage/coordinate resources, address gaps in services/supports and awareness, and avoid duplication of services.
2. **Utilize research, demographics, best practices, and existing frameworks** to create a strategy informed by evidence and lived experience.

3. **Collaborate with City Staff to integrate existing initiatives** that are in alignment with the purpose of the Municipal Newcomer Strategy. In our consultations with staff and within the community, many areas of collaboration have surfaced where staff are already doing newcomer-focused work, which we will continue to prioritize to ensure a focused, coordinated approach within the City's jurisdiction, maximizing impact without duplicating efforts.
4. **Ensure collaborative governance throughout strategy development** with the creation of a Municipal Newcomer Strategy Working Group made up of those with lived experience as newcomers, representatives from newcomer-serving organizations, and City of Kitchener staff. This group will play a critical role in reviewing the engagement strategy and results, refining priorities, and formulating the recommendations that will make up the strategy presented to Council for its consideration.

Project Deliverables

The final set of deliverables expected out of the work outlined above are the following:

1. **A comprehensive summary of themes and priorities identified through engagement** with diverse newcomer groups and newcomer-serving organizations, including the identification of challenges and barriers related to accessing City of Kitchener services, and opportunities where improvements could be made.
2. **A summary of research conducted**, including current City of Kitchener demographics, population projections, and analysis of best practices and newcomer strategies/frameworks from other cities to support data-driven decision-making.
3. **A comprehensive Municipal Newcomer Strategy**, made up of a series of resource-aligned recommendations for Council's consideration (staff report and presentation).
4. **An actionable implementation framework** and a monitoring/evaluation plan to ensure long-term impact and sustainability.

Project Timeline

Over the course of 2025, the following activities will be taking place as the Municipal Newcomer Strategy is under development.

Project Timeline: Municipal Newcomer Strategy Development



* Opportunities for Council feedback & input

STRATEGIC PLAN ALIGNMENT:

This report supports Fostering a Caring City Together

FINANCIAL IMPLICATIONS:

Through the 2023 budget process City Council added \$200,000 in capital funding for this Strategic Plan Priority, which covers the dedicated full-time project manager in place for strategy development as well as all expenses incurred as part of community engagement.

Once the Municipal Newcomer Strategy has been developed, considerations for both operational and capital funding will be presented to Council as part of the recommendations.

COMMUNITY ENGAGEMENT:

Engagement efforts to date have included targeted consultations with newcomer-serving organizations such as the Kitchener-Waterloo Multicultural Centre, Immigration Partnership Waterloo Region, and Compass Refugee Centre. Moving forward, staff will consult a diverse range of stakeholders, including additional newcomer-serving and ethno-cultural organizations.

As part of planned engagement for the strategy development, staff will seek input from individual newcomers across various immigration categories within the Kitchener community, including permanent residents (economic immigrants, family-sponsored immigrants, and refugees), temporary residents (international students, temporary foreign workers), asylum claimants, and undocumented persons in order to ensure a comprehensive and inclusive approach.

In order to ensure diversity of experience and representation in the governance of the strategy development, a working group will be created to support the co-creation and development of the strategy. The working group will consist of representatives from newcomer-serving organizations, individuals with lived experience as newcomers, and City staff. This group will play a critical role in developing the engagement strategy, reviewing engagement data, refining priorities, and formulating the recommendations that will comprise the Municipal Newcomer Strategy. The working group is expected to consist of 12 to 15 members in total, including 5 staff members, 5 newcomer community members, and 4 representatives from newcomer-serving community organizations, who will, in line with previous City practices when engaging equity-seeking groups, be paid an honorarium for their time.

PREVIOUS REPORTS/AUTHORITIES:

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

APPROVED BY: Michael May, DCAO & GM, Community Services

ATTACHMENTS:

Appendix A – Framework Alignment & Context for the Municipal Newcomer Strategy

APPENDIX A: Framework Alignment & Context for the Municipal Newcomer Strategy

	Framework Alignment and Context for the Municipal Newcomer Strategy		
	United Nations		
SDGs	Goal 3 - Good health & Wellbeing	Goal 8 - Decent work & Economic Growth	Goal 10 - Reduced inequalities
	Canada		
The Social Determinants of Health (SDH)	- Social Supports - Employment & Working Conditions - Education & Literacy		
Data on Newcomer Experiences	<p>Newcomers report lower levels of social connectedness, with 56% feeling isolated during their first five years in Canada (Canadian Index of Wellbeing, 2021)</p> <p>Many newcomers experience mental health challenges, with 1 in 3 reporting stress, anxiety, or depression related to settlement and integration (CMHA, 2021)</p>	<p>Newcomers earn 35% less than the Canadian average during their first five years in Canada (Statistics Canada, 2021).</p> <p>Many skilled newcomers face underemployment, with 48% working in jobs below their qualifications (IRCC, 2022)</p>	<p>27% of newcomers in the Region of Waterloo find navigating public services confusing or inaccessible (Immigration Partnership Community Survey, 2022)</p> <p>60% of newcomer children in the Waterloo Region report difficulty adjusting to the Canadian education system (Waterloo Region School Boards Report, 2022)</p>
	Region of Waterloo		
The Community Safety & Wellbeing Framework	Building a safe and well community for all		
Immigration Partnership Waterloo Region	Settle Work Belong		
	The City of Kitchener		
Strategic Plan Vision	Building a city for everyone where, together, we take care of the world around us – and each other.		
Strategic Plan Priorities	- Fostering a caring city together - Creating an economically-thriving city together		
The Municipal Newcomer Strategy	Enhancing the quality of life for newcomers by improving access to City services, facilities, events, and supports, while fostering opportunities for economic prosperity, cultural inclusion, and active community participation.		

REPORT TO: Community and Infrastructure Services Committee

DATE OF MEETING: March 17, 2025

SUBMITTED BY: Gloria MacNeil, Director of Enforcement, 519-783-8516

PREPARED BY: Gloria MacNeil, Director of Enforcement, 519-783-8516
David Heuchert, Chief Fire Prevention Officer, 519-783-8707
Jeff Silcox-Childs, Director of Parks and Cemeteries, 519-783-8877

DATE OF REPORT: March 4, 2025

REPORT NO.: CSD-2025-048

SUBJECT: Parks/Noise/Fireworks Exemption – Tecumseh Park – August 23, 2025

RECOMMENDATION:

That an exemption to Chapters 270 (Parks), 450 (Noise), 739 (Fireworks and Firecrackers) of the City of Kitchener Municipal Code be granted to Jennifer Emrich for a fireworks display in Tecumseh Park that will form part of a wedding reception taking place in their backyard on August 23, 2025 between 9:30pm and 10pm.

This exemption is subject to the following conditions, which, if not complied with will render the exemption null and void;

- a) A fireworks permit will be applied for and obtained by an approved Pyrotechnician or Fireworks Supervisor through Kitchener Fire Department.
- b) The approved fireworks company will provide a certificate of insurance.
- c) Weather conditions must be safe and conducive for a fireworks display, in the event of high winds or a fire ban, a display will not be permitted.
- d) The event organizers will ensure there is an on-site contact person accessible to correspond with City staff at all times during the event and agree to respond accordingly.
- e) The residents will circulate a letter to the surrounding neighbours advising them of the backyard wedding reception and fireworks display.
- f) The residents will ensure Tecumseh Park and the surrounding neighborhood is inspected the following day for any fallen debris which shall be removed and disposed of appropriately.

REPORT HIGHLIGHTS:

- Residents of Tecumseh Crescent will be hosting a backyard wedding on August 23, 2025, they are requesting to set off a fireworks display in Tecumseh Park at the end of the reception which will take place between 9:30pm and 10pm (once it becomes dark).
- Residents will be retaining FiredUp Pyrotechnics Inc. who are a licensed and reputable Fireworks Vendor, it is estimated the fireworks display will last between 5-7 minutes in duration.

- The Fireworks company will obtain a permit to set off fireworks (issued through Kitchener Fire Prevention), a permit to cross parkland and will also provide a certificate of insurance.

BACKGROUND:

Residents of Tecumseh Crescent will be hosting a backyard wedding for their daughter on August 23, 2025. The couple are huge Disney fans and were engaged at Disney with fireworks and are hoping to have a professional, insured company who specializes in fireworks displays, provide a small 5-7 min show at the end of their wedding celebration.

REPORT:

The wedding celebration will be hosted at a private residence and will take place on private property until approximately 10pm. The residents are requesting an exemption to the Parks, Noise and Fireworks bylaws in the hopes of hosting a fireworks display once it gets dark, to finish the celebration.

The residents will be retaining FiredUp Pyrotechnics Inc. who are a Canadian Company located in Niagara, Ontario and who are trained professionals specializing in firework displays for special occasions and celebrations such as weddings. FiredUp will be required to apply for a fireworks display permit through Kitchener Fire Department, a permit to cross parkland through Parks, and will have to provide a certificate of insurance. In addition, FiredUp will be required to provide an event plan, a safety plan to ensure they are able to meet the requirements of the Fireworks Bylaw which requires a minimum 10 metre setback from any trees, structures, equipment, homes, etc. Staff will also indicate on the approval that FiredUp will be required to ensure any garbage resulting from the fireworks display is cleaned up and removed and cannot be left behind or placed into the City garbage receptacles located within Tecumseh Park. The residents will also be responsible for the costs to repair any damages to park infrastructure.

In the event the City of Kitchener is under a fire ban on the date of the reception, or if other weather conditions are present which may impact the safety of a fireworks display, this exemption will be considered null/void.

FiredUp Pyrotechnics Inc. will block off access to the park approximately an hour or so before the fireworks display, no one will be permitted in the area of the park that has been closed off with caution tape and FiredUp will have three to four team members at the event to assist with ensuring safety. A trailer will be brought into the park which will contain the fireworks, the fireworks will be set up on plywood sheets which will be placed on the ground about 30-40 minutes before it gets dark. The fireworks display will be set off by a professional pyrotechnician and will last approximately 5-7 minutes. Guests attending the reception will remain on private property during the fireworks display and only the pyrotechnician and associated staff of FiredUp will be within Tecumseh Park.

The residents will be required to circulate a letter to the surrounding neighbourhood who will be affected by the fireworks display outlining all of the applicable information including the date, location, time, duration of the fireworks and a brief explanation of what is happening which will provide residents with information as to what is happening, but will also allow ample opportunity for residents to make alternative arrangements if they do not want to be impacted by the noise/fireworks.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS: None

COMMUNITY ENGAGEMENT:

The event organizer is responsible for ensuring that this event is communicated throughout the community in advance of the event.

APPROVED BY: Michael May, DCAO

Staff Report

Corporate Services Department



www.kitchener.ca

REPORT TO: Finance and Corporate Services Committee

DATE OF MEETING: March 17, 2025

SUBMITTED BY: A. Fusco, Director of Legislated Services/City Clerk, 519-741-2200

PREPARED BY: A. Fusco, Director of Legislated Services/City Clerk, 519-741-2200

WARD(S) INVOLVED: All

DATE OF REPORT: February 24, 2025

REPORT NO.: COR-2025-001

SUBJECT: 2026 Municipal and School Board Election Alternative Voting Methods

RECOMMENDATION:

That Council reaffirms the use of vote tabulators for the 2026 Municipal Election, as outlined in Corporate Services Department report COR-2025-001; and,

That Council hereby authorizes the alternative voting methods as outlined in this report and directs the Clerk to bring forward the necessary by-law; and further,

That the election reserve contribution be increased as outlined in Corporate Services Department report COR-2025-001.

REPORT HIGHLIGHTS:

- By-law 2006-135 is in place authorizing the use of paper ballots/tabulators for all Kitchener municipal and school board elections.
- The next general election will be held on Monday, October 26, 2026.
- The purpose of this report is to seek Council direction on any alternative voting methods for the 2026 municipal and school board election in addition to paper ballots/tabulators.
- Advance planning is essential for ensuring an inclusive, transparent, and well-organized election, as well as maintaining public confidence in the election process.
- Ensuring an accessible election is crucial to enabling participation for people of all abilities.
- This report supports the delivery of core services.

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

EXECUTIVE SUMMARY:

- Technology has transformed how people engage with city services including involvement in municipal elections.
- Voter demographics and attitudes are evolving, and today's diverse electorate expects products and services tailored to them that are convenient and accessible.
- With technological advancements, security concerns continue to remain a top priority to protect the integrity of the election process and trust in government.
- Through post-election community engagement, over 90% of voters indicated satisfaction with their overall voting experience.
- In consultation with the Grand River Accessibility Advisory Committee (GRAAC) in February 2024 they expressed no support for one method over another, rather indicating it's the number of methods (hybrid approach) that is the most accessible.
- While offering convenience, a hybrid approach presents risks associated with multiple different voting procedures, resourcing implications and training materials.
- Staff recommend offering the current Council-approved voting methods, vote tabulators be supplemented with alternative voting methods that include a home vote program upon request and drive through voting, for the 2026 Kitchener municipal council and school board election.
- The proposed home vote and drive thru voting options, to meet electors where they are, were well received by GRAAC in February 2025.

BACKGROUND:

The Municipal Elections Act, 1996 (MEA) governs the administration of local elections in Ontario. The Clerk holds independent legislative authority to administer all municipal and school board elections as the Returning Officer. These elections are planned and conducted in line with policies and procedures that reflect and uphold the principles of the Municipal Elections Act, 1996 (MEA), generally recognized as follows:

- The secrecy and confidentiality of the voting process is paramount;
- The election shall be fair and non-biased;
- The election shall be accessible to the voters;
- The integrity of the voting process shall be maintained throughout the election;
- There is to be certainty that the results of the election reflect the votes cast; and
- Voters and candidates shall be treated fairly and consistently.

In keeping with the election principles, accessibility is vital to ensuring participation for individuals of all abilities, supporting the city's commitment to inclusive elections. Section 12 of the Act requires the Clerk to ensure an accessible election and remove barriers for voters and candidates with disabilities. Staff continually work to review and improve accessible options for electors, candidates, and election staff including continuously monitor legislation updates, and municipal trends and practices.

While periodic amendments have occurred, municipal election legislation is dated, and is written such that the voting process involves a paper ballot and that those ballots be hand or manually counted. Section 42 (1) of Act does provide that a municipality may pass by-laws authorizing the use of alternative voting methods, including the use of vote counting equipment, vote by mail, and telephone and internet/online voting. Many municipalities have generally abandoned manual counting due to the time and effort involved in counting votes on a composite ballot (all races the elector may vote for on one ballot) after the close of polls on Voting Day. In 2022, the City had 50 ballot faces given its 10 wards and the 5 types of

ballots required per ward (owing to the 4 school boards and option to have no school support for non-residents).

2022 Election Method Approval

In November 2021 Council considered two reports regarding alternative voting methods to recommend internet voting for advance polls (through report [COR-2021-26](#) including 2021 engagement survey results) and supplementary information regarding mail-in ballots (through report [COR-2021-33](#)) in advance of the 2022 election. After considering such information, Council opted to continue with a paper ballot/tabulator election.

For the 2022 election, electors had the opportunity to vote-anywhere during Advance Voting due to the City deploying a Voters' List system that allowed for real time updates. Vote Anywhere in your ward was piloted in 2022 which allowed the city to slightly reduce voting locations and was found to spread the voters out amongst locations in their ward, reducing wait times while still maintaining customer service in providing options.

Also in 2022, the City offered "curbside voting" to support voters who were unable to go inside the voting place, to request to have a ballot brought to their vehicle, outside of the building, or to another area within the voting place boundaries for marking. This option was implemented to help those who are unable to enter the voting place due to barriers of unreasonable difficulty, injury, disability or health and safety. Feedback was received that electors were not aware of the curbside voting option in 2022 and greater communication of this method is planned for 2026 for deployment.

Proxy voting is also available in accordance with the Act and established procedures. For the 2022 election, respecting the pandemic restrictions and health and safety considerations, city staff offered to attend upon the elector and proxy to certify the proxy form at their residence, upon request, receiving a total of 10 requests. Electors who are unable to vote in person on voting day or during the advance vote, may appoint a proxy (an eligible voter) to vote on their behalf. The Proxy then attends a voting location with the certified Proxy form, to receive a ballot on the elector's behalf. Because the marked ballots are counted using vote count tabulators in the voting place (By-law 2006-135), curbside and proxy voting does not require the passing of an alternative voting method by-law. Additional information on the administration of the 2022 Municipal Election including the post-election voter survey results can be found in [Staff Report COR-2023-091](#).

REPORT:

The 2026 Municipal Election will take place on Monday, October 26, 2026. Since the 2022 election, there has been some positive progress in legislative amendment including areas the voters' list data quality with the change to use the Elections Ontario list. This will give a more accurate list based off drivers' license and health card information rather than home ownership information used by the Municipal Property Assessment Corporation (MPAC). The List will also be updated with the Provincial election ahead of a municipal and school board election.

By-law 2005-135 is already in place for the use of paper ballots/tabulators in all Kitchener municipal elections. Staff fully comply with legislated accessibility requirements while enhancing the voting experience for all, including:

- Ensuring physical voting locations are accessible, with features inside and outside the location that accommodate voters with disabilities, including magnifying sheets.
- Accessible voting equipment that plugs into the tabulator at in-person voting locations. This includes the audio-tactile interface (ATI) with sip and puff and paddle attachments, which allow individuals with various disabilities to independently mark a ballot in person.
- Providing on-site voting at long-term care homes and designated retirement homes to ensure equal access for residents.
- Providing voting locations at Ray of Hope, St. John's Kitchen and A Better Tent City to afford vulnerable populations opportunities to vote.
- Implementing proxy voting.
- Facilitating curbside voting.
- Training on accessible customer service.
- Access to interpreters and language services.
- Committing to continuous improvement through planning and reporting.

It is important at this point for Council to provide direction on the potential utilization of alternative voting methods and vote counting equipment. Council may choose to;

- only offer paper ballots/tabulators;
- select another single method to replace paper ballots/tabulators; or
- pass a By-law in addition to By-law 2006-135 to permit a hybrid voting option.

Should Council wish to proceed with the use of alternative voting methods, beyond vote count tabulators, a by-law must be passed by May 1, 2026. Upon passage of such a by-law by Council, the Clerk is required to establish procedures and forms for the use of any such alternative voting options, therefore the earlier the decision is made, the earlier planning can commence should Council decide to move forward with a new method.

Other election methods were evaluated and a summary of reasons why each method is or is not recommended by staff is provided below. The summary was informed by using the city's risk policy to assess each method, including strengths, weaknesses, opportunities and threats. The risk assessment is contained in Appendix A.

1.1 Paper Ballots and Vote Count Tabulators

For the past 5 general municipal elections, the City has used optical scan vote tabulators with paper ballots (By-law 2006-135) at prescribed polling places (i.e. voting locations/place) on prescribed Advance Voting days and on Voting Day.

While some municipalities have purchased tabulators outright, the City has chosen to lease tabulators which has eliminated the need to securely store, maintain, and periodically replace the devices. In 2018 and 2022 the City leveraged the Municipal Voting Technology Sharing Program run by Elections Ontario to lease vote tabulators owned by Elections Ontario. Elections Ontario undertook a rigorous process to procure the tabulators and assess the functional (e.g. accessibility, system security, etc.) and non-functional (e.g. privacy, proponent history, training, etc.) requirements of the tabulator system. It has been a prudent and cost saving measure to leverage Election Ontario's expertise and ability as a large elections administrator to secure tabulators for the City's recent elections. Due to the complexity of municipal and school board election ballots with multiple contests and

selection requirements, vote tabulators reduce human error in tabulating. The City works directly with the tabulator vendor to ensure that the tabulators are programmed to accept composite ballots and identify votes based on marks the elector makes that meet a certain threshold. The threshold is extensively reviewed and deemed appropriate through logic and accuracy testing conducted by the Returning Officer prior to the election.

During Advance Voting and on Voting Day, electors at the polling location will provide their marked ballot to a Tabulator Assistant who will insert the ballot into the vote tabulator. The tabulator has functionality to determine if the ballot is marked so it can be tabulated. Compared to a manual count, this added functionality ensures every opportunity for the elector's vote to be counted. Vote tabulators support accessibility and barrier reduction. Accessible voting equipment is connected to a vote tabulator at a voting location to enable independent ballot marking and printing on request.

As vote tabulators and accessible voting equipment are not connected to the internet and are securely stored, and rigorously tested prior to use during the election, the security risks associated with the equipment is generally low. While the software responsible for the aggregation or publishing of results generated by vote tabulators could be subject to cyber threats, despite the safeguards in place to prevent such instances, retention of the original tally results tapes and paper ballots always provides a guarantee that results could be verified should an issue arise.

The Clerk is confident in the ability to administer future elections using vote tabulators and this method upholds all principles of the Act. It is recommended that Council approve the use of vote tabulators for the 2026 municipal and school board election.

1.2 Vote-By-Mail

For rural municipalities, especially those with many seasonal residents, vote-by-mail is a popular election method to address accessibility, particularly prior to the use of internet voting. Vote-by-mail methods can occur exclusively as the only option or upon request as a special ballot. If a municipality is exclusively using vote-by-mail, every elector on the Voters' List would be mailed a voting kit with a return envelope, declaration form, ballot, and ballot secrecy envelope. The elector signs the declaration form and then completes their ballot, inserting the ballot into the secrecy envelope provided to ensure that a name cannot be associated with a vote. Upon the municipality receiving the return envelope, the declaration form is processed, the elector is struck from the Voters' List, and the ballot inside the ballot secrecy envelope placed in a ballot box for counting after the close of vote on Election Day. Counting votes can either be done manually or by centralized vote tabulators.

Vote-by-mail is an established remote voting method used at all levels of government, so it is familiar method for many electors, and it can be debated that it enhances access to voting by removing barrier of coming to an in-person poll and upholds the principles in the Act.

There are drawbacks to this method that should be highlighted, including the limited time frame that it can be offered due to nomination and ballot printing timelines, concerns with Canada Post delivery, prolonged time to receive and return kits by mail, high and increasing postage costs related to the mailing and returning of ballots. In addition, errors by voters can easily occur (i.e. neglecting to sign their voter declaration form or return both the voter declaration and the ballot in the same envelope) affecting the ability to ensure that all votes

are cast as intended. It does not offer a fully independent voting experience as some voters with disabilities may require assistance marking their ballot and voters with physical disabilities that limit mobility may require assistance to drop off a marked ballot in the mailbox for return.

This method is heavily dependent on matters outside of the city's control including potential errors made by Canada Post in getting the ballots to the residents and the potential risk of a Canada Post strike as was the case in the 2018 Municipal Election as well as marked ballots that may be received after the deadline to be counted.

This alternative method is not being recommended as the cost to administer the program and threats, while the risks are considered low, present by relying on other agencies make the method unsustainable.

1.3 Telephone and Internet/Online Voting

Telephone voting allows a voter to call into a digital platform using their unique identifier and personal information number (PIN) to make selections using an automated voice system. The ballot would be recorded and cast through the use of a digital platform similar to internet voting, though it is far less common and not used by many municipalities. Internet voting can be offered so that the elector completes the online ballot remotely using devices, including laptops, mobile phones, and tablets or at a centralized voting location terminal. While internet voting through a terminal in a voting location is a possibility, this option has had low uptake as it eliminates the convenience of voting remotely. Remote internet voting, being where electors do not need to travel to a polling location to cast their ballot online, can be offered as either a one-step or two-step process.

- In a one-step process, electors receive a voter information package with Elector ID and PIN numbers. Electors visit a webpage and use their ID and PIN, along with their year of birth to access and cast their ballot.
- A two-step registration process requires voters to pre-register to obtain the necessary credentials in order to access their ballot. There are various forms of a two-step registration; however, the process typically involves mailing out information packages to electors that include an elector identification number, information about the voting process, and a secure website address where the elector must go to register. Once the voter has registered, they are then sent a personal identification number (PIN) by way of a secure email. Upon receipt of the PIN, the voter can access the voting site and using both the information in the information package and the PIN number, access their ballot. Once the elector is ready to vote and has entered any required authentication, the appropriate ballot with the applicable races would be presented to the voter based on their voters' profile, which is their specific ward and school support.

This method supports independent ballot marking with the ability to customize and use personal assistive technology and is convenient available online enabling 24/7 access to voting so voters can cast a ballot from home, while on vacation, away on business or studying at university or college outside of the city. Ballot waste is negated if offering a strictly online election, as well as the potential for an elector to incorrectly mark a ballot, as a virtual ballot has defined fields to mark the ballot, ensuring electors cannot place an incorrect mark on the ballot or unintentionally overvote a ballot. While some municipalities did initially see a slight increase in turnout the first time, they offered internet or telephone voting, the trends

suggest that this may be a novelty bump. Studies conducted by Nicole Goodman and Zachary Spicer, referenced in their publication [Voting Online](#), have shown that voter turnout and trust in voting online occurs with each consecutive election the method is used.

Staff acknowledge that this is an accessible option and is the alternative voting method preferred based on public engagement feedback from 2021. Unlike other countries or jurisdictions, the use of digital technology in Ontario municipal elections remains largely unregulated. There is no comprehensive legal framework governing its implementation, oversight, or verification processes. All responsibility for managing, securing, and verifying digital voting systems falls solely on election administrators and the private vendors providing the technology. This creates significant challenges, as the existing legislation is not up to date with the complexities of modern digital election systems, leaving gaps in areas such as cybersecurity, transparency, and auditability. Without clear regulatory guidance, municipalities must rely on their own discretion and vendor assurances, which can lead to inconsistencies and potential risks to the integrity of the electoral process.

The [Digital Governance Standards Institute](#) is in the final stages of establishing and approving voluntary online electoral voting standards for use in Canadian municipal elections. These standards specify technical design requirements for online voting services and outline best practices for election administrators. The goal is to address concerns around the consistency of online voting implementation, the integrity of the vote, ballot privacy, and system auditability. While the development of these standards is a positive step in the right direction, and can address issues around uniformity and accountability, it's important to remember that they remain voluntary, and there is still no legal framework for the verification of online voting systems. Final approval of the standards is expected this year.

Despite the above, this alternative voting method is not recommended for 2026 for several reasons.

While no voting method is without risk, online voting presents a unique set of risks and challenges.

It is important to acknowledge that all internet voting platforms may be subject to cyber security threats. While there are no proven instances of an internet voting system being hacked or tampered with, municipalities are increasingly targets for malicious actors looking to hold information for ransom. Recent incidences include the [Toronto Public Library](#), the [City of Hamilton](#) and the [City of Huntsville](#). Hacking of a voting system would have broader societal consequences including the erosion of trust in government institutions to administer fair and secure elections. Many municipalities that offer this method contract and conduct technical security testing including penetration testing and threat risk assessments. The cost of testing is estimated to range from \$20,000 to \$40,000.

Online voting platforms also operate outside of the city's network and rely on subcontracted services and systems outside of the City's control. As such there is a higher risk of service interruptions that could impact public trust in the electoral process and the integrity of the election. During the last two (2) election cycles, issues related to technical dependencies have impacted municipalities offering internet voting on Voting Day. In 2018, a vendor experienced bandwidth throttling by a sub-contracted service provider and in 2022 a vendor

experienced a server failure that paused voting for a period of time. These issues are not security related but highlight the increasing number of dependencies that technical options rely upon. Despite security testing, these issues can and do impact election service levels and can result in greater questions about the integrity of the election process overall.

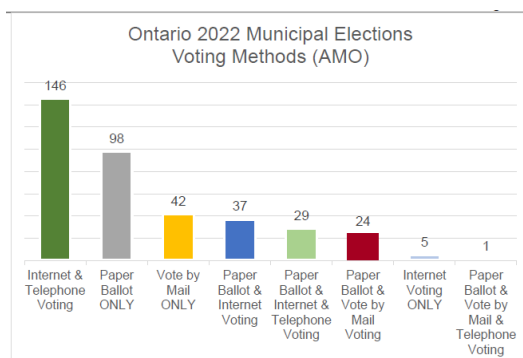
Additionally, there is limited verifiability with digital count, audit and recount using the same system. There is no external way to verify whether results reflect the proper majority of votes cast, votes are counted accurately and only valid votes are counted and upheld. Should trust in the system be called into question, there would be no paper ballot to verify results and there could not be a recount in any other way, if ordered by the Courts. This challenges principles of the Act and an inability to verify using any other means could raise larger questions about election trustworthiness and the validity of the outcome. There are also fewer Ontario-trusted internet voting vendors in the market, as it has been reported the largest vendor in the municipal election space will no longer be offering internet or telephone voting services.

Lastly, there is a variance in public technology literacy and access and while anecdotally it is believed it will encourage younger voters to participate in the process, studies have not supported this. This method heavily relies on voters' list data accuracy to ensure eligible electors receive the correct voting information and ballot and prevent unauthorized access to the system. This typically requires individualized voter notification cards as part of secure login, not only increasing printing and postage costs, but enhanced reliance on Canada Post in delivery of these cards.

2. Analysis

There are long-term considerations that should be understood when determining whether to add additional voting methods. In particular, those related to the risk policies of the municipality, rising costs of election equipment and services (particularly given the limited and trusted vendors in the Ontario marketplace), cost to employ temporary election workers, and increasing difficulty recruiting and retaining election workers through Voting Day.

The way voters cast their ballots is increasingly shifting toward technology-based and hybrid methods. Following the 2022 Municipal Election, the [Association of Municipalities Ontario \(AMO\) conducted a survey on voting methods](#) across the province reporting that over 200 municipalities utilized some form of online voting during the 2022 Municipal Election. In 2022, 66 municipalities chose to offer internet voting as a supplementary method to in-person voting for the 2022 municipal elections. Doing so offers electors the choice to vote in-person with a paper ballot or cast their ballot online, either remotely or at a polling location depending on what option the municipality selects.



The desire to offer more choices is supported by the Grand River Accessibility Advisory Committee (GRAAC). On February 22, 2024, city staff engaged with GRAAC to discuss initiatives and considerations for future elections including:

- post-election accessibility initiatives regarding consultation, communication, candidate information, outreach and education,
- voting methods and assistive technology,
- voting location enhance options for voters with mobility challenges, and
- barriers to the voting process.

During the discussion GRAAC members expressed no support for one method over another, rather members indicated it's the number of methods (hybrid approach) that is the most accessible.

While more choice for electors is generally a positive, the downside of offering both paper ballot and internet voting is the additional resources and costs incurred to run two election methods. As noted in the financial considerations section of this report, substantial additional costs associated with vendor, security verification and resource requirements can result from offering both paper ballot and internet voting. Implementing mail-in ballots would require a large increase in resources, and presents challenges with postal strike abilities, higher potential for spoiled ballots, voter confusion with multiple steps/forms in the process, security and fraud prevalent with return envelopes and/or locations. While the case for internet voting as a convenient voting method that improves accessibility is strong, there are too many uncertainties and risks associated with the voting method for staff to recommend its use for Kitchener's 2026 Municipal Election.

The following chart provides a detailed comparison of voting methods used by municipalities with over 50,000 eligible electors in the 2022 municipal election, highlighting trends and differences. Despite the growth in digital voting, trends suggest that the adoption of online voting among larger municipalities is still somewhat limited.

Municipality	Eligible Electors	Paper	Mail	Phone	Internet	Home Vote
Toronto	1,930,813	Yes	Yes	No	No	No
Ottawa	722,227	Yes	Yes	No	No	No
Mississauga	491,260	Yes	No	No	No	No
Hamilton	405,288	Yes	Yes	No	No	No
Brampton	354,884	Yes	No	No	No	Yes
Vaughan	225,983	Yes	No	No	Yes	Yes
Markham	220,234	Yes	No	No	Yes	Yes
Kitchener	171,025	Yes	No	No	No	No
Oakville	144,970	Yes	No	No	No	Yes
Burlington	142,218	Yes	No	No	Yes	No
Greater Sudbury	119,418	Yes	No	No	Yes	No
Guelph	104,612	Yes	Yes	No	No	Yes
Whitby	102,618	Yes	Yes	No	No	No
Barrie	102,379	No	No	Yes	Yes	No
Kingston	96,204	Yes	No	No	Yes	No
Ajax	85,443	No	No	Yes	Yes	No
Thunder Bay	83,010	Yes	No	No	Yes	No
Milton	80,367	Yes	Yes	No	No	No
Pickering	76,021	Yes	No	No	Yes	No
Brantford	75,305	Yes	No	No	Yes	No
Niagara Falls	68,201	Yes	Yes	No	No	No
Sarnia	54,148	Yes	No	No	Yes	No

Many of Ontario's largest municipalities opted not to offer online voting in 2022, citing security and accessibility concerns. For example, the City of Toronto refrained from adopting online voting due to concerns about ensuring security and accessible voting options for all

residents. Similarly, the City of Greater Sudbury, which offered only online voting in 2018, brought back paper ballots in 2022 after experiencing vendor-related bandwidth issues that disrupted voting in the 2018 election. The City of Guelph offered online voting in 2014 and 2018, but City Council did not approve it for 2022 due to vendor-related bandwidth issues in 2018. For the 2026 election, staff recommended mail-in and vote-from-home methods; however, Guelph Council approved internet voting as an alternative method, contingent on all security requirements and testing meeting the City Clerk's satisfaction.

Summary

Given the analysis above, and, the popularity and familiarity of the vote-anywhere and vote-anywhere in your ward options, the reliability of the optical scan vote tabulators for the past 5 municipal elections, and the high satisfaction rate (90%) from the 2022 voter exit survey, staff recommend that Kitchener use the same election method for the 2026 Municipal Election. Respecting the earlier comments regarding hybrid method risks, staff are recommending enhancements that continue to leverage existing vote count tabulators and increase accessibility, including, but not limited to the following pilot programs;

- a home vote program for home-bound electors, upon request; and,
- a drive-through voting experience.

Home Vote Program Upon Request

A home vote program was successfully implemented in 2022 in Cambridge, Brampton, Vaughan, Markham, Guelph, and for the 2022 and 2018 election by Oakville, to support eligible voters who are unable to come to an in-person voting location for mobility or health reasons. The City of Kitchener in the 2022 election offered an at home Proxy voting program run by Clerk staff. Citizens who utilized this option in 2022 provided very positive feedback and gratitude about their ability to exercise their democratic right in a manner that met their unique accessibility needs.

A home vote program is different than a Proxy voting program, it would allow eligible voters who are unable to vote using other methods due to illness, injury or disability, to mark their ballot from their residence, which is brought to them by election officials (registration and appointment is required) and then tabulated through a vote count tabulator. Voters who meet the criteria for this service would be able to request a home voting appointment by contacting the Election Office. While dependent on the number of voters utilizing the program the cost of implementing a home visit/vote program for home-bound electors is relatively low. The cost depends on the number of voters who use this alternative voting method and the number of days it is offered. The outcome of the pilot program would be reported as part of the post-election report to Council.

In February 2025 staff presented to GRAAC members on the potential pilots being considered and received positive support on the home vote pilot program including feedback on appointment times, masking protocols, and health and safety considerations.

Given the dated election legislation, it is not clear whether a vote from home service is considered an alternative voting method that requires Council approval. In the interest of clarity, staff feel it is beneficial to have a by-law which specifically enables vote from home approved by Council. Should Council support this option, a by-law will be brought forward to Council to give effect to this method.

This alternative method is recommended as it is considered low risk, meets all principles of the Act including enhanced accessibility, and can be easily offered with existing resources and procedures in place.

Drive Thru Voting

Drive Thru voting was piloted in 2022 in Cambridge and Windsor, where eligible voters attend a designated drive thru voting location listed on the voter cards. The voters remain in their vehicles until prompted to drive up to the registration desk. The registration desk election officials check the ID of all voters in the vehicle from the Voters' List. The driver then parks at a designated spot and all voters receive a ballot inside a secrecy sleeve and vote within the privacy of the vehicle. Voters then place their ballot in the ballot box presented to them at their window.

In February 2025 staff presented to GRAAC members on the potential pilots being considered and received positive support on the drive thru voting option including feedback on potential locations where high volumes of electors may already be located (i.e. retail and commercial locations) serving multiple electors per vehicle, ability to use specialized accessibility equipment/supports, and limiting exposure to individuals that may have health considerations. It was noted the drive thru options offers choice to electors between a home visit and entering what could be a busy polling location.

In keeping with the principles of the Act, the following considerations would be recommended as part of the pilot:

- This alternative method would be implemented during the advance voting period.
- Voters would be welcome to walk, bike, take transit or any other form of transportation to the drive thru location.
- Curbside voting at voting locations would still be permitted, but due to the potential for longer wait times while MDRO's assist in-person voters, a drive thru option would increase convenience and reduce wait times.
- Designated spots would include signage to shut off vehicles to comply with the city's anti-idling by-law.

This alternative method is recommended as it is considered low risk, meets all principles of the Act, and can be offered with minimal additional resources relating to supplies, logistics and communications.

Additionally, as a cost savings measure and in support of the recommendation, following each successful election event, city staff are able to strategically staff and arrange voting locations, disperse inventory, and build on past accomplishments through the delivery of the same voting method. Data and feedback from voter exit survey from the 2022 election in addition to voter turnout data per location will help further refine the placement and staffing of voting locations in 2026.

Staff commitment to accessibility and removing barriers will continue as staff prepare for 2026 by developing new initiatives and enhancing existing ones. These efforts include extending advance voting periods to reduce crowds and wait times and giving voters more opportunities to cast their ballots. Staff will also implement communication, and outreach plans to ease concerns and uncertainties around voting, focusing on engaging and informing individuals.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Municipal Elections are funded through contributions from the operating budget to the election reserve. Historically the city has budgeted \$500,000 to administer the election with annual reserve contributions of \$125,000 over a four-year period between each election. In the year of an election, the funds are drawn from the reserve in order to pay for election-related costs.

Significant growth of eligible electors occurred between the 2018 and 2022 elections. This number is expected to continue to increase.

It is anticipated that the 2026 Municipal Election using paper ballots aggregated by vote tabulators along with an alternative upon request home vote and drive-thru program will cost approximately \$800,000 due to expected increases in election equipment and services costs given discounted rates experienced in the 2018-2022 election vendor contract, increased external election worker costs given rising minimum wage rates, enhanced voter communications, and population growth impacts on voter notification cards and postage.

It is recommended that Council increase the annual election contribution reserve from \$125,000 to \$200,000 to address the costs to administer the election using paper ballots and vote count tabulations. Staff have conducted a municipal scan and other municipalities with similar elector counts including the Town of Oakville, City of Windsor and City of Vaughan budgets exceed \$1M.

Any deficits arising from election administration that are unable to be fully covered from funding from the election reserve, would be off-set by the Tax Stabilization Reserve.

Alternative Voting Methods

Should Council decide to offer other alternative voting method options instead of, or in addition to the staff recommended option, financial impacts are listed below.

The term of the City's contract with its' election equipment vendor for the 2018 and 2022 election has ended, so the costs below are estimates using quotations received from vendors in the market and are subject to inflation increases and only reflect the voting method, not other factors such as postage or staffing requirements. An eligible elector utilization rate of 25% (37,500 electors) was used.

Method	Estimated Costs
Paper Ballots and Tabulators	\$155,000
Mail-in Ballots (25% elector utilization rate)	\$131,000
Internet Voting as a Supplementary Method	\$167,500

**Does not include additional staffing resources, supplies, advertisements or taxes.*

Should Council approve another alternative voting method option, additional resources will be required to hire an additional contract staff to implement a new method in keeping with best practices and additional supports required to implement the new method(s). Should Council approve additional alternative methods without the required resourcing, the Clerk will be required to evaluate and reduce in-person voting services, including fewer locations, staffing and equipment, to stay within budget.

COMMUNITY ENGAGEMENT:

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

ENGAGE – To obtain as much feedback from the electorate as possible, several engagement campaigns were undertaken immediately after the 2022 election including, fifty (50) "Just-in-time" Customer Satisfaction Surveys; 293 Election Worker Surveys after the election, and an Engage Kitchener Voter Experience Survey with 410 responses from electors what they felt went well and what can be improved. Prior to the 2022 Municipal Election, the City launched an [online engagement survey regarding alternative voting methods](#) that was open from July 9, 2021 to August 31, 2021. With online and in-person responses the survey received 1025 responses overall and 1014 ranked the four different voting methods in the following order from most preferred to least preferred: internet, paper, mail-in ballots, and telephone.

CONSULT – GRAAC members were consulted with, as it relates to election accessibility measures including voting methods in February 2024 and again February 2025 on proposed pilot programs. Correspondence was issued and received by each of the school boards regarding any internal discussions regarding voting methods and positions taken. During the research phase of this work comparator municipalities were benchmarked and consulted including Oakville, Guelph, Hamilton, Kingston, Waterloo, Mississauga, Greater Sudbury, Cambridge, Barrie and Burlington. We also reached out to three cities that have a larger population than Kitchener; Vaughan, Brampton and Toronto.

COLLABORATE – Collaboration on implementation and risk assessment for the alternative methods occurred with city divisions including Technology Innovation and Services (TIS), By-law Enforcement and Equity and Anti-Racism. External agencies including GRAAC, and KW AccessAbility, were engaged to provide their input on the alternative methods being recommended.

PREVIOUS REPORTS/AUTHORITIES:

- [COR-2023-091](#) 2022 Election Overview
- *Municipal Elections Act, 1996*


APPROVED BY: Victoria Raab, General Manager, Corporate Services

ATTACHMENTS:

Attachment A – Election Alternative Voting Methods Risk Assessment

CITY OF KITCHENER - RISK REGISTER (Election Voting Methods)

Method	Risk Number	Risk Factor (Issue and Risk)	Impact	Rating	Likelihood	Rating	Overall Rating
Vote By Mail	1	Third-party dependency (Canada Post) potentially resulting in inability to deliver/return ballots, prolonged return times, resulting in delivery of ballots beyond deadline.	Catastrophic	4	Somewhat likely	3	12.00
Vote By Mail	2	High and increasing postage costs related to the mailing and returning of ballots	Major	3	Likely	4	12.00
Vote By Mail	3	Electors experience a lack of understanding on online voting processes resulting in delayed and/or a failure to cast a ballot.	Moderate	2	Somewhat likely	3	6.00
Vote By Mail	4	Voter confusion, possible, affecting the ability to ensure that all votes are cast as intended	Minor	1	Likely	4	4.00
Vote By Mail	5	Voter Fraud, possible	Moderate	2	Unlikely	2	4.00
Vote By Mail	6	Mail threat (Harmful content or tampering with return boxes)	Moderate	2	Unlikely	2	4.00
Telephone/Internet	1	Technical and security infrastructure reliance outside of City control by private vendors without legal framework and standards, limited accountability for service delivery impacts	Catastrophic	4	Likely	4	16.00
Telephone/Internet	2	Less reliability to verify recount, in absence of physical ballots	Catastrophic	4	Somewhat likely	3	12.00
Telephone/Internet	3	Third-party dependency (Canada Post) and costs to develop and deliver individual voter notification cards with unique voter identification	Catastrophic	4	Somewhat likely	3	12.00
Telephone/Internet	4	Threat actors posing security risks with tampering/hacking of system	Catastrophic	4	Unlikely	2	8.00
Vote By Mail	5	Electors experience a lack of understanding on online voting processes resulting in delayed and/or a failure to cast a ballot.	Moderate	2	Somewhat likely	3	6.00
Telephone/Internet	6	Elector PINs are not accurate resulting in the need to contact the Election Office for a new PIN through verification resulting in delayed and/or a failure to cast a ballot.	Moderate	2	Somewhat likely	3	6.00
Telephone/Internet	7	Electors experience technical issues resulting in delayed and/or a failure to cast a ballot.	Moderate	2	Somewhat likely	3	6.00
Telephone/Internet	8	Voter fraud, possible	Moderate	2	Unlikely	2	4.00
Vote from Home	1	Health risk to election workers if they are attending an elector's home due to illness	Moderate	2	Somewhat likely	3	6.00
Vote from Home	2	Entering peoples' homes, security, and privacy risk	Moderate	2	Unlikely	2	4.00
Vote from Home	3	Greater demand than anticipated for pilot program, growth and scalability has limits	Moderate	2	Unlikely	2	4.00
Vote from Home	4	Voter fraud, possible	Moderate	2	Unlikely	2	4.00
Drive Thru Voting	1	Inclement weather hampering logistics and implementation	Minor	1	Somewhat likely	3	3.00
Drive Thru Voting	2	Non-compliance with city's anti-idling by-law	Moderate	2	Unlikely	2	4.00
Drive Thru Voting	3	Traffic and congestion at drive thru voting creates confusion for electors	Minor	1	Unlikely	2	2.00
Drive Thru Voting	4	Voter fraud, possible	Moderate	2	Unlikely	2	4.00

	<h1>POLICY</h1>	<u>Policy No:</u> GOV-COR-016
<u>Policy Title:</u> CORPORATE RISK MANAGEMENT <u>Policy Type:</u> COUNCIL <u>Category:</u> Governance <u>Sub-Category:</u> Corporate <u>Author:</u> Corina Tasker, Internal Auditor <u>Dept/Div:</u> CAO/Strategy and Corporate Performance	<u>Approval Date:</u> April 28, 2009	
	<u>Reviewed Date:</u> May 2022 <u>Next Review Date:</u> May 2027 <u>Reviewed Date:</u>	
	<u>Last Amended:</u>	
	<u>Replaces:</u> I- 016 - Corporate Risk Management	
	<u>Repealed:</u> <u>Replaced by:</u>	
	<u>Related Policies, Procedures and/or Guidelines:</u>	

1. POLICY PURPOSE:

To outline the Corporation's position with regard to risk management including roles and responsibilities related to risk management, risk register standards and risk tolerance level.

2. DEFINITIONS:

"Risk" - refers to the uncertainty that surrounds future events and outcomes. It is the expression of the likelihood and impact of an event with the potential to influence the achievement of the Corporation's objectives.

"Risk Management" - is a systematic approach to setting the best course of action by identifying, assessing and managing risk issues.

"Enterprise Risk Management" - is a continuous, proactive and systematic process to understand, manage and communicate risk from an organization-wide perspective. It is about making strategic decisions that limit risk and contribute to the achievement of the Corporation's overall objectives.

"Risk Tolerance" - is defined as level of risk the City is willing to accept in pursuit of its objectives. This can be measured qualitatively, with categories such as major,

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moderate, or minor. The level of risk acceptable is directly related to the nature and scope of the project or work.

“Risk Register” - is a document listing all of the risks associated with a project or activity where the impact and likelihood of the risk is assessed, resulting in a numerical risk rating. It also includes actions and the names of individuals assigned to manage that specific risk.

3. **SCOPE:**

POLICY APPLIES TO THE FOLLOWING:	
<input checked="" type="checkbox"/> All Employees	
<input type="checkbox"/> All Full-Time Employees	<input type="checkbox"/> All Union
<input type="checkbox"/> Management	<input type="checkbox"/> C.U.P.E. 68 Civic
<input type="checkbox"/> Non Union	<input type="checkbox"/> C.U.P.E. 68 Mechanics
<input type="checkbox"/> Temporary	<input type="checkbox"/> C.U.P.E. 791
<input type="checkbox"/> Student	<input type="checkbox"/> I.B.E.W. 636
<input type="checkbox"/> Part-Time Employees	<input type="checkbox"/> K.P.F.F.A.
<input type="checkbox"/> Specified Positions only:	<input type="checkbox"/> Other:
<input type="checkbox"/> Council	<input type="checkbox"/> Local Boards & Advisory Committees

4. **POLICY CONTENT:**

The City of Kitchener is committed to identifying, assessing, and mitigating risks to ensure that corporate objectives are achieved. The following corporate risk framework was developed to assist City staff in consistently assessing and treating risks through the use of common language and definitions of risk.

4.2 **Roles and Responsibilities:**

Risk management is an integral part of management across the Corporation. It forms part of strategic planning, business planning and project approval procedures. In addition, the policy assists in decision-making processes that will allocate resources to areas of highest risk. Identifying and managing risk is everyone's responsibility and is one component of good corporate governance.

The Director or Manager undertaking the work or project will be responsible for developing a risk register for all projects or on-going work where risks have been identified. The Internal Auditor is available to assist in the creation of the risk register and provide guidance in assessing the likelihood, impact and mitigation of risks.

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Risk management shall be considered in the early phases of all project approvals in a manner appropriate to the nature and scope of the project.

4.3 **Risk Register Standards:**

The City of Kitchener has adopted a risk rating matrix that quantifies the impact and likelihood criteria and assigns a numerical value to the resulting score. All risk registers should use this terminology to ensure consistency in understanding across the corporation.

The categories of risk are:

- Service Delivery – Risk of not meeting customer expectations
- Employees – Risk that employees, contractors or other people at the City will be negatively impacted by a policy, program, process or project including physical harm
- Public – Risk that the policy, program or action will have a negative impact on the citizens of Kitchener
- Physical Environment – Risk that natural capital will be damaged
- Reputation – Risk associated with anything that can damage the reputation of the City or undermine confidence in the City of Kitchener
- Financial – Risk related to decisions about assets, liabilities, income and expenses including asset management, capital and operational funding, economic development, theft or fraud
- Regulatory – Risk related to the consequences of non-compliance with laws, regulations, policies or other rules

Impact is quantified as:

Scale 4: Catastrophic
Scale 3: Major
Scale 2: Moderate
Scale 1: Minor

Likelihood is quantified as:

Scale 5: Almost Certain
Scale 4: Likely
Scale 3: Somewhat likely
Scale 2: Unlikely
Scale 1: Rare

Definitions and examples of these rating scales can be found in Appendix A.

When impact and likelihood are assessed, a risk rating is calculated by multiplying the impact scale times the likelihood scale.

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The current City of Kitchener risk matrix assigns colours to the resulting score based on the City's risk tolerance as set out below.

Impact Scale ↓					
4 Catastrophic	4	8	12	16	20
3 Major	3	6	9	12	15
2 Moderate	2	4	6	8	10
1 Minor	1	2	3	4	5
Likelihood Scale →	1 Rare	2 Unlikely	3 Somewhat Likely	4 Likely	5 Almost Certain

4.4 Risk Tolerance:

The Corporation's risk tolerance will be considered by management for resource allocation purposes as it aligns its people, processes and structure to effectively respond to identified risks. The Corporation's risk tolerance levels will change over time, subject to economic, social or political conditions.

As a general guideline any identified risk rated as a ten (10) or higher *and* in the red grid of the matrix must have a mitigation plan and the ongoing status will be monitored in the risk register.

A risk rating falling within the yellow grid of the matrix will require an action but resolution may be deferred until more urgent risks have been dealt with.

A risk rating falling within the green grid of the matrix should be noted but no action plan is required.

5. HISTORY OF POLICY CHANGES

Administrative Updates

2016-06 - Policy I-016 template re-formatted to new numbering system and given number MUN-COR-816.

Formal Amendments

No amendment history to date.

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APPENDIX A: RISK FRAMEWORK DEFINITIONS AND EXAMPLES

Likelihood Scale

Scale	Rating	Description	Probability
5	Almost Certain	Extremely likely to occur at the City of Kitchener, or has already occurred.	> 90%
4	Likely	Occurs frequently in municipal environments and is likely to occur at the City.	50 – 90%
3	Somewhat Likely	Occurs periodically in municipal environments and could happen at the City.	20 – 50%
2	Unlikely	Occurs infrequently in municipal environments but is not impossible.	5 – 20%
1	Rare	No material likelihood; not considered further in risk assessment.	

Impact Criteria and Risk Category Matrix

The following are examples only, meant to illustrate how to differentiate between impact levels for various types of risks. It is not meant to be an all-inclusive list. Judgement should be used when selecting impact rating.

Scale	4	3	2	1
Impact	Catastrophic	Major	Moderate	Minor
Risk Category				
Service Delivery	<ul style="list-style-type: none">• Unable to perform one or more essential services and no alternatives exist.• Unrecoverable loss of information from critical systems• Unrecoverable facility loss	<ul style="list-style-type: none">• Underachievement of business unit goals (<50% achieved)• Unable to perform non-essential service• Disclosure of non-confidential but embarrassing information• Project scope: major changes required	<ul style="list-style-type: none">• Underachievement of business unit goals (50-75% achieved)• Unable to perform non-essential services• Disclosure of non-confidential but embarrassing information	<ul style="list-style-type: none">• Some business unit goals not met (75 - 90% achieved)• Project scope: scope change is barely noticeable• Project deadlines overrun >5%<25%.

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Scale	4	3	2	1
Impact	Catastrophic	Major	Moderate	Minor
	<ul style="list-style-type: none"> • External exposure of critical confidential information • Project end product is essentially useless • Project cancellation • Project deadlines overrun > 75%. 	<ul style="list-style-type: none"> • Project deadlines overrun >50% <75%. 	<ul style="list-style-type: none"> • Project scope: moderate changes required • Project deadlines overrun >25%<50%. 	
Employee	<ul style="list-style-type: none"> • Death in the workplace • Significant loss of employee knowledge • External exposure of confidential employee information • Strike • No amount of existing or additional resources can address the event. 	<ul style="list-style-type: none"> • Employee injury, critical • No improvement in employee satisfaction • Increase in the number of union grievances (>10%) • Short term additional resources required to fix the situation. 	<ul style="list-style-type: none"> • Employee injury, non-life-threatening • Significant increase in number of errors >10% • Increase in the number of union grievances (>5%) • Short term extra resources required to fix the situation 	<ul style="list-style-type: none"> • Minor reportable employee injury • Short term additional effort required by existing staff to fix the situation.
Public	<ul style="list-style-type: none"> • Death of member of the public due to City actions or inactions • Cancellation of a program that supports equitable access, social justice, quality of life and no alternatives are available 	<ul style="list-style-type: none"> • Critical injury to member of the public because of City action/inaction • Major decrease in social programs (<50%). 	<ul style="list-style-type: none"> • Non-life Threatening injury to members of the public because of City action/inaction • Loss of privacy, safety or quiet in neighborhood • Moderate decrease in social programs (<20%) 	<ul style="list-style-type: none"> • Minor decrease in social programs (<5%)

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Scale	4	3	2	1
Impact	Catastrophic	Major	Moderate	Minor
Physical Environment	<ul style="list-style-type: none">• Potential to cause long term environmental damage with lasting consequences.• Consequences of not including environmental considerations has potential to create long environmental damage.	<ul style="list-style-type: none">• Potential to cause short term repairable environmental damage impacting a large area	<ul style="list-style-type: none">• Potential to cause short term repairable environmental damage impacting a small area	<ul style="list-style-type: none">• Potential to cause non-lasting damage to environmental assets
Reputation	<ul style="list-style-type: none">• Public/media outcry for change in administration or Council.• Public or senior officials criminally charged or convicted• Fraud > \$500,000• Integrity breach resulting in decreased trust in City Council or Administration• Recurring negative media coverage on national and/or international stage	<ul style="list-style-type: none">• Complaints elevated to CAO/City Council level• Public outcry for removal of employee• Significant negative media coverage or editorial comment• 5+ negative media stories and / or editorials spanning multiple days, from local media• Negative media coverage on provincial or national	<ul style="list-style-type: none">• Complaints elevated to Director / GM level• Moderate media coverage or editorial comment• 3 - 4 negative media stories and/or editorials spanning multiple days, from 2+ local media outlets	<ul style="list-style-type: none">• Small amount of negative media coverage or complaints to the City• 1 Negative media story from 1 - 2 local media outlets.

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Scale	4	3	2	1
Impact	Catastrophic	Major	Moderate	Minor
Financial	<ul style="list-style-type: none">• Uninsured loss > \$10M• Insured loss > \$10M• Fines or loss > \$1M• File for bankruptcy• Failure to maintain financial capacity to support current demands.• Decrease in Kitchener economic condition greater than a 20% decrease in assessment base• Project cost > 100% overrun	<ul style="list-style-type: none">• Significantly decreased usefulness of infrastructure• Fines \$100K - \$1M• Inefficient processes• Reduced revenue for many businesses• Significantly reduced economic development• Project cost >50<100% overrun	<ul style="list-style-type: none">• Some decreased usefulness of infrastructure• Fines <\$100K• Reduced revenues for some businesses• Some reduced economic development• Project cost >10<50% overrun	<ul style="list-style-type: none">• Loss of replaceable asset• Project cost >5<10% overrun
Regulatory	<ul style="list-style-type: none">• Legal judgment against the City• Loss of license to operate (CVOR, other)• Imprisonment of staff• Other sanctions imposed by regulatory bodies	<ul style="list-style-type: none">• 2nd warning from regulatory bodies• Internal compliance reporting deficiencies in multiple divisions or depts.	<ul style="list-style-type: none">• 1st warning from regulatory bodies• Internal compliance reporting deficiencies in one division	<ul style="list-style-type: none">• Isolated non-compliance to policy or rules by few employees

REPORT TO: Finance and Corporate Services Committee

DATE OF MEETING: March 17, 2025

SUBMITTED BY: Amanda Fusco, Director, Legislated Services/City Clerk, 519-904-1402

PREPARED BY: Dianna Saunderson, Manager, Council and Committee Services / Deputy Clerk, 519-904-1410

WARD(S) INVOLVED: All

DATE OF REPORT: February 24, 2025

REPORT NO.: COR-2025-111

SUBJECT: 2025 Dog Designation Appeal Committee Composition Review

RECOMMENDATION:

That staff be directed to proceed with _____ as the preferred committee structure/composition as outlined in Corporate Services Department report COR-2025-111; and further,

That staff be directed to prepare the necessary council policy or by-law to implement the preferred committee structure/composition, prior to June 2025 for Council's consideration.

REPORT HIGHLIGHTS:

- The purpose of this report is to review the current composition of the Animal Designation Appeal Committee and the Dog Designation Appeal Committee.
- The Animal Designation Appeal Committee and the Dog Designation Appeal Committee convene hearings and make recommendations to Council on dog designations appeals and restricted animal exemption requests (as outlined in Chapter 408 (Animal Regulation) and Chapter 420 (Dog - Designation) and Chapter 421 (Dog - Responsible Ownership) of the City of Kitchener Municipal Code).
- Dog Designation Committee and Animal Designation Appeals generally are infrequent.
- The Dog Designation Committee is responsible for hearing and deciding appeals against decisions made by The Humane Society of Kitchener Waterloo and Stratford Perth to designate a dog as dangerous or restricted.
- The Animal Designation Appeal Committee is responsible for rendering decisions related amending the restricted/prohibited list of animals as outlined within the By-law.

BACKGROUND:

The City currently has five Quasi-Judicial Committees/Tribunals of which two meet regularly; Committee of Adjustment and Property Standards, and three meet infrequently; the Licensing Appeal Tribunal, the Animal Designation Appeal Committee and Dog Designation Appeal Committee. All five of the Quasi-Judicial Committees render decisions based on various

legislation, specifically the Statutory Powers of Procedure Act, Planning Act, Building Code and Municipal Act. The term "quasi-judicial tribunal" refers to a body created by law with a mandate to settle matters in an impartial manner by applying rules of law without regard for expediency or administrative policy. The Committee of Adjustment and Property Standards Appeal Committee render final decisions on behalf of the City and their appeal mechanisms are to the Ontario Land Tribunal or Superior Court. Decisions made by the Licensing Appeal Tribunal, Animal Designation Appeal Committee and Dog Designation Appeal Committee are ratified by Council.

Dog Designation/Animal Designation Appeal Committee

The Dog Designation/Animal Designation Appeal Committee is made up of three Councillors (currently two appointed members and two alternate members). The Committee's responsibility is to consider, without bias, evidence provided at the appeal hearing, and make a decision to uphold, rescind, or alter the dog designation or conditions of the dog designation. The decision of the Committee is forwarded to the first available Council meeting for ratification.

Typically, the Committee convenes approximately four meetings each year, and currently there is no associated fee for pursuing an appeal. Since 2017, there have been 32 (thirty-two) dog designation appeals and 0 (zero) animal designation appeals, on average the Tribunal meets 5 times. It is important to note that the same members who serve on the Dog Designation Appeal Committee also serve on Council for ratification of the decision.

REPORT:

At Special Council meeting earlier this year, Council considered Council and Committee appointments and directed staff to review the current committee composition of the Dog Designation/Animal Designation Appeal Committee, noting previously the Committee had an individual that was a Canadian Kennel Club member who has since resigned and since that time there have been challenges conducting the hearings from an adjudicative or animal behaviourist perspective.

The existing structure for the Dog Designation/Animal Designation Appeal Committee also presents further challenges, specifically related to matters including but not limited to: hearing scheduling, expertise in animal behaviour, expertise in by-law interpretation and establishing enforceable decisions/conditions that are within the authority of the Committee, familiarity with the provisions in the Statutory Powers and Procedures Act, procedural fairness and potentially bias. In some instances, members of Council hear from constituents related to the incidents, which could also result in concerns about impartiality.

Based on the current practice, Dog designation appeals are supposed to be scheduled for consideration by the Committee within 45 days and are usually held on the same day as Council. The current schedule has also become problematic as there have been a number of other priority meetings that identified for similar scheduling, resulting in the need to find alternative dates for the Committee to meet, often beyond the preferred guidelines of 45 days. In 2023 and 2024 there were 10 hearings scheduled and of those hearings; none of which were within the preferred 45-day timeline, and only three of the meetings proposed on the 2024 schedule were able to be maintained on the Monday morning of Council.

Additionally, the Committee composition previously included one appointment reserved for an individual who was a member of the Canadian Kennel Club, to bring experience with dog/animal behaviour to the Committee. The appointment of the member was ad hoc in nature as the By-law previously identified the appointment of a Canadian Kennel Club member but did not require appointment of a specific individual. That requirement was removed from the By-law when it was revised in 2014. Since that revision, Council members make up the entirety of the Committee.

While the Dog Designation/Animal Designation Appeal Committee meetings are public meetings and are open to the public to attend, there is discretion taken with meeting records due to the sensitive nature of the matters being discussed. Following the Committee meeting, the decision of the Committee is forwarded to the next available Council meeting for ratification. Additionally, the Committees receive a copy of the meeting minutes, as well as a public staff report, outlining the Committee's recommendation the Committee and a summary of the hearing proceedings.

Council at their meeting, then consider the Committee's decision and can ratify or amend the decision. By virtue of the matter being referred to the Council meeting, procedurally, there is nothing procedurally to prevent parties to the hearing appearing as delegates to address Council and potentially seek changes to the Committee's recommendation. For delegations, this step can be very confusing, as the Dog Appeal hearing is conducted in an informal court like fashion, whereas delegating at Council, delegations are subject to the procedural by-law time allocation of 5-minutes. Since 2017, Council has considered all decisions of the Committee and have approved all decisions as recommended, save and except for one, that resulted in an amendment to the deadline for spay / neutering. In hopes to sway Council to amend the Committee's decision, delegations typically share a significant amount of personal information during the Council meeting, which would be available in the Council meeting minutes and on the archived livestream.

A summary of the current process for Dog Designation Appeal Committee is below:

Current Process
1. Appeal the Dog Designation
2. Attend Dog Designation Appeal Hearing – Committee renders a decision
3. Appellant may attend Council to address the Committee decision
4. Council renders a decision
5. Appellant may appeal a Council decision through Judicial Review

Staff are proposing three options to amend the current structure of the Dog Designation/Animal Designation Appeal Committee:

Option 1: Implement a Hearing Officer as the Animal Designation Appeal Committee, the Dog Designation Committee

A hearing officer could be appointed as the Animal and Dog Designation Appeal Committee for the purpose of dealing with any dog or animal designation appeals. The Hearing Officer would be an independent, impartial individual who is trained in the relevant legal and procedural matters. They would hear evidence, make findings of fact, issue their own procedural rulings as required and issue a decision. The decision of the Hearing Officer would be final and would not come to Council for ratification. Staff propose that the already approved Hearing Officer

contracted by By-law Enforcement for the Administrative Monetary Penalty System (AMPS) could be utilized on an ad hoc basis, for any dog and/or animal appeal requests.

This proposed process would be similar to the City of Kitchener's By-law Enforcement's use of the Hearing Officer through AMPS which transfers parking disputes from the courtroom to the municipality. This has resulted in a streamlined process for both staff and the citizens and has reduced the administrative impact on the court system. There are numerous advantages to aligning both the animal and dog designation appeals with AMPS, these benefits include:

- **Impartiality:** A Hearing Officer is a neutral third-party who is not involved in the enforcement or regulatory process. They can provide an objective perspective on the case, ensuring fairness in the decision-making process.
- **Expertise:** A Hearing Officer would have experience in the adjudication process and by-law interpretation which would add fairness and consistency to the decision-making process.
- **Red-Tape Reduction:** The use of a Hearing Officer will expedite the timing and decision-making process, while also ensuring a fair and just hearing for the Appellant.
- **Timeliness:** Hearing Officers are currently scheduled two times a month for current business, including Dog Designation/Animal Designation appeals to that schedule would help to improve the timeliness of their consideration.
- **Efficiency:** Utilizing a Hearing Officer would allow Council members to save valuable time and resources that would otherwise have been allocated towards participation in the tribunal process. Council's involvement in the decision-making process is minimized, allowing them to focus on other constituent matters. The appeal process would also offer an online option, facilitated by the Hearing Officer, to provide greater convenience for the person requesting the appeal.
- **Transparency:** The use of a Hearing Officer can provide greater transparency in the decision-making process, as the hearing and the decision are usually public. This can increase confidence in the regulatory system and ensure accountability.

By utilizing a Hearing Officer, appeals can be resolved in a manner that is both fair and efficient and is consistent with the way other city by-laws are handled under AMPS.

Option 1 – Hearing Officer - Process
1. Appeal the Dog Designation or Restricted Animal request
2. Attend Dog Designation Appeal Hearing – Hearing Officer renders a decision
3. Appellant may appeal a Hearing Officer decision through Judicial Review

This option is being used currently by other municipalities including but not limited to Richmond Hill and London.

Option 2: Amend the structure of the Animal and Dog Designation Appeal Committee to have a total of 5 members, 3 members with expertise in adjudication and/or animal/dog behaviour expertise and 2 members of Council

The Committee could operate in a similar fashion as it is currently operating to date, but rather than being comprised solely of members of Council, staff could be directed to build a Terms of Reference for the Committee, that would confirm the operational function of the Committee and confirm the membership of the Committee and preferred expertise. The Terms of Reference would be brought back to Council for further consideration and once approved, the hearings could be scheduled to always ensure that there is one Council member and one animal behaviourist in attendance at each meeting.

This option would still result in the Committee's decision being forwarded to the next available Council meeting for ratification. For individuals that decide to delegate at Council meetings, it typically results in sharing information beyond what was presented during the hearing that hearing that may be sensitive in nature, in a public forum. Council since 2017 ratified all but one decision of the Committee unchanged. Following Council's ratification of the decision, the Appellant would have the opportunity to appeal Council's decision to Divisional Court if they were unsatisfied.

Option 2 – Councillor & Expert Appeal Committee - Process
1. Appeal the Dog Designation
2. Attend Dog Designation Appeal Hearing – Committee renders a decision
3. Appellants may attend Council to address the Committee decision
4. Council renders a decision
5. Appellant may appeal a Council decision through Judicial Review

Option 3: Amend the structure of the Animal and Dog Designation Appeal Committee to have a total of 5 members who are proposed to be all citizen members with adjudication and/or animal/dog behaviour expertise

The Committee could operate in a similar fashion as it is currently operating to date, but rather than being comprised members of Council, staff could be directed to build a Terms of Reference for the Committee, that would confirm the operational function of the Committee and would confirm the membership of the Committee and preferred expertise. The Terms of Reference would be brought back to Council for further consideration and once approved, the hearings could be scheduled.

This option would still result in the Committee's decision being forwarded to the next available Council meeting for ratification. For individuals that decide to delegate at Council meetings, it typically results in sharing information beyond what was presented during the hearing that may be sensitive in nature, in a public forum. Council since 2017 ratified all but one decision of the Committee unchanged. Following Council's ratification of the decision, the Appellant would have the opportunity to appeal Council's decision to the Divisional Court if they were unsatisfied.

While staff are supportive of all three options, it would be staff's recommendation that the Dog Designation Appeal Committee structure be replaced with a Hearing Officer, given the ability to expedite the timing and decision-making process, while also ensuring a fair and just hearing for the Appellant. Pending Council's decision, staff will continue to seek opportunities to improve the administration of the Committee and report back to Council where additional approvals may be required.

Option 3 – Citizen Experts Appeal Committee - Process
1. Appeal the Dog Designation
2. Attend Dog Designation Appeal Hearing – Committee renders a decision
3. Appellants may attend Council to address the Committee decision
4. Council renders a decision
5. Appellant may appeal a Council decision through Judicial Review

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

There is an operating budget of \$1,000.00 for the Dog Designation/Animal Designation Appeal Committee that is likely to cover the majority of the expenses related to the Committee. There is no current fee to request an appeal, as the cost is mainly involved the time commitment of various city staff, council members, and committee members. Pending Council's decision, staff following the implementation of a potential new structure may seek to make a minor increase to the budget in future years, or review whether a modest appeal fee should be imposed. Previously, the budget was used to provide a honourarium to the Canadian Kennel Club member prior to their resignation from the Committee.

Option 1: Implement a Hearing Officer as the Animal Designation Appeal Committee, the Dog Designation Committee

The proposed recommendation is expected to have a negligible effect on the operating budget. If a dog appeal is requested, the cost of a Hearing Officer would be \$260 per half day or \$520 per full day. There is currently no fee to request an appeal, as the cost is mainly involved the time commitment of various city staff, council members, and committee members. The use of the Hearing Officer would significantly reduce this temporal cost.

Option 2: Amend the structure of the Animal and Dog Designation Appeal Committee to have a total of 5 members, 3 members with adjudication and/or animal/dog behaviour expertise and 2 members of Council AND Option 3: Amend the structure of the Animal and Dog Designation Appeal Committee to have a total of 5 members who are proposed to be all citizen members with adjudication and/or animal/dog behaviour expertise

The proposed recommendations to amend the committee composition to include citizen members is expected to have a negligible effect on the operating budget. The Committee currently has its own operating budget that is allocated \$1,000 to cover honourariums. To ensure the Committee is in line with the previously approved honourariums, it is recommended that any citizen members scheduled to attend a meeting, be paid the same rate that is paid to members of the Property Standards Committee, \$125 Chair (s) and \$100 Member (s).

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:

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

APPROVED BY: Victoria Raab, General Manager, Corporate Services