

Staff Report



Financial Services Department

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REPORT TO: Finance and Corporate Services Committee

DATE OF MEETING: February 9, 2026

SUBMITTED BY: Ryan Hagey, Director of Financial Planning & Asset Management, 519-904-9347

PREPARED BY: Ryan Hagey, Director of Financial Planning & Asset Management, 519-904-9347

WARD(S) INVOLVED: Ward 7

DATE OF REPORT: January 28, 2026

REPORT NO.: FIN-2026-063

SUBJECT: Savic Homes, 1438 Highland Road West – Section 20 Development Charges Complaint – Jurisdiction UPDATE

RECOMMENDATION:

That the appeal to hold a hearing pursuant to section 20 of the *Development Charges Act* with relation to the development taking place at 1438 Highland Road West be dismissed as the complaint was not made within the appropriate timeframe.

REPORT HIGHLIGHTS:

- The purpose of this report is to determine whether Committee has jurisdiction to hear a complaint regarding development charges at 1438 Highland Road West.
- The key finding of this report is the complaint was made outside the 90-day timeframe spelled out in the *Development Charges Act*, so no hearing should be held.
- This report supports the delivery of core services.

BACKGROUND:

A complaint was filed with the City of Kitchener regarding the development charges (DCs) imposed for a development at 1438 Highland Road West. Complaints of this nature are permitted under section 20 of the *Development Charges Act (DCA)*. City of Kitchener Council has delegated authority to hear these complaints to the Finance and Corporate Services Committee as part of report COR-2022-498, Development Charges Section 20 Dispute and Hearing Process.

REPORT:

The complaint regarding DCs at 1438 Highland Road West was made after the timeframe spelled out in the *DCA* so it is staff's recommendation that no hearing be held, and the complaint be dismissed.

Section 20 (2) states that a complaint may not be made later than 90 days after the day the development charge, or any part of it, is payable. The DC complaint regarding 1438 Highland Road West was received on **November 26, 2025**.

A building permit for 1438 Highland Road West was issued by the City on May 20, 2022. Under the *DCA* there are provisions to make payments for certain types of development at later dates, but DCs become payable to the City at the time of building permit issuance. This means a formal DC complaint would have to be made no later than **August 18, 2022**.

Further, the complaint regarding DCs for 1438 Highland Road West was received well into the deferred payment schedule for the property. The first payment was due at occupancy which took place in September 2023. Additional payments were due on the anniversary date of occupancy in September 2024 and September 2025. All of these billed development charges are unpaid and remain outstanding.

Given the complaint was made after the 90-day window afforded in Section 20 of the *DCA*, staff recommended dismissing the complaint without holding a hearing.

UPDATE:

On January 5, 2026 Council approved an adjournment of this DC complaint so staff could meet with Savic Homes and their representatives to discuss the complaint. This meeting took place on January 15, 2026.

Despite ongoing requests from staff for a meeting agenda and specific details of the DC complaint, none was provided in advance of the meeting. During the meeting representatives for Savic Homes provided oral information regarding the nature of their complaint and said they would provide the information in writing the following week (January 19-23). As of the time this report was prepared, the written information had not been received.

After the meeting staff are still of the opinion the DC complaint should be dismissed as it was not made within the appropriate timeframe.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

The recommendation has no direct impact on the Capital or 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:

- [COR-2022-498](#) Development Charges Section 20 Dispute and Hearing Process
- [FIN-2026-015](#) Adjournment of Development Charges Complaints – 15 Dellroy Avenue and 1438 Highland Road
- [FIN-2026-016](#) Savic Homes, 1438 Highland Road West – Section 20 Development Charges Complaint - Jurisdiction

APPROVED BY: Jonathan Lautenbach, Chief Financial Officer, Financial Services

ATTACHMENTS:

- DC Complaint Letter for 1438 Highland Road West from Loopstra Nixon