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The Corporation of City of Kitchener
200 King St W
Kitchener, ON N2G 4V6

Dear Clerk,

**RE: Development Charges Complaint
 Complaint Made Pursuant to Section 20 of the *Development Charges Act*,
 1997, S.O. 1997, c. 27
 Complaint respecting 15 Dellroy Avenue, Kitchener, ON
 Complaint On Behalf of Savic Homes**

We are the solicitors for Savic Homes (“**Owner**”) the owner of 15 Dellroy Avenue, Kitchener, ON (“**Subject Lands**”).

The Owner is in the process of redeveloping the Subject Lands for residential housing.

It is the Owner’s understanding that the City of Kitchener (“**City**”) intends to assess the Owner development charges (“**DCs**”) pursuant to the redevelopment of the Subject Lands, despite the existence of a Lot Levy Agreement between a previous owner of the Subject Lands and the City dating from 1974 and the existence of residential units on the Subject Lands.

In addition, in our opinion, the Subject Lands qualifies as containing “legally established residential units” for the purposes of section 6.10 of the Bylaw 2022-071 (“**DC Bylaw**”), exempting said units from the assessment of development charges pursuant thereto.

The DC Bylaw governs DCs within the City. Section 6.10 of the DC Bylaw provides that:

6.10 Subject to the provisions of this section, where any redevelopment or re-use of land replaces or changes a former or existing development and, in the case of demolition upon proof of issuance of a demolition permit for the land being provided, the development charge applicable to the redevelopment or re-use shall be reduced by a redevelopment allowance, without interest, not to exceed an amount equal to the total of:

(a) the number and types of legally established residential units in the former or existing development; and

(b) the legally established non-residential gross floor area of the former or existing development,



as determined by the Chief Building Official, or his or her designate, at the rates applicable to such units or gross floor area at the time the first building permit for the re-development is issued.

[Emphasis added.]

The intent of section 6.10 is to reduce the DCs payable on a development where DCs have already been paid with respect to a previously existing development.

The former development on the Subject Lands constitutes legally existing residential units for the purposes of the DC Bylaw. This is evidenced by the submission of plans, the issuance of building permits, and the existence of structures which were required to be subject to said plans and permits.

Please accept this letter as a formal complaint on behalf of the Owner pursuant to section 20 of the *Development Charges Act*, 1997, S.O. 1997, c. 27 (the "**Act**") with respect to the development charges imposed upon our client on the basis that:

1. The amount of the DCs is being incorrectly determined; and,
2. There is an error in the application of the City's DC By-law.

On the basis that detailed grounds for the complaint will be provided in due course, we respectfully request that the City proceed to schedule a hearing of this complaint before Council. We would appreciate the opportunity to discuss this complaint with City staff in hopes of having it addressed in advance of the hearing date.

Please contact the undersigned should you require any additional information. Otherwise, we look forward to working together to rectify this matter.

Yours truly,

LOOPSTRA NIXON LLP

Per: Steven C. Ferri