

## Andrew Pinnell

---

**From:** Pegah Fahimian  
**Sent:** Monday, December 23, 2024 1:31 PM  
**To:** Andrew Pinnell  
**Subject:** RE: OPA/ZBA comments re 808-836 Courtland Ave E

Hi Andrew,

Thank you for providing the updated documentation.

I have reviewed the updated urban design brief and have no concerns about the proposed outdoor amenity area and physical separation. The landscape plan includes various programs that effectively meet the needs of different user groups.

I also reviewed their justification for not meeting the required setback to the north for Tower A, and it is acceptable. New development is highly likely to occur on the site's north side, and the tower's diamond shape helps minimize the impact.

Thanks,

**Pegah Fahimian**, B.Arch, M.Arch, MUD

Senior Urban Designer / Development and Housing Approvals Division / City of Kitchener  
519-783-8911 / TTY 1-866-969-9994

[Pegah.Fahimian@kitchener.ca](mailto:Pegah.Fahimian@kitchener.ca)



## Andrew Pinnell

---

**From:** Lenore Ross  
**Sent:** Thursday, December 19, 2024 11:25 AM  
**To:** Andrew Pinnell  
**Subject:** RE: OPA/ZBA comments re 808-836 Courtland Ave E

Hi Andrew,

Park Planning is satisfied with the UDB revisions with respect to amenity space and have no further concerns with the OPA / ZBA.

Regards,

Lenore

## Andrew Pinnell

---

**From:** Jessica Vieira  
**Sent:** Thursday, November 28, 2024 11:18 AM  
**To:** Andrew Pinnell  
**Subject:** Re: Circulation for Comment - 808-836 Courtland Avenue East (OPA/ZBA)

Hi Andrew, no heritage concerns with this one as the properties have no heritage status and are not within a CHL.

Thanks,

**Jessica Vieira**

Heritage Planner | Planning Division | City of Kitchener  
200 King Street West, 6<sup>th</sup> Floor | P.O. Box 1118 | Kitchener ON N2G 4G7  
519-741-2200 ext. 7041 | [jessica.vieira@kitchener.ca](mailto:jessica.vieira@kitchener.ca)

**Project Address: 808-836 Courtland Ave E**  
**Application Type: Official Plan Amendment Application OPA24/011/C/AP**  
**Zoning By-law Amendment Application ZBA24/023/C/AP**

---

Comments of: Environmental Planning – City of Kitchener

Commenter's Name: Carrie Musselman

Email: carrie.musselman@kitchener.ca

Phone: 519-783-8940

Date of Comments: October 18, 2024

---

Environmental planning has reviewed the Official Plan Amendment Application (OPA) and Zoning By-law Amendment Application (ZBA) for the lands addressed as 808-836 Courtland Ave E to permit a mixed-use development containing three high-rise residential towers, shared common areas throughout with surface and structured parking for Natural Heritage Characteristics, Designations and Regulations and note:

- Schneider Creek and its riparian area are considered an Ecological Restoration Area (ERA) in the Kitchener Official Plan (adopted June 2014). The boundary of the ERA corresponds to the One Zone (Engineered) Floodplain associated with the Schneider Creek that extends onto the northwest portion of the property.
- The ERA and Floodplain are designated Natural Heritage Conservation in the Official Plan, and no change is proposed.
- The ERA/Floodplain is proposed to be zoned NHC-1. The Natural Conservation zone applies to lands designated Natural Heritage Conservation in the Official Plan. The purpose of this zone is to protect and/or conserve natural heritage features and their ecological functions. Further, it is intended to prevent the aggravation of existing natural hazards and/or the creation of new ones.

**Environmental Planning staff support the OPA as no change is proposed to the Natural Heritage Conservation Designation.**

**Environmental Planning staff support the ZBA as the ERA (that corresponds to the One Zone Floodplain) is proposed to be zoned Natural Conservation (NHC-1).**

# City of Kitchener - Comment Form

**Project Address: 808 & 836 Courtland Avenue E**

**Application Type:** OPA/ZBA

---

**Comments of:** Environmental Planning (Sustainability) – City of Kitchener

**Commenter's name:** Mike Balch

**Email:** mike.balch@kitchener.ca

**Phone:** 519-741-2200 x 7110

---

**Written Comments Due:** October 18, 2024

**Date of comments:** October 15, 2024

---

**1. Plans, Studies and/or Reports submitted and reviewed as part of a complete application:**

- Sustainability Statement 808 and 836 Courtland Avenue, as prepared by Kevin Muir of Zehr Development, dated June 15, 2024

**2. Comments & Issues:**

I have reviewed the supporting documentation (as listed above) to support a site plan application proposing a multi-tower mixed-use development, regarding sustainability and energy conservation, and provide the following comments:

- Although the Ontario Building Code (OBC) is progressive, going forward all developments will need to include energy conservation measures that go beyond the OBC as the City (and Region of Waterloo) strive to achieve our greenhouse gas reduction target.
- A Sustainability Statement (as per the City's Terms of Reference) will be required as part of a complete Site Plan Application which can further explore and/or confirm additional sustainability measures that are best suited to the development as the design evolves.
- **Upon review of the supporting documentation, the Official Plan and Zoning Bylaw Amendments can be supported as several sustainable measures have been proposed or are being considered for the development. Further details and clarification are requested at the time of a Site Plan Application.**
- The development proposes several sustainable measures including:
  - The compact and efficient design of underutilized lands
  - The consideration to encourage greater public transit use
  - Pedestrian supportive design
  - On-site secure bike parking promoting active transportation
  - Proposed low-flush toilets and low-flow shower heads
  - Cool/light coloured roofing material
  - EV Infrastructure
  - Consideration for the reuse and recycling of construction and building materials
  - On-site garbage, recycling, and compost
  - An efficient building envelope

- Potential items for consideration at Site Plan Stage are:
  - Community / common gardens and urban agriculture including opportunity for on-site composting for residents
  - Building envelope (wall, roof and window thermal performance) designed beyond OBC requirements
  - Use of alternative water supply and demand management systems such as rainwater harvesting and grey water reuse or readiness of the development to incorporate such systems in the future
  - What measures are being incorporated to enhance stormwater quantity and quality
    - If further landscaped and/or green space can be incorporated
  - LED lighting will be utilized for indoor and outdoor lighting and if sensors will be used to increase energy efficiency
  - Consideration of alternative or renewable energy systems to meet new energy demand created by the development (i.e. ground source or air source heat pumps, roof-top solar photovoltaic panels, solar thermal hot water system, capture of waste heat from industrial processes to use for thermal energy needs, etc), or design of the site and building for “readiness” to add these systems in the future.

**3. Conditions of Site Plan Approval:**

- To submit a revised Sustainability Statement to the satisfaction of the City’s Director of Planning. Further, the approved sustainability measures recommended in the Sustainability Statement will be implemented in the landscape, stormwater management, and building design, to the satisfaction of the City’s Manager of Development Review.

**4. Policies, Standards and Resources:**

- Kitchener Official Plan Policy 7.C.4.5. The City will encourage and support, where feasible and appropriate, alternative energy systems, renewable energy systems and district energy in accordance with Section 7.C.6 to accommodate current and projected needs of energy consumption.
- Kitchener Official Plan Policy 7.C.6.4. In areas of new development, the City will encourage orientation of streets and/or lot design/building design with optimum southerly exposures. Such orientation will optimize opportunities for active or passive solar space heating and water heating.
- Kitchener Official Plan Policy 7.C.6.8. Development applications will be required to demonstrate, to the satisfaction of the City, energy is being conserved or low energy generated.
- Kitchener Official Plan Policy 7.C.6.27. The City will encourage developments to incorporate the necessary infrastructure for district energy in the detailed engineering designs where the potential for implementing district energy exists.
- 

**5. Advice:**

- As part of the Kitchener Great Places Award program every several years there is a Sustainable Development category. Also, there are community-based programs to help with and celebrate and recognize businesses and sustainable development stewards (Regional Sustainability Initiative - <http://www.sustainablewaterlooregion.ca/our-programs/regional-sustainability-initiative> and TravelWise - <http://www.sustainablewaterlooregion.ca/our-programs/travelwise>).
- The ‘[Sustainability Statement Terms of Reference](#)’ can be found on the City’s website under ‘Planning Resources’ at ... <https://www.kitchener.ca/SustainabilityStatement>

# Internal memo

Development Services Department



www.kitchener.ca

**Date:** December 2, 2024  
**To:** Andrew Pinnell  
**From:** Jason Brûlé  
**Subject:** Zoning By-law Amendment and Official Plan Amendment Application  
808 Courtland GP Inc.  
808-836 Courtland Ave E, Kitchener  
ZBA 24/023/C/AP  
OPA 24/011/C/AP

---

The below comments have been prepared through the review of the supplied Functional Servicing & SWM Report dated June 11, 2024 prepared by MTE Consultants Inc.; in support of the above noted applications.

General Comments:

1. Engineering is in support of the applications.

Sanitary:

2. Previous capacity issues in the downstream sewershed identified for this site in 2022 do not present a problem now through review with the City's updated sanitary model and Integrated Sanitary Master Plan.

Water (Angela Mick, Kitchener Utilities):

3. The report looks good. No further comments provided.

Storm and Stormwater Management:

4. A more thorough review of the site SWM will be conducted with detailed design.
5. Note: SWM fees with respect to retention or quality are assessed and calculated in the year in which they are to be paid.

---

Jason Brûlé, C.E.T.  
Engineering Technologist

## Andrew Pinnell

---

**From:** Mike Seiling  
**Sent:** Wednesday, November 27, 2024 11:36 AM  
**To:** Andrew Pinnell  
**Subject:** RE: Circulation for Comment - 808-836 Courtland Avenue East (OPA/ZBA)

Building; No concerns and note a Record of Site Condition per EPA and MOE will be required for this residential redevelopment proposal.

## City of Kitchener

### PRE-SUBMISSION CONSULTATION COMMENT FORM

**Comments Of:** Transportation  
**Commenter's Name:** Stefan Hajgato  
**Email:** Stefan.Hajgato@kitchener.ca  
**Phone:** (519) 741-2200 e 7410  
**Date of Comments:** October 18, 2024  
**Address:** 808-836 Courtland Avenue East

#### 1. Site Specific Comments and Issues:

- The City requests the applicant, in cooperation with the Region of Waterloo, improves the active transportation facilities fronting the subject site to accommodate cycling facilities, such as a multi-use pathway or cycle tracks. This would provide access to the active transportation network on the opposite side of Courtland Avenue East from the subject site, as well as provide a link towards a future connection to the City's cycling network on Vanier Drive.
- Note that due to provincial policies, as of June 2024 there are no longer a minimum number of vehicular parking spaces required within any City MTSA areas, which includes near Blockline Station. Any current official plan policies and zoning regulations that require vehicle parking spaces in these geographies are of no force and effect. Minimum bicycle parking spaces required under the City's zoning by-law are not impacted by these policies.

#### 2. Plans, Studies and Reports to submit as part of a complete Planning Act Application:

- Vehicle Swept Path Analysis using AutoTURN or equivalent software

#### 3. Anticipated Requirements of full Site Plan Approval:

- Pavement Marking and Signage Plan (PMSP)

#### 4. Policies, Standards and Resources:

- [Urban Design Manual](#)
- [Zoning bylaw - City of Kitchener](#)

#### 5. Anticipated Fees:

- N/A.



PLANNING, DEVELOPMENT AND  
LEGISLATIVE SERVICES

150 Frederick Street, 8<sup>th</sup> floor  
Kitchener Ontario N2G 4J3 Canada  
Telephone: 519-575-4400  
Fax: 519-575-4449  
www.regionofwaterloo.ca

Will Towns: 1-519-616-1868  
File: D17/2/24011  
C14/2/24023  
August 15, 2024

Andrew Pinnell  
Senior Planner  
City of Kitchener  
200 King Street West, 6<sup>th</sup> Floor  
P.O. Box 1118, Kitchener, ON  
N2G 4G7

Dear Mr. Pinnell,

**Re: Regional Addendum Comments  
Official Plan Amendment OPA 24/011 and Zoning By-law  
Amendment ZBA 24/023  
808-836 Courtland Avenue East  
Zehr Group (c/o Kevin Muir) on behalf of 808 Courtland  
GP Inc.  
City of Kitchener**

Further to comments dated October 21, 2024, Regional staff have prepared additional comments pertaining to the above-noted Official Plan amendment (OPA) and zoning by-law amendment (ZBA) applications. Regional staff understand the applicant proposes to demolish the two existing commercial buildings on these lands and construct a mixed-use development with three high-rise residential towers (Tower A – 27 storeys, Tower B – 30 storeys, and Tower C – 22 storeys) on the consolidated parcel. Towers A and B are to be situated on a shared podium, and the development in total would include 977 dwelling units, consisting of a mix of 1-, 2-, and 3- bedroom units. Commercial uses (532.1 square metres) are proposed in the podium at grade.

The subject lands are located in the Urban Area, Built Up Area and Block Line Station MTSA in the Regional Official Plan (ROP), and located across from an Employment Area as identified on Map 3 of the ROP. Additionally, these lands are designated Commercial and General Industrial Employment in the City's Official Plan; and zoned Arterial Commercial (C-6 with special provisions 1R – floodplain, 73R and 76U at 808 Courtland Avenue East) and Industrial (M-2 with special provision 29R at 836 Courtland Avenue East). The OPA is required to change the designation to High Density

Residential with a site-specific policy to permit a floor space ratio (FSR) of 7.0, while the ZBA seeks to change the zone category to High Rise Residential (RES-7) with site-specific provisions to permit restaurant and retail uses, reduce setbacks, implement the 7.0 FSR, increase the maximum building height to 102.6 metres or 30 storeys, and add a range of design-related regulations.

Regional staff in coordination with the City have now had the opportunity to complete review of the Transportation Impact Study and Environmental Noise Study associated with the proposal, and offer the following comments reflective of the Region's revised responsibilities following the proclamation of Bill 23 (the More Homes Built Faster Act) locally on January 1, 2025.

### **Environmental (Transportation) Noise**

Regional staff have received the noise study entitled Road/Rail Traffic and Stationary Noise Impact Study, 808-836 Courtland Avenue East, Kitchener Ontario, prepared by JJ Acoustic Engineers (dated March 4, 2024) submitted with the application, as well as the updated report dated May 13, 2025. The primary review was conducted by a third-party reviewer, and Regional staff have reviewed the reports and associated peer review comments (prepared by RWDI, dated May 1, 2025 and August 5, 2025) as they pertain to noise from Courtland Avenue East (Regional Road No. 53). The peer reviewer and City staff have now accepted the study, and Regional staff accept the study's conclusions pertaining to road noise from Courtland Avenue East. Specifically, the following recommendations will be required to be included in a registered development agreement with the City and/or Region as part of a future plan of condominium application:

- Tower A:
  - o Inclusion of noise warning clause Type D in all future offers of purchase and sale, lease and rental agreements, and condominium declarations for units on all façades:
    - *"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."*
  - o Mandatory installation of air conditioning for the entire building.
  - o Minimum STC 32 for all exterior glazing on the north façade, using a 35% window area to floor area ratio and thick operable windows.
  - o Minimum STC 30 for all exterior glazing on the east façade, using a 35% window area to floor area ratio and thick operable windows.
  - o Minimum STC 27 for all exterior glazing for the west façade, using a 35% window area to floor area ratio and thick operable windows.
  - o Minimum STC 48 for exterior wall composition for all façades.

- Tower B:
  - o Inclusion of noise warning clause Type D in all future offers of purchase and sale, lease and rental agreements, and condominium declarations for units on all façades (see above).
  - o Mandatory installation of air conditioning for the entire building.
  - o Minimum STC 31 for all exterior glazing on the north and west façades, using a 35% window area to floor area ratio and thick operable windows.
  - o Minimum STC 28 for all exterior glazing on the east façade, using a 35% window area to floor area ratio and thick operable windows.
  - o Minimum STC 30 for all exterior glazing on the south façade, using a 35% window area to floor area ratio and thick operable windows.
  - o Minimum STC 47 for exterior wall composition for all façades.
  
- Tower C:
  - o Inclusion of noise warning clause Type D in all future offers of purchase and sale, lease and rental agreements, and condominium declarations for units on all façades (see above).
  - o Mandatory installation of air conditioning for the entire building.
  - o Minimum STC 31 for all exterior glazing on the north façade, using a 35% window area to floor area ratio and thick operable windows.
  - o Minimum STC 28 for all exterior glazing on the east and west façades, using a 35% window area to floor area ratio and thick operable windows.
  
- Outdoor Living Area:
  - o Inclusion of noise warning clause Type B in all future offers of purchase and sale, lease and rental agreements, and condominium declarations for all units in the development:
    - *“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.”*

In addition to these recommendations, Regional staff will also require that the development agreement specify that prior to the issuance of any building permits, a Professional Engineer will certify that the noise attenuation measures are incorporated in the building plans and upon completion of construction, the Professional Engineer will certify that the dwelling units have been constructed accordingly and meet NPC-300 noise level objectives.

Regional staff understand that City staff propose to implement a holding provision requiring completion of a detailed noise study once design of the buildings has occurred. This is in keeping with the Region’s recommendation in comments dated October 21, 2025 and an approach the Region continues to support. Regional staff

require that the holding provision require submission to the Region's satisfaction as the study will confirm requirements pertaining to noise from the Regional road.

### **Transportation Impact Study (TIS)**

Regional staff have received and reviewed the study entitled "Transportation Impact Study, 808-836 Courtland Avenue East, Kitchener, ON", prepared by Paradigm Transportation Solutions Ltd. and dated June 25, 2024, as well as addendum letters dated January 29, 2025. Along with a range of advisory comments related to transit infrastructure and pedestrian connection recommendations (outlined in comments dated October 21, 2025) the following comment for action was provided directly to the applicant and their consultant on November 11, 2024:

- Regional staff do not accept the recommended provision of the eastbound left-turn lane at the site access because of the four-lane cross-section of Courtland Avenue East at this location. However, staff recognize that this has been reviewed in the TIS through SimTraffic (Section 4.4.3 Queuing Impacts) to ensure that eastbound and westbound queues between the Highway 7/8 ramp terminal and the site access do not affect traffic operations at both locations.
  - o To address this issue, completion of a TIS addendum prior to issuance of a Regional access permit was requested. The addendum was required to include SimTraffic analysis evaluating eastbound queues without provision of an eastbound left turn lane at the site access.

A meeting with all parties was held on January 9, 2025 in which comments from Regional staff and the Ontario Ministry of Transportation (MTO) were discussed – including the proposed eastbound left-turn lane, with which MTO staff were also concerned. Staff note that the requested addendum and SimTraffic analysis was conducted and included in the addendum letter dated January 29, 2025. While this work remains under review (response to be provided to the applicant as soon as possible), Regional staff confirm acceptance of the TIS for the purposes of OPA/ZBA approval, and a final determination related to access configuration will be determined through the access permit issuance process.

### **Source Water Protection & Risk Management**

This site is located in a wellhead protection sensitivity area (WPSA) as identified on Map 6 of the ROP. As a hydrogeological study was not submitted in support of geothermal energy systems, Regional staff request a full prohibition on all geothermal energy systems in the amending zoning by-law for the site. The required wording for the prohibition is:

*Geothermal energy systems are prohibited onsite. A geothermal energy system is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems or a horizontal system.*

Additional comments related to source water protection in comments dated October 21, 2024 continue to apply as the project moves to the site plan stag, including the negotiation of a final Risk Management Plan.

**Fees**

The Region is in receipt of all required fees associated with these applications.

**Conclusions & Next Steps**

As per the above, Regional staff have no objection to approval of the OPA/ZBA applications, provided

- A holding provision is applied to the property requiring completion of a detailed noise study to confirm recommendations associated with Regional road noise sources prior to site plan approval; and
- The amending zoning by-law includes a geothermal prohibition as outlined above.

Please be advised that any future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Further, please accept this letter as our request for a copy of the decision pertaining to this application. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,



Will Towns, MCIP RPP  
Senior Planner

C. Kevin Muir, Zehr Group (Owner/Applicant)



PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

150 Frederick Street, 8th Floor  
Kitchener ON N2G 4J3 Canada  
Telephone: 519-575-4400  
TTY: 519-575-4608  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

October 22, 2025

Erica Bayley, P.Eng.  
Paradigm Transportation Solutions Ltd  
5A-150 Pinebush Road  
Cambridge, ON N1R 8J8

File No.: D18-20/53 Courtland  
808-836 Courtland Avenue East

Dear Ms. Bayley:

**Re: Transportation Impact Study, 808 Courtland GP Inc, 808-836 Courtland Avenue East, City of Cambridge**

Region staff have reviewed the report entitled Transportation Impact Study, 808-836 Courtland Avenue East, Kitchener, ON, dated June 25, 2024, as well as the addendum letter dated January 29, 2025, both prepared by Paradigm Transportation Solutions Limited and accept them for the purposes of the OPA/ZBA approval.

A final determination on the access configuration will be made through the Access Permit process with the future Site Plan application. Please note, however, that at this time Regional staff do not support the proposed left-turn lane on Courtland Avenue East. The left turn lane will not be a Regional requirement of Site Plan or Access Permit approval.

Yours Truly,

*Cheryl Marcy*

Cheryl Marcy, C.E.T.  
Manager, Corridor Development  
226-753-1093

## Andrew Pinnell

---

**From:** Johnston, Jeremiah (MTO) <Jeremiah.Johnston@ontario.ca>  
**Sent:** Tuesday, April 22, 2025 5:40 PM  
**To:** Andrew Pinnell  
**Cc:** Kevin Muir; Santos, Paul (MTO); William Towns  
**Subject:** RE: 808-836 Courtland Ave E OPA/ZBA application - TIS discussion

Hello Andrew,

MTO does not anticipate any concerns with the adoption/passing of these proposed OPA/ZBA applications. However, prior to site plan approval, and as a condition of MTO permit approvals, the following responses / comments must be addressed, to the satisfaction of MTO;

- Response No.1:** MTO requires that posted speed is to be reported as is posted i.e. 90 km/h.
- Response No.2:** The seasonal variation is around 20% on Hwy 7 at this location. Summer counts are required.
- Response No.5:** Agreed to use average rate vs fitted curve equation and not just due to a lower R2 value but due to other factors also. However, found trip calculation error. The report says a retail area of 1,565 m2 that translates to 16,850 sq ft. but the trips are calculated for 6,130 sq. ft.
- Response No.6:** No, they are not comparable. Shopping Centre is for over 140,000 sq ft whereas the subject retail plaza is 6,130 sq ft as reported. However, not pressed further, given a small number of pass-by trips.
- Response No.7:** Not agreed to use "Close to Rail Transit" as this option is normally for within 400m. The report says it is 650m.
- Response No.8:** The comment was about trips from west on Hwy 7/8. These are shown as Hwy 7/8 East and the trip from East are included in Courtland Ave East (From North). No further action required.
- Response No.9:** MTO requires to know the impacts on north ramp terminal. The ramp terminal is required to be included in the analyses.
- Response No.10:** The westbound trips on Hwy 7/8 are included in southbound trips at the Hwy 7/8 W-N/S intersection with Courtland Ave and Overland Dr. MTO requires the trip distribution at north ramp terminal also.
- Response No.11:** The 10 years historical growth rate on Hwy 7/8 is 2.1% (2010-2019). Please use 2% growth rate for MTO ramp terminal.
- Response No.12:** There is error in Table 1 for southbound Hwy 7/8 ramp in 2030 Total Traffic. Though truck conversion wasn't made the number for WB left turn on Courtland Ave will not change significantly. We agree that westbound queue length on Courtland Ave East will not impact the proposed site driveway. Please provide storage length required under existing/background traffic conditions to see the impact of development traffic.

MTO also provides the following additional comments:

- Why PHF of 1.00 is used ?
- Why link speed of 50 k/h is used vs 60 k/h?
- Link length in Synchro is 127.5 m between the off-ramp and site entrance, whereas report says 110m. Explain.

Please note that if there are significant changes to the trip generation as a result of addressing these comments, it may result in geometric changes being required on Courtland Ave and/or at the Highway 7/8 ramp terminals.

TIS's that are older than three years and/or containing traffic data older than three years may be deemed by MTO as insufficient documentation of the potential impacts of a development proposal on the provincial highway network.

If you have any questions, please let me know.

Thank you,

**Jeremiah Johnston**

Corridor Management Planner | Highway Operations Branch  
Ministry of Transportation | Ontario Public Service  
(226)-980-6407 | [jeremiah.johnston@ontario.ca](mailto:jeremiah.johnston@ontario.ca)

**Ontario** |

*Taking pride in strengthening Ontario, its places and its people*

November 13, 2025

CN  
Community Planning and Development  
935 de la Gauchetiere West  
15<sup>th</sup> Floor  
Montreal, Quebec  
H3B 2M9

**VIA E-MAIL**  
[proximity@cn.ca](mailto:proximity@cn.ca)

Attention: Saadia Jamil

Re: Road/Rail Traffic and Stationary Noise Impact Study  
Peer Review  
Proposed Residential Development  
808 to 836 Courtland Avenue East  
City of Kitchener  
Our File: 24-184



As requested, Jade Acoustics Inc. has reviewed the *Road/Rail Traffic and Stationary Noise Impact Study* dated March 4, 2024, updated May 13, 2025 and the *Response to CN Peer Review Comments* letter dated May 29, 2025, both prepared by JJ Acoustic Engineering Ltd. on behalf of Zehr Development.

This letter is a second peer review letter. The first peer review letter dated February 19, 2025 included our comments regarding the Road/Rail Traffic and Stationary Noise Impact Study dated March 4, 2024, prepared by JJ Acoustic Engineering Ltd.

The proposed residential development is located at 808 to 836 Courtland Avenue East, south of Conestoga Parkway, in the City of Kitchener. The CN Guelph Subdivision on the Huron Park Spur is located approximately 250 m west of the subject site. Two rail lines for the Grand River Transit ION light rail service are located immediately west of the CN rail track.

The CN Huron Park Rail Yard is located approximately 325 m to the southwest of the proposed development.

The proposed development is comprised of a 27-storey Tower A, a 30-storey Tower B and a 22-storey Tower C on a 6-storey podium. There are two outdoor amenity areas proposed to be located on top of the podium, north and south of Tower B.

We have reviewed the updated Noise Impact Study with respect to noise/vibration issues related to rail traffic and CN. Other sources of noise/vibration, including the ION light rail transit, have not been evaluated as part of this peer review. The CN, the Federation of Canadian Municipalities (FCM) and Railway Association of Canada (RAC) "Guidelines for

New Development in Proximity to Railway Operations” (FCM/RAC guidelines) and the Ministry of the Environment, Conservation and Parks (MECP) guidelines have been used. The Regional Municipality of Waterloo Noise Policy Implementation Guideline (RMWNPI), last updated October 22, 2019, has also been considered in our peer review. No original analyses have been conducted.

The peer review consists of a review of the approach, source information, and analysis methods used, as well as the required/recommended acoustic mitigation measures determined by the acoustical consultant that prepared the updated study.

CN should be consulted directly regarding any requirements unrelated to and in addition to the noise and vibration review/comments.

Our comments are summarized below.



### Noise

1. As requested in our 1<sup>st</sup> peer review letter, the updated study addresses the Huron Park Yard (interchange rail yard). However, only impulsive noise associated with train coupling/uncoupling and stretching operations in the rail yard has been assessed. There are no references to other train activities such as locomotive idling, train movements, etc. typically occurring in rail yards.

A memo dated June 17, 2025, prepared by Akoustik Engineering Limited discusses attended and unattended sound measurements of the rail activities conducted at the proposed site. The memo is included in Attachment G of the updated study and not in Attachment B as indicated in the response to comments letter. The scope of work included only the impulsive noise mentioned above with no assessment of the equipment and operations generating steady noise. This scope of work is not sufficient to address rail yards. It is also not enough to conduct 4 hours of attended measurements and 44 hours of monitoring with recordings and conclude that there is no impact on the proposed development. There could be days with no rail activities, especially in smaller rail yards as is the interchange yard, followed by operations which generate noise.

2. The CN warning clause will need to be updated to say “1,000 m” instead of “300 m”, as the interchange rail yard is within 1,000 m of the proposed development. We note that the same comment was included in our 1<sup>st</sup> peer review letter as Item 7 with expectation that the requested change will appear in the updated study. However, even though the response to comments letter indicates that the CN warning clause has been updated, no change is included in the study dated May 13, 2025.

### Vibration

There are no additional comments with respect to the railway vibration.

## Conclusions

Based on our review of the updated study, it is expected that the proposed development is feasible and can be designed to meet the CN, FCM/RAC, MECP and RMWNPI guidelines.

To assist in updating the noise study, included in Appendix A is a plan showing the locations of noise sources within the rail yard as well as tables providing the sound power information to be used in the analysis. Please note that the information regarding the rail operations is to be used solely for this project as CN may alter operations within the rail yard as needed.

As CN uses the Noise Impact Study and corresponding mitigation requirements to prepare the CN Agreement, we recommend that the study be updated to include the rail operations information included in Appendix A and address the peer review comments.

A subsequent peer review is to be completed when the updated noise impact study has been submitted.

Yours truly,

JADE ACOUSTICS INC.



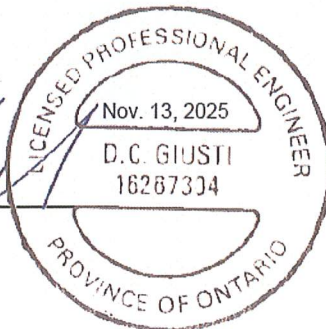
Per:

  
Davor Sikic, P.Eng.



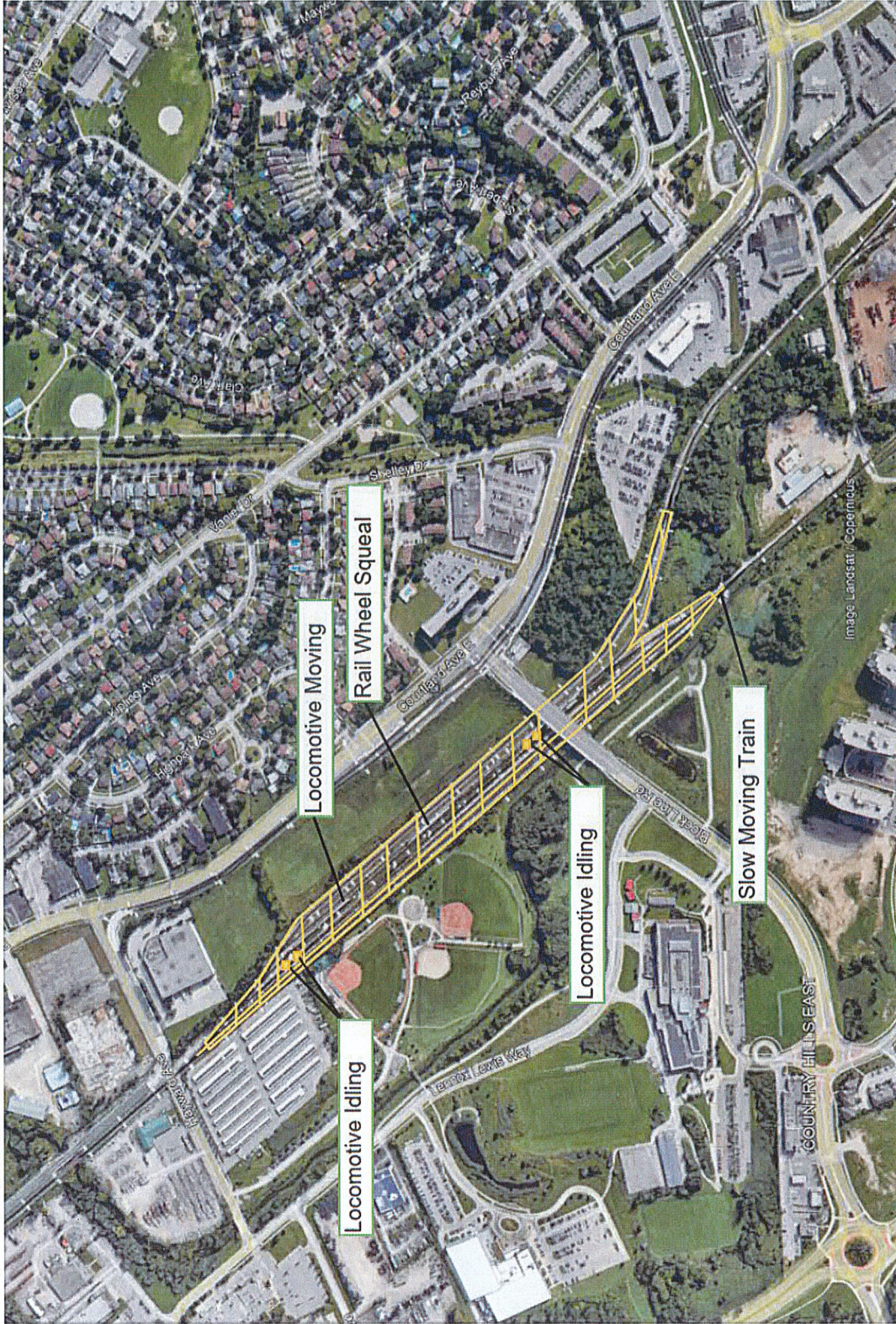
Per:

  
Dalila C. Giusti, P.Eng.





**APPENDIX A**  
**RAIL YARD INFORMATION**



N.T.S.



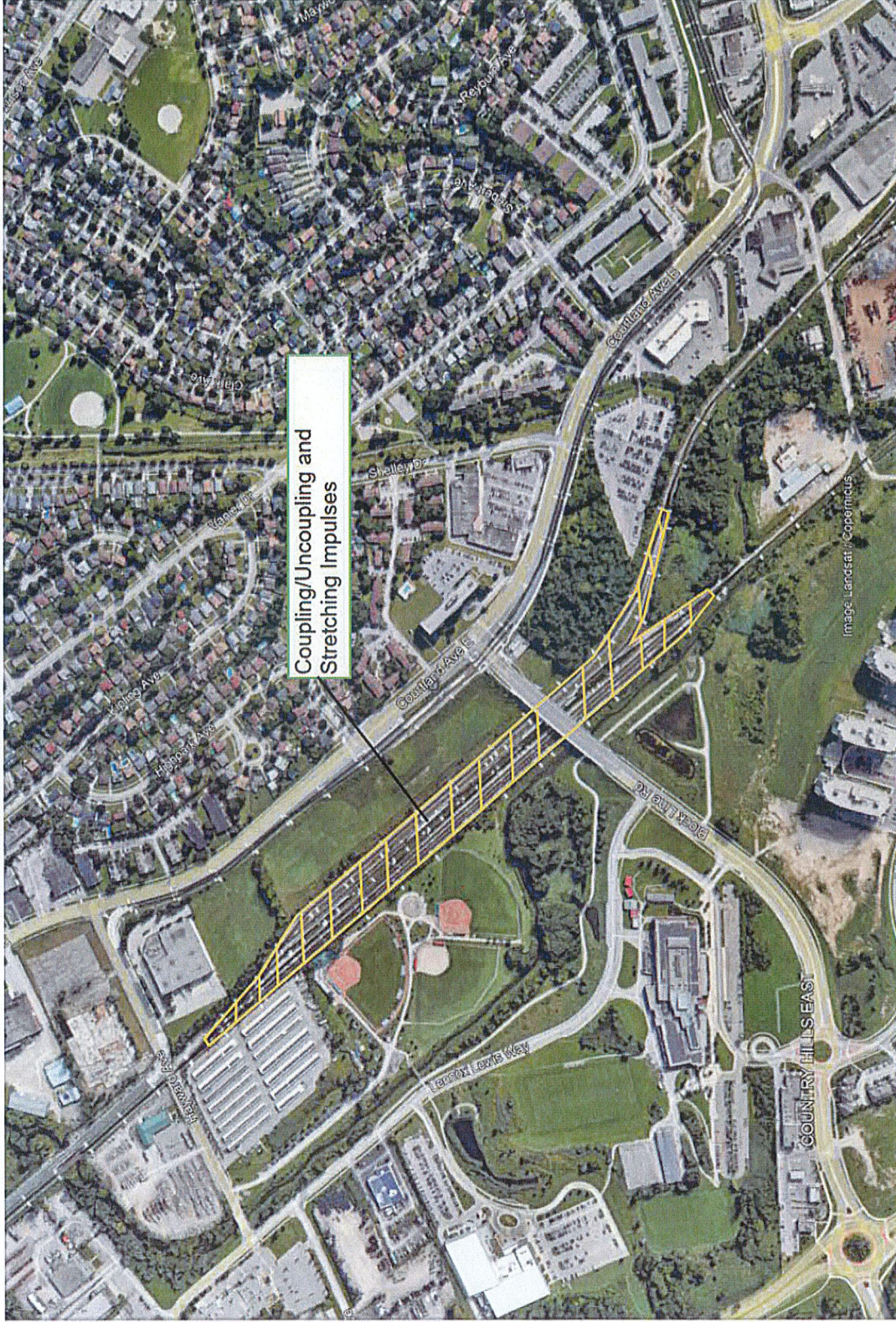
**Continuous Noise Sources**

**FIGURE 1**

**Kitchener Rail Yard**

Jade File: 24-184

Date: November 2025



Coupling/Uncoupling and Stretching Impulses

N.T.S.



**Impulsive Noise Sources**

**FIGURE 2**

**Kitchener Rail Yard**

Jade File: 24-184

Date: November 2025

Sound Power Level Information

Name	1/3 Octave Spectrum (dB)										
	Weight	63	125	250	500	1000	2000	4000	8000	A	lin
Idling Locomotive		113.1	109	97.1	103.6	102	98.8	92.2	89.3	106.3	119.5
Slow Moving Locomotives		130.8	126	111.1	109.8	111.4	107.9	103.5	96.9	116.5	134.5
Rail/Wheel Squeal		122	119	117	118	130	121	121	118	131.5	132.6
Coupling-Uncoupling and Stretching Impulses		137.2	124.5	122.9	118.3	117.2	117.4	115.1	108.8	124	137.8

The idling locomotive and rail wheel squeal sound power level information above does not include the 5 dB penalty to be applied. The 5 dB penalty is to be included in the noise model and the resultant power level for the idling locomotive will be 111.3 dBA and rail wheel squeal 136.5 dBA

Source Heights

Point Sources	
Idling Locomotive - source height = 4 m	
Area Sources	
Locomotive Moving - source height = 4 m	
Rail Wheel Squeal - source height = 1 m	
Coupling/Uncoupling and Stretching Impulses - source height = 2 m	
Line Source	
Slow Moving Train - source height = 4 m	

Duty Cycles

Point Sources	
Idling Locomotive - Source in Steady State (i.e. active for full hour)	
Area Sources	
Locomotive Moving - Source in Steady State (i.e. active for full hour)	
Rail Wheel Squeal - Active for 1 minute of the hour	
Coupling/Uncoupling and Stretching Impulses - Source in Steady State (i.e. active for full hour)	
Line Source	
Slow Moving Train - Source in Steady State (i.e. active for full hour)	

## Andrew Pinnell

---

**From:** Eric Schneider  
**Sent:** Wednesday, September 3, 2025 9:00 AM  
**To:** Andrew Pinnell  
**Subject:** FW: SNGREC Environmental Comments RE: 808 Courtland Ave

---

**From:** Garrett Stevenson <Garrett.Stevenson@kitchener.ca>  
**Sent:** Tuesday, September 2, 2025 8:11 PM  
**To:** Eric Schneider <Eric.Schneider@kitchener.ca>  
**Subject:** FW: SNGREC Environmental Comments RE: 808 Courtland Ave

### **808 Courtland Ave**

#### **Haldimand Tract and 1701 Nanfan Treaty Preamble**

Six Nations of the Grand River (SNGR) Territory is within the most highly urbanized land in Canada. Development has occurred on Six Nations' traditional territory without consultation or consent of SNGR. The cumulative effects of this intense development has contributed to significant environmental degradation and, as a result, Six Nations has experienced severe impacts on its ability to exercise Aboriginal and Treaty Rights that are not only set out in the treaties themselves but are also recognized and affirmed in Section 35 of the Constitution Act, 1982. These treaty lands are subject to unresolved litigation and any infringement upon our treaty rights must be fully mitigated by the proponent. The 1701 Nanfan Treaty guarantees SNGR's right to harvest and hunt on this property for perpetuity, but this proposal undermines those rights. SNGR must be accommodated to mitigate any harm to its treaty rights caused by the proponent.

#### **Treaty Rights Compensation**

As this development will essentially ensure that this land will never be returned to a natural state while consuming resources and emitting greenhouse gases, SNGREC requests that this development be paired with compensation for impacts to Six Nations Aboriginal and Treaty Rights and to the environment. SNGREC requests that these compensations come in the forms of affordable units, dedicated units for First Nations people, and environmental enhancements. Please reach out to [lrlust@sixnations.ca](mailto:lrlust@sixnations.ca) to set up a meeting to determine compensation.

#### **Landscaping**

SNGREC requests that only native plant species are used in landscaping efforts. Please provide SNGREC with a landscape plant list before procurement begins. SNGREC requests that the proponent uses Kayanase Plant Nursery for procurement of plants if Kayanase's capacity allows.

## Bird and Light Friendly Design

SNGREC requests that the buildings are designed using bird and light friendly practices. This includes minimizing reflective surfaces, creating visual markers on windows, and directing light downwards.

Please see the City of Toronto's bird friendly practices for glass and for lighting as guidelines and implement them thoroughly across the entire design:

<https://www.toronto.ca/wp-content/uploads/2017/08/8d1c-Bird-Friendly-Best-Practices-Glass.pdf>

<https://www.toronto.ca/wp-content/uploads/2018/03/8ff6-city-planning-bird-effective-lighting.pdf>

## Commercial Space

SNGREC recommends increasing the amount of commercial space within this development. More easy access to commercial spaces means residents do not have to travel as far, which reduces traffic (and therefore emissions), improves human health, and saves money.

Niá:wen (thank you),

**Emmett Vanson, BSc.** (he/him)  
Land Use and Stewardship Technician

Six Nations of the Grand River Elected Council Lands and Resources Department

[lrlust@sixnations.ca](mailto:lrlust@sixnations.ca)



**Confidentiality Notice:** This email, including any attachments, is for the sole purpose of the intended recipients and may contain private, confidential, and privileged information. Any unauthorized review; use, disclosure or distribution is prohibited. If you are not the intended recipient or this information has been inappropriately forwarded to you, please contact the sender by reply email and destroy all copies of the original.

## Andrew Pinnell

---

**From:** Garrett Stevenson  
**Sent:** Sunday, September 21, 2025 10:44 PM  
**To:** Andrew Pinnell  
**Subject:** FW: Current Significant Development Applications

Hi Andrew,

Please include the following advisory paragraph in the OPA/ZBA report as per comments from SNGR.

*If an archaeological find is discovered, work at the site must immediately stop to prevent further damage or disturbance. All work must be stopped, the site secured, and the licensed archaeologist, the City of Kitchener, and the Ministry of Tourism, Culture and Sport must notified. If human remains are found, all work must stop immediately to preserve the site as an archaeological find. The area should be secured, and the discovery reported to the licensed archaeologist, the City of Kitchener, the Ministry of Tourism, Culture and Sport, the Registrar at the Ministry of Public and Business Service Delivery, and Waterloo Region Police.*

I will add to property file as well.

Thanks,

Garrett Stevenson (he/him), BES, RPP, MCIP

Director, Development and Housing Approvals Division | City of Kitchener  
519-783-8922 | TTY 1-866-969-9994 | [garett.stevenson@kitchener.ca](mailto:garett.stevenson@kitchener.ca)



---

**From:** Tierra Henhawk <[acmaa@sixnations.ca](mailto:acmaa@sixnations.ca)>  
**Sent:** Wednesday, September 3, 2025 8:41 AM  
**To:** Garrett Stevenson <[Garrett.Stevenson@kitchener.ca](mailto:Garrett.Stevenson@kitchener.ca)>  
**Cc:** Emmett Vanson <[LRLUST@sixnations.ca](mailto:LRLUST@sixnations.ca)>  
**Subject:** RE: Current Significant Development Applications

You don't often get email from [acmaa@sixnations.ca](mailto:acmaa@sixnations.ca). [Learn why this is important](#)

Good morning Garrett,

Six Nations Archaeology has reviewed the materials you provided and would like to offer the following comments:

26 Stanley Avenue & 31 Schweitzer Street – An archaeological assessment has been submitted; however, the link provided is inaccessible.

1340 Fischer Hallman Road – For the proposed subdivision at this location, SNGR requests that at minimum, a Stage 1 Archaeological Assessment be conducted.

808 & 836 Courtland Avenue East – We recommend that a standard archaeological warning clause be included on the file.

Rockcliffe Drive (Freure South) – Could you confirm whether an archaeological assessment has been completed for this development?

Nya:weh! / Thank You!

*Sincerely,*

**Tierra Henhawk**

Archaeology Community Monitor Administrative Assistant

Six Nations of the Grand River (SNGR)

Lands and Resources Department

2498 Chiefswood Road, Ohsweken ON

**(T) 519-445-2205 ext: 5465**

**Lands & Resources Department (T) 519-753-0665**

[acmaa@sixnations.ca](mailto:acmaa@sixnations.ca)



**Confidentiality Notice:** This e-mail including any attachments, is for the sole use of the intended recipients and may contain private and confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient or this information has been inappropriately forwarded to you, please contact the sender by reply e-mail and destroy all copies of the original.

## Andrew Pinnell

---

**From:** Trevor Heywood <theywood@grandriver.ca>  
**Sent:** Thursday, December 19, 2024 8:53 AM  
**To:** Andrew Pinnell  
**Subject:** Re: OPA/ZBA comments re 808-836 Courtland Ave E  
**Attachments:** 2024-10-18\_redline grading\_RFE.pdf; Re: Fw: Circulation for Comment - 808-836 Courtland Avenue East (OPA/ZBA)

Hi Andrew,

We have no further concerns with the application, with the expectation that the applicant will implement their proposed adjustments at site plan.

Regards,

**Trevor Heywood** B.Sc.(Env.)

Resource Planner

Grand River Conservation Authority

400 Clyde Road, PO Box 729

Cambridge, ON N1R 5W6

Phone: 519-621-2761 ext. 2292

Email: theywood@grandriver.ca

[www.grandriver.ca](http://www.grandriver.ca) | [Connect with us on social media](#)

## Andrew Pinnell

---

**From:** Planning <planning@wcdsb.ca>  
**Sent:** Thursday, October 17, 2024 2:27 PM  
**To:** Andrew Pinnell  
**Subject:** Re: Circulation for Comment - 808-836 Courtland Avenue East (OPA/ZBA)

Hi Andrew,

The Waterloo Catholic District School Board has reviewed the subject application and based on our development circulation criteria have the following comments/conditions:

1. That any Education Development Charges shall be collected prior to the issuance of a building permit(s).
2. That the developer and the Waterloo Catholic District School Board reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to the Board's specifications) affixed to the development sign advising prospective residents about schools in the area. A sign specifications document can be found at the bottom of the board's planning department web page (<https://www.wcdsb.ca/about-us/cs/planning/>).
3. That the developer shall include the following wording in the site plan agreement and any future site plan agreement or condominium declaration to advise all purchasers of residential units and/or renters of same:  
  
*"In order to limit risks, public school buses contracted by Student Transportation Services of Waterloo Region (STSWR), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up and drop off students, and so bussed students will be required to meet the bus at a congregated bus pick-up point."*
4. That the developer co-ordinate and reach an agreement with the Waterloo Catholic District School Board and Student Transportation Services of Waterloo Region regarding the provision and maintenance of infrastructure for school bus pick-up and drop-off locations.

Kind regards,

**Isabelle Lung Ler**  
Planning Technician