

PROPOSED BY-LAW

_____, 2024

BY-LAW NUMBER xx

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend Chapter 620 of The City of Kitchener Municipal Code with respect to Demolition Control).

WHEREAS it is deemed expedient to amend Chapter 620 of the City of Kitchener Municipal Code as adopted by By-law 2013-093, as amended by By-law 2023-105;

NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. The recitals section is amended by adding, after “AND WHEREAS under subsections 33(3) and 33(6) of the *Planning Act*, R.S.O. 1990, c. P.13, the Council of the Corporation of the City of Kitchener is the decision maker in respect of consenting to the demolition of a residential property in an area of demolition control” and before “AND WHEREAS under section 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, in accordance with section 23.1 of the *Municipal Act, 2001*, the powers of a municipality under that or any other Act may be delegated to a person or a body subject to the restrictions set in sections 23.2 to 23.5, inclusive of the *Municipal Act, 2001*” the following:

“AND WHEREAS under section 99.1 of the *Municipal Act, 2001*, S. O. 2001, c. 25, as amended, a municipality may prohibit and regulate the demolition of residential rental properties and may prohibit and regulate the conversion of residential rental properties to a purpose other than the purpose of a residential rental property, and, in accordance with section 99.1(3), a municipality cannot prohibit or regulate the demolition or conversion of a residential rental property that contains less than six dwelling units”;

2. Section 620.1.6 is amended by deleting the definition of “dwelling unit” and replacing it in its entirety with the following:

““dwelling unit” means the use of a building that contains a room or suite of habitable rooms which:

- a) is located in a dwelling or mixed use building;
- b) is occupied or designed to be occupied by a household as a single, independent and separate housekeeping establishment;
- c) contains both a kitchen and bathroom used or designed to be used for the exclusive common use of the occupants thereof;

and,

d) has a private entrance leading directly to the outside of the building or to a common hallway or stairway inside the building”

3. Section 620.1.7 is amended by deleting it in its entirety and replacing it with the following:

“620.1.7 Director of Development and Housing Approvals – defined

“Director of Development and Housing Approvals” means the Director of Development and Housing Approvals for the **City**, their designate, or successor thereto.

4. New sections 620.1.8 and 620.1.9 are added after section 620.1.7 as follows:

“620.1.8 Lodging House – defined

“Lodging House” means a dwelling unit where five or more persons, not including a resident owner of the property, may rent a lodging unit and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit. Lodging house can include student residences but shall not include a group home; hospital; and small residential care facility or large residential care facility licensed, approved or supervised under any general or specific Act; or a hotel as defined in Zoning By-law 2019-051.

620.1.9 Lodging Unit – defined

“Lodging Unit” means a room or set of rooms located in a lodging house or other dwelling designed or intended to be used for sleeping and living accommodation which:

- a) is designed for the exclusive use of the resident or residents of the unit;
- b) is not normally accessible to persons other than the residents or residents of the unit; and,
- c) does not have both a bathroom and a kitchen for the exclusive use of the resident or residents of the unit.”

5. Existing section 620.1.8 is amended by deleting it in its entirety and replacing it and renumbering it as follows:

“620.1.10 Manager of Development Approvals of the Development and Housing Approvals Division – defined

“Manager of Development Approvals” means the Manager of Development Approvals of the Development and Housing Approvals Division for the City, their designate, or any successors thereto. In the absence or unavailability of said Manager of Development Approvals, this term shall also mean the City’s Director of Development and Housing Approvals.”

6. New section 620.1.11 is added after section 620.1.10 as follows:

“620.1.11 Ontario Heritage Act – defined

“Ontario Heritage Act” means the Ontario Heritage Act, R.S.O. 1990, c. O.18.”

7. New section 6.20.1.12 is added after new section 620.1.11 as follows:

“620.1.12 Municipal Act – defined

“Municipal Act” means the Municipal Act, 2001, S.O. 2001, c. 25.”

8. Existing section 620.1.11 is renumbered as section 620.1.13.
9. Section 620.2.2.b) is amended by deleting it in its entirety and replacing it with the following:

“(b) Prohibit or delay demolition where a building permit for redevelopment is ready to be issued, where a rental replacement permit has been issued if required. The approval authority must issue approval where a building permit is ready to be issued and may impose the standard approval conditions.”

10. Section 620.2.3 is amended by deleting it in its entirety and replacing it with the following:

“Area – limited – as set out

The City’s demolition control area shall be limited to:

- (a) lands zoned R-1 through R-6 as defined in the City of Kitchener Zoning By-law 85-1, and
- (b) lands zoned RES-1 through RES-5 as defined in the City of Kitchener Zoning By-law 2019-051
- (c) any property, or assembly of properties in the City of Kitchener, that contain six or more dwelling units on lands within any zone in the City’s Zoning By-law 85-1 or Zoning

By-law 2019-051.”

11. Section 620.2.5b) is amended by deleting it in its entirety and replacing it with the following:

“(b) the residential property is not a permitted use under the current zoning of the property except where a by-law passed pursuant to section 99.1 of the Municipal Act applies to said property.”

PASSED at the Council Chambers in the City of Kitchener this _____ day
of _____, A.D. 2024.

Mayor

Clerk