

# 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:** Wards 2 & 7

**DATE OF REPORT:** February 3, 2026

**REPORT NO.:** FIN-2026-071

**SUBJECT:** Adjournment of Development Charge Complaints – 15 Dellroy Avenue and 1438 Highland Road - UPDATE

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## RECOMMENDATION:

**That the second request to adjourn the hearing related to the complaint of development charges at 15 Dellroy Avenue and 1438 Highland Road West, until no later than March 9, 2025 be granted.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to support a second requested adjournment of two hearings related to development charge complaints received under section 20 of the *Development Charges Act*, concerning two properties, to a future Committee meeting to be held no later than March 9, 2025.
- The key finding of this report is that staff agree with the request for the adjournment to permit City staff to receive information that was promised, but not yet delivered, by the developer and their legal counsel on a without prejudice basis before any proceedings take place to discuss the possibility of settlement.
- This report supports the delivery of core services.

## BACKGROUND:

Two complaints were filed by 2296342 Ontario Inc. (Savic Homes) with the City of Kitchener regarding the development charges (DCs) imposed for developments at 15 Dellroy Avenue and 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:

After receiving the formal complaints regarding DCs at 15 Dellroy Avenue and 1438 Highland Road West, staff served a meeting notice scheduled for January 5, 2025 to request authority

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

from the Tribunal (Finance Services Committee) as to whether or not the complaints should proceed to a Section 20 hearing. The timing of the hearing is important as there are legislated timelines that must be met.

Shortly after serving notice, the City was contacted by Loopstra Nixon LLP who are representing Savic Homes on these matters. They are requesting an adjournment of the meeting in order to meet with staff on a without prejudice basis to see if there is an opportunity to settle the matters without a formal hearing.

Staff were agreeable to an adjournment until no later than February 9, 2025 as this would allow some time to try and mediate the dispute, but would still ensure the hearing is scheduled in the near future to keep moving towards a resolution.

**UPDATE:**

*On January 26, 2025 staff served notice to Savic Homes and Loopstra Nixon LLP for the February 9, 2025 meeting, and requested acknowledgement of receipt. On January 28, 2025 staff followed up with Savic Homes and Loopstra Nixon LLP as there had been no acknowledgement. On January 30, 2025 the City was contacted by Loopstra Nixon LLP requesting a second adjournment (letter attached).*

*Staff are supportive of this second request for adjournment as they are awaiting information about the specifics of Savic Homes' DC complaint. Staff have notified Savic Homes and Loopstra Nixon LLP they would not be supportive of future adjournments except in extenuating circumstances.*

**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-2026-062](#) Savic Homes, 15 Dellroy Avenue – Sec 20 DC Complaint – Jurisdiction UPDATE
- [FIN-2026-063](#) Savic Homes, 1438 Highland Road West – Sec 20 DC Complaint – Jurisdiction UPDATE

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

**ATTACHMENTS:**

Attachment A – Letter from Loopstra Nixon LLP, Legal Representatives for Savic Homes