

Council Meeting Agenda

Monday, April 29, 2024, 7:00 p.m. Council Chambers - Hybrid City of Kitchener 200 King Street W, Kitchener, ON N2G 4G7

People interested in participating in this meeting can register online using the delegation registration form at <u>www.kitchener.ca/delegation</u> or via email at <u>delegation@kitchener.ca</u>. Please refer to the delegation section on the agenda below for registration in-person and electronic participation deadlines. Written comments received will be circulated prior to the meeting and will form part of the public record.

The meeting live-stream and archived videos are available at www.kitchener.ca/watchnow

Accessible formats and communication supports are available upon request. If you require assistance to take part in a city meeting or event, please call 519-741-2345 or TTY 1-866-969-9994.

Pages

1. COMMENCEMENT

The meeting will begin with a Land Acknowledgement given by the Mayor and the singing of "O Canada."

2. MINUTES FOR APPROVAL

Minutes to be accepted as circulated to the Mayor and Councillors (regular meeting held April 8, 2024, and special meetings held April 8, 15 and 22, 2024) - Councillor A. Owodunni.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Members of Council and members of the City's local boards/committees are required to file a written statement when they have a conflict of interest. If a conflict is declared, please visit www.kitchener.ca/conflict to submit your written form.

4. COMMUNICATIONS REFERRED TO FILE

4.1 Flag Request under Policy MUN-FAC-442

4.1.a St. Joseph's Health Centre Guelph, June 3 - 10, 2024

5. PRESENTATIONS

5.1 Sustainable Waterloo Region (SWR) - Annual Update

5.1.a Tova Davidson, Executive Director, Sustainable Waterloo Region

6. DELEGATIONS

Pursuant to Council's Procedural By-law, delegations are permitted to address the Committee for a maximum of five (5) minutes. All Delegations where possible are encouraged to register prior to the start of the meeting. For Delegates who are attending in-person, registration is permitted up to the start of the meeting. Delegates who are interested in attending virtually must register by 5:00 p.m. on April 29, 2024, in order to participate electronically.

- 6.1 Official Plan Amendment Application OPA24/002/J/BB, Zoning By-law Amendment Application ZBA24/002/JBB, 135-161 Jackson Avenue and 135 Brentwood Avenue, Sanjiv Shukla (1000190771 ONTARIO INC.), DSD-2024-061, listed as item 8.8.1
- 6.1.a Juliane von Westerholt, MHBC Planning

7. REPORTS OF COMMITTEES

7.1 FINANCE AND CORPORATE SERVICES COMMITTEE - APRIL 22, 2024

7.1.a 2024 Natural Gas Supply Rate Change 1 - INS-2024-168

That the supply component of the natural gas rate be decreased to 11.63 cents per cubic meter from 16.70 cents per cubic meter for system gas customers of Kitchener Utilities effective May 1, 2024, as outlined Infrastructure Services Committee report INS-2024-168; and further,

That the supply rate of natural gas be reviewed quarterly against market conditions and necessary changes to be brought forward for Council approval.

7.1.b Charles Street Terminal - Memorandum of Understanding with the Region of Waterloo - DSD-2024-144

That the General Manager of Development Services be authorized to enter into a Memorandum of Understanding with the Region of Waterloo pertaining to the pre-development work on the Charles Street Terminal lands, including any additional approvals/documents required to facilitate the pre-development work, as described in Development Services Department report DSD-2024-144, where said documentation shall be to the satisfaction of the City Solicitor; and, That said documentation shall outline that the Region of Waterloo shall carry the costs of pre-development works for the Charles Street Terminal Project and the City shall reimburse the Region of Waterloo for its' share of pre-development work costs, as follows:

- Should the City's lands be sold as part of the redevelopment of the Charles Street Terminal lands, the City's share shall be deducted from the value of the land sales; or,
- Should the City's lands not be sold as part of the redevelopment of the Charles Street Terminal lands, the City shall identify an alternate funding source, such as the Economic Development Reserve.
- 7.1.c Outcomes of Accelerating Commercial Business Approvals Review DSD-2024-159

That the use of Building Enterprise funds to: (1) pilot a Project Manager for an 18-month staff secondment position and (2) support the implementation of initial improvements for the 'Accelerating Commercial Business Approvals' Strategic Plan project, including supporting a portion of the cost to develop a roadmap/handbook for business owners be endorsed as outlined in Development Services Department report DSD-2024-159; and further,

That the remaining funding in the Development Services Review capital budget be reallocated to support initial improvements for the 'Accelerating Commercial Business Approvals' Strategic Plan project as outlined in Development Services Department report DSD-2024-159.

7.1.d Communitech Partnership - DSD-2024-145

That the Mayor and Clerk be authorized to execute a Partnership Agreement with Communitech as outlined in Development Services Department report DSD-2024-145, subject to review by the City Solicitor; and,

That the partnership include an allocation of office space within Communitech for a City of Kitchener, Economic Development Division Staff, to facilitate the provision of support and resources to Communitech members related to conducting business in Kitchener; and,

That the partnership with Communitech include collaboration with the City of Kitchener's Downtown Development Staff, having an objective to develop a more vibrant downtown Kitchener by growing the use of business spaces in downtown Kitchener; and,

That \$500,000 from the Economic Development Investment Fund 2.0 be allocated in each of the 2024 and 2025 budget years to Communitech for programming outlined in Development Services Department report DSD-2024-145; and further,

That the General Manager of Development Services be authorized to extend funding to Communitech for each of the 2026 and 2027 budget years, subject to the following:

- the availability of funding within the Economic Development Investment Fund 2.0, as outlined in Development Services Department report DSD-2024-145;
- ii. Communitech's adherence to the goals outlined in Development Services Department report DSD-2024-145; and,
- iii. Staff's determination that the needs articulated in Development Services Department report DSD-2024-145 remain relevant.

7.2 COMMUNITY AND INFRASTRUCTURE SERVICES COMMITTEE -APRIL 22, 2024

7.2.a Dumfries Avenue Formal Traffic Calming Review, DSD-2024-122

That staff be directed to implement the proposed traffic calming plan as outlined in Attachment 'A' (Dumfries Avenue – Proposed Traffic Calming Plan) of Development Services Department report DSD-2024-122.

7.2.b Noise Exemption - Greek Food Festival - 527 Bridgeport Road, CSD-2024-136

> That an exemption to Chapter 450 (Noise) of the City of Kitchener Municipal Code be granted to the Greek Orthodox Community of Saints Peter and Paul Kitchener-Waterloo & District for their Annual Greek Food Festival at 527 Bridgeport Road, to be held on June 8, 2023, from 12 p.m. – 11 p.m. and June 9, 2024, from 12 p.m. – 10 p.m., as outlined in Community Services Department report CSD-2024-136.

7.2.c Not For Profit Affordable Rental and Co-op Housing Incentive (Pilot), DSD-2024-143

That a new Council Policy regarding Not-For-Profit Affordable Rental

& Co-operative Housing Incentives (Pilot), attached to Development Services Department report DSD-2024-143 as Appendix 'A', be approved; and,

That the reallocation of Affordable Housing Reserve funds, to be used towards the Not-For-Profit Affordable Rental & Co-operative Housing Incentives (Pilot), be approved; as outlined in the Development Services Department report DSD-2024-143; and,

That financial review and analysis be incorporated into the funding eligibility criteria in efforts to confirm the viability of organizations' proposed affordable housing projects and their ability to obtain a building permit; and further,

That staff be directed to consider the creation of a mentorship program for not-for-profit organizations, to shadow the development process of the selected organizations participating in the Not-For-Profit Affordable Rental & Co-operative Housing Incentives (Pilot).

7.2.d Rockway Centre Redevelopment Update, CSD-2024-191

That staff proceed with the three phased Rockway Centre Redevelopment Strategy as outlined in Community Services Department report CSD-2024-191.

7.2.e Rosenberg Area Community Centre - Construction Update, CSD-2024-156

> That the total budget for the City's new Community Centre in the Rosenberg area, which will be built jointly with the Waterloo Region Catholic District School Board, be approved at \$8,125,000 and be funded fully through development charge revenue; and further,

> That the new Community Centre be named The Williamsburg Community Centre as outlined in the Community Services Department report CSD-2024-156.

7.3 PLANNING AND STRATEGIC INITIATIVES COMMITTEE - APRIL 22, 2024

7.3.a Private Street Naming – 130 Otterbein Road, DSD-2024-180

That the City of Kitchener acknowledge MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) intends to name a private street: "Otterbein Crescent" within a multiple residential development located at 130 Otterbein Road, as outlined in Development Services Department report DSD-2024-180; and further,

That the City's Legal Services division be directed to proceed with the

required advertising, preparation, and registration of the necessary By-law for the naming of "Otterbein Crescent", as outlined in Development Services Department report DSD-2024-180.

7.3.b Corporate Climate Action Plan (CorCAP) 2.0 Pivot: Net-Zero, DSD-2024-074

That the 2023 City of Kitchener Corporate greenhouse gas (GHG) emissions inventory update be received for information; and,

That the City of Kitchener Council endorse a corporate 2050 net-zero target; and,

That the second-generation Corporate Climate Action Plan (CorCAP) 2.0 Pivot: Net-Zero, attached to Development Services Department report DSD-2024-074 as Attachment 'A' be endorsed; and further,

That the Corporate Climate Action Plan (CorCAP) 2.0 Pivot: Net-Zero, attached to Development Services Department report DSD-2024-074 as Attachment 'A', be submitted to the Federation of Canadian Municipalities, Partners for Climate Protection Program in support of renewed Milestones 1 - 3.

7.3.c Official Plan Amendment Application OPA24/003/L/AP, Zoning By-law Amendment Application ZBA24/003/L/AP, 15 Laurentian Drive, Kitchener Waterloo Christian School Society, DSD-2024-092

> That Official Plan Amendment Application OPA24/003/L/AP for Kitchener Waterloo Christian School Society, for the property municipally addressed as 15 Laurentian Drive be adopted, in the form shown in the Official Plan Amendment attached to Development Services Department report DSD-2024-092 as Attachment 'A' and, accordingly, forwarded to the Regional Municipality of Waterloo for approval; and further,

> That Zoning By-law Amendment Application ZBA24/003/L/AP for Kitchener Waterloo Christian School Society for the property municipally addressed as 15 Laurentian Drive, be approved in the form shown in the Proposed By-law and Map No. 1, attached to Development Services Department report DSD-2024-092 as Attachment 'B'.

8. UNFINISHED BUSINESS

8.1 Official Plan Amendment Application OPA24/002/J/BB, Zoning By-law Amendment Application ZBA24/002/JBB, 135-161 Jackson Avenue and 135 Brentwood Avenue, Sanjiv Shukla (1000190771 ONTARIO INC.), DSD-2024-061 That the following recommendation outlined in Development Services Department report, DSD-2024-061 be **referred to the April 29, 2024** <u>**Council meeting**</u> to allow the applicant additional time to consider feedback provided by the Committee related to the proposed building heights and setbacks, emergency vehicle and waste management vehicle access, the location of fire hydrants, a potential reduction in the proposed number of units, information regarding the number of tenants that will be displaced to facilitate the proposed development, relocation assistance for existing tenants, rental replacement provisions, and potential parkland dedication:

"That Official Plan Amendment Application OPA24/002/J/BB for 1000190771 ONTARIO INC. for the properties municipally addressed as 135-161 Jackson Avenue and 135 Brentwood Avenue be adopted, in the form shown in the Official Plan Amendment attached to Development Services Department Report DSD-2024-061 as Attachment 'A', and accordingly forwarded to the Region of Waterloo for approval; and,

That Zoning By-law Amendment Application ZBA24/002/J/BB requesting to amend Zoning By-law 2019-051, for 1000190771 ONTARIO INC. for the properties municipally addressed as 135-161 Jackson Avenue and 135 Brentwood Avenue <u>be approved</u> in the form shown in the Proposed 'Proposed By-law', and 'Map No. 1' attached to Development Services Department Report DSD-2024-061 as Attachment 'B'; and further;

That the Urban Design Brief, prepared by MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC), attached to Development Services Department report DSD-2024-061 as Attachment 'C', be adopted, and that staff be directed to apply the Urban Design Brief through the Site Plan Approval process."

9. NEW BUSINESS

9.1 - MAYORAL BUSINESS AND UPDATES - MAYOR B. VRBANOVIC

10. QUESTIONS AND ANSWERS

11. BY-LAWS

11.1 1ST AND 2ND READING

- 11.1.a To further amend By-law No. 2019-113, being a by-law to regulate traffic and parking on highways under the jurisdiction of the Corporation of the City of Kitchener.
- 11.1.b To further amend By-law No. 88-169, being a by-law to regulate, supervise and govern the parking of vehicles on municipal off-street

parking facilities (Schedule B).

- 11.1.c To further amend By-law No. 88-169, being a by-law to regulate, supervise and govern the parking of vehicles on municipal off-street parking facilities (Schedule C).
- 11.1.d Being a by-law to set and levy the rates of taxation for City purposes for the year 2024 and to provide for the payment of taxes after interim taxes.
- 11.1.e To further amend By-law No. 2008-117, being a by-law to authorize certain on-street and off-street parking of vehicles for use by persons with a disability, and the issuing of permits in respect thereof.
- 11.1.f To further amend By-law No. 88-171, being a by-law to designate private roadways as fire routes and to prohibit parking thereon.
- 11.1.g To further amend By-law No. 2010-190, being a by-law to prohibit unauthorized parking of motor vehicles on private property.
- 11.1.h Being a by-law to amend Chapter 599 of the City of Kitchener Municipal Code with respect to Licensing and Regulation of Businesses.
- 11.1.i To confirm all actions and proceedings of the Council for April 29, 2024.

11.2 LATE STARTER BY-LAWS TO BE ADDED TO THE AGENDA, PENDING APPROVAL OF THE REPORTS OF THE COMMITTEES

- 11.2.a Being a by-law to adopt Amendment No. 54 to the Official Plan 15 Laurentian Drive.
- 11.2.b Being a by-law to amend By-law 2019-051, as amended, known as the Zoning By-law for the City of Kitchener Kitchener Waterloo Christian School Society 15 Laurentian Drive.
- 11.2.c Being a by-law to adopt Amendment No. 53 to the Official Plan 135, 139, 147, 153 and 161 Jackson Avenue and 136 Brentwood Avenue.
- 11.2.d Being a by-law to amend By-law No. 2019-051, as amended, known as the Zoning By-law for the City of Kitchener 135, 139, 147, 153 and 161 Jackson Avenue, and 136 Brentwood Avenue.
- 11.2.e Being a by-law to delegate authority to adjust property taxes pursuant to Sections 354, 357, 358, 359 of the Municipal Act to Staff.
- 11.2.f Being a by-law to exempt certain lots from Part Lot Control Part Lots 16 or 15 and Part Lots 17 and 18, South Side of King Street, Registered Plan 364 and Part Lot 19, South Side of King Street, Registered Plan 365 – 387 and 397 King Street East.

12. COMMITTEE OF THE WHOLE

12.1 ADMINISTRATIVE REPORTS

12.1.a	Applications for Cancellation, Refund, Reduction of Taxes - FIN- 2024-161	12
12.1.b	Delegated Authority for Property Tax Adjustments, FIN-2024-190	14
12.1.c	Downtown Kitchener BIA and Belmont BIA 2024 Budgets Referenced in the 2024 Tax Rate By-law, FIN-2024-196	20
12.1.d	Part Lot Control Exemption – PLC24/001/K/TS, 387 & 397 King Street East, 2296093 Ontario Inc., DSD-2024-209	27

13. MATTERS ARISING FROM IN-CAMERA MEETING - APRIL 8, 2024

13.1 Affordable Housing Opportunity (Land Disposition - Section 239 (2) (c))

"That the CAO be authorized to execute such documentation necessary to affect the severance of a portion City-owned lands located at 1035 Ottawa Street North, and to declare such severed lands as surplus to the City's needs; and,

"That the CAO be authorized to approve the disposition of such severed lands in the form of a donation to Habitat for Humanity Waterloo Region Inc., including executing any documentation, satisfactory to the City Solicitor, required to facilitate such transfer, including without limitation, agreements or other documentation required to secure affordable housing units as discussed in the April 8, 2024 in camera meeting of Council, to retain a right of first refusal and/or option to repurchase such severed lands (or any portion thereof, including, without limitation, future condominium units), and to transfer any easement interests in land required; and further,

That the Mayor and Clerk be authorized to execute the necessary documentation to affect any such approved transactions, said documentation to be to the satisfaction of the City Solicitor."

14. REPORT OF THE COMMITTEE OF THE WHOLE

15. BY-LAWS

15.1 3RD READING

15.1.a To further amend By-law No. 2019-113, being a by-law to regulate traffic and parking on highways under the jurisdiction of the Corporation of the City of Kitchener.

(By-law 2024-088)

15.1.b To further amend By-law No. 88-169, being a by-law to regulate, supervise and govern the parking of vehicles on municipal off-street parking facilities (Schedule B).

(By-law 2024-089)

15.1.c To further amend By-law No. 88-169, being a by-law to regulate, supervise and govern the parking of vehicles on municipal off-street parking facilities (Schedule C).

(By-law 2024-090)

15.1.d Being a by-law to set and levy the rates of taxation for City purposes for the year 2024 and to provide for the payment of taxes after interim taxes.

(By-law 2024-091)

15.1.e To further amend By-law No. 2008-117, being a by-law to authorize certain on-street and off-street parking of vehicles for use by persons with a disability, and the issuing of permits in respect thereof.

(By-law 2024-092)

15.1.f To further amend By-law No. 88-171, being a by-law to designate private roadways as fire routes and to prohibit parking thereon.

(By-law 2024-093)

15.1.g To further amend By-law No. 2010-190, being a by-law to prohibit unauthorized parking of motor vehicles on private property.

(By-law 2024-094)

15.1.h Being a by-law to amend Chapter 599 of the City of Kitchener Municipal Code with respect to Licensing and Regulation of Businesses.

(By-law 2024-095)

15.1.i To confirm all actions and proceedings of the Council for April 29, 2024.

(By-law 2024-102)

15.2 LATE STARTER BY-LAWS TO BE ADDED TO THE AGENDA, PENDING APPROVAL OF THE REPORTS OF THE COMMITTEES

15.2.a Being a by-law to adopt Amendment No. 54 to the Official Plan - 15 Laurentian Drive.

(By-law 2024-096)

15.2.b Being a by-law to amend By-law 2019-051, as amended, known as the Zoning By-law for the City of Kitchener - Kitchener Waterloo Christian School Society – 15 Laurentian Drive.

(By-law 2024-097)

15.2.c Being a by-law to adopt Amendment No. 53 to the Official Plan - 135, 139, 147, 153 and 161 Jackson Avenue and 136 Brentwood Avenue.

(By-law 2024-098)

15.2.d Being a by-law to amend By-law No. 2019-051, as amended, known as the Zoning By-law for the City of Kitchener – 135, 139, 147, 153 and 161 Jackson Avenue, and 136 Brentwood Avenue.

(By-law 2024-099)

15.2.e Being a by-law to delegate authority to adjust property taxes pursuant to Sections 354, 357, 358, 359 of the Municipal Act to Staff.

(By-law 2024-100)

15.2.f Being a by-law to exempt certain lots from Part Lot Control – Part Lots 16 or 15 and Part Lots 17 and 18, South Side of King Street, Registered Plan 364 and Part Lot 19, South Side of King Street, Registered Plan 365 – 387 and 397 King Street East.

(By-law 2024-101)

16. ADJOURNMENT

Staff Report

Financial Services Depo	artment	www.kitchener.ca	KIT
REPORT TO:	Committee of the Whole		
DATE OF MEETING:	April 29, 2024		
SUBMITTED BY:	Saleh Saleh, Director of Revenue, 519-	741-2200 ext. 7346	
PREPARED BY:	Feras Abdulhadi, Tax Specialist, 519-74	41-2200 ext. 7440	
WARD(S) INVOLVED:	All		
DATE OF REPORT:	April 15, 2024		
REPORT NO.:	FIN-2024-161		
SUBJECT:	Applications for Cancellation, Refund,	Reduction of Taxes	

RECOMMENDATION:

That the applications to City Council for write-off, cancellation, reduction, or refund of taxes totalling \$148,189.02 as attached to Financial Services Department report FIN-2024-161, be approved, pursuant to Sections 354 and 357 of the Municipal Act, S.O. 2001, c. 25 ("the Act").

BACKGROUND:

Sections 354 and 357 of the Act allow the local municipality to write-off, cancel, reduce, or refund all or part of taxes levied on land in the year in respect of which the application is made for certain specific reasons as laid out in these sections of the Act.

REPORT:

Forty-five requests for tax adjustments under Sections 354 and 357 of the Act were reviewed and processed. Additional statistics related to these applications are as follows:

- 35 applications were approved for adjustment resulting in a total tax reduction of \$148,189.02.
- 5 applications were declined for an adjustment for reasons such as an absence of a building permit or other documentation in support of the application.
- 5 applications were returned by MPAC without any recommended changes to the assessment.

The required notices to the affected parties were sent out in accordance with the relevant legislation.

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

The following table shows a breakdown of the reduction in taxes in this report by the applicable reason.

Relevant subsection of the <i>Act</i>	Reason for Application	Total Taxes Reduced
357(1)(a)	Ceases to be liable for tax at rate it was taxed	\$10,106.72
357(1)(c)	Became exempt	\$124,435.53
357(1)(d)(i)	Razed by fire, demolition or otherwise	\$12,812.05
	S.357 Tax only Adjustment	\$834.72
	Total	\$148,189.02

STRATEGIC PLAN ALIGNMENT:

The recommendation of this report supports the achievement of the city's strategic vision through the delivery of core service.

FINANCIAL IMPLICATIONS:

The tax reductions are shared with the Regional Municipality of Waterloo and the School Boards. The net effect to the City of Kitchener is a reduction in current year revenue, including a reduction in City levies of \$34,117.50, and a reduction in BIA levies of \$13,182.43 dollars, both of which are accommodated within the 2024 Operating Budget. The City share forms part of the year's net supplementary taxes and write-offs, which carries a net revenue budget of \$1.1 million annually.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council meeting.

The required notices to the affected parties were sent out in accordance with the relevant legislation under Section 357 of the *Act*.

ACKNOWLEDGED BY: Jonathan Lautenbach, Chief Financial Officer.

Staff Report

Financial Services Department



REPORT TO:	Finance and Corporate Services Committee
DATE OF MEETING:	April 29, 2024
SUBMITTED BY:	Saleh, Saleh, Director of Revenue, 519-741-2200 ext. 7346
PREPARED BY:	Yang, Shanna, Revenue Analyst, 519-741-2200 ext. 7954
WARD(S) INVOLVED:	All
DATE OF REPORT:	March 27, 2024
REPORT NO.:	FIN-2024-190
SUBJECT:	Delegated Authority for Property Tax Adjustments

RECOMMENDATION:

That the BY-LAW attached to Report Fin-2024-190 to delegate authority to adjust property taxes pursuant to Sections 354, 357, 358 and 359 of the Municipal Act, 2001, S.O. 2001, c.25, to staff, be approved and presented to Council for enactment.

REPORT HIGHLIGHTS:

- The purpose of this report is to request council approval to delegate authority to adjust property taxes under Sections 354, 357, 358 and 359 of the Municipal Act, 2001, S.O. 2001, c.25, as amended ("the Act") to staff as indicated, subject to any procedural requirements which apply to the provision; said delegation is for improved efficiency and service delivery.
- Applicants must currently wait until a council hearing to receive their property tax adjustments.
- Historically, applications have been processed with no changes to staff recommendations by Council as the process is legislated with very clear guidelines on adjustments allowed under the Act.
- Approval of the by-law will still allow applicants an opportunity to appeal staff decisions to the Assessment Review Board.
- Staff have completed a municipal scan and the recommendation is consistent with other municipalities.
- There are no financial implications of this report.
- This report supports the delivery of core services.

BACKGROUND:

Sections 354, 357, 358 and 359 of the Act gives local municipalities the authority to write off, cancel, reduce or refund all or part of taxes levied on land, subject to any procedural requirements which apply to the provision, in the year where applications are made for reasons as laid out in these sections of the Act. The reasons for adjustments are varied, examples include

changes to property such as demolition or fire and overassessment due to gross or manifest clerical errors.

Currently, staff submit reports with recommendations for adjustments under these sections 2 - 3 times a year to council for approval. These reports include a list of applications made, reasons for any declined applications, amount of property tax adjustment required, and a reference to the part of the Act an adjustment is allowed under.

The amount of property tax adjustment is calculated by staff based on tax rate for the year an application relates to and the change in property assessment provided by MPAC. A notice of council hearing is provided by staff to applicants at least 14 days prior as per legislation. The notice also indicates if staff are recommending approving or declining the application along with information for the owner on how to contact staff if they have any questions or concerns.

As the council reports are brought forward 2-3 times a year, staff have received a few complaints from applicants about the length of time it takes to process applications and property tax refunds. The recommendation included in this report will allow staff to process applications quickly and more efficiently while continuing to adhere to the relevant legislation.

REPORT:

This report seeks Council approval to delegate its authority to adjust property taxes under Sections 354, 357, 358 and 359 of the Act to staff, subject to any procedural requirements which apply to the provision, by enacting the by-law attached to Report FIN -2024-190. The recommendation to delegate supports enhanced timeliness of service delivery as taxpayers applying for the adjustments will no longer have to wait until one of the scheduled council hearings to receive their adjustment.

In support of delegation, it should be noted that current council involvement in this process is already minimal and generally serves as the final approval step for staff recommendations. Over the past few years, Council has not made any adjustments to the staff recommendations. Staff must follow legislated criteria to determine which applications are allowed under the Act and calculation for any adjustments required are based on assessment changes provided by MPAC. Staff decisions are not arbitrary and there is little room for interpretation with current procedures for applications under these sections.

Under requirements of the Act, municipalities must hold meetings where applicants may make representations to council. Historically, there has only been a couple of cases over the last 15 years where representations by applicants were made at council hearings. With delegation of authority, staff can directly satisfy meeting requirements of the Act by notifying applicants of decision, responding to questions, and setting meetings to discuss disagreements where necessary. Furthermore, where the applicant's disagreement with staff decisions cannot be resolved, applicants still have a final avenue of appeal available through the Assessment Review Board.

Staff have completed a municipal scan and found several municipalities currently delegate authority for property tax adjustments under these sections to municipal staff. These

municipalities include Cambridge, Guelph, Hamilton, Oshawa, Milton, Peterborough, Vaughan, and many others.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the 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:

Municipal Act, 2001, S.O. 2001, c.25, as amended.

APPROVED BY: Jonathan Lautenbach, Chief Financial Officer.

ATTACHMENTS:

Attachment A – Draft by-law to delegate council authority to adjust property taxes pursuant to Sections 354, 357, 358 and 359 of the Municipal Act to staff.

BY-LAW NUMBER 2024 –

OF THE

CORPORATION OF THE CITY OF KITCHENER

(being a by-law to delegate authority to adjust property taxes pursuant to Sections 354, 357, 358, 359 of the Municipal Act to staff)

WHEREAS Section 23.1, of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the Council of a municipality may, by by-law, delegate its powers and duties under this and any other Act to a person or body, subject to certain restrictions;

AND WHEREAS Council of the Corporation of the City of Kitchener for purposes of efficient management and service delivery, deems beneficial to delegate to staff the authority relating to the adjustment of property taxes under these sections;

AND WHEREAS Section 227 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, states that it is the role of the officers and employees of the municipality to carry out duties required under any applicable legislation and other duties assigned by the municipality;

AND WHEREAS pursuant to Section 354 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the treasurer of a local municipality shall remove unpaid taxes from the tax roll if,

- a. the council of the local municipality, on the recommendation of the treasurer, writes off the taxes as uncollectible;
- b. the taxes are no longer payable as a result of tax relief under section 319, 345, 357, 358, 362, 364, 365, 365.1 or 365.2 or a decision of any court; or
- c. the taxes are no longer payable pursuant to section 33 (1.1) of the Assessment Act.

AND WHEREAS pursuant to Section 357 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality may cancel, reduce, or refund taxes as follows:

a. as a result of a change event, as defined in clause (a) of the definition of "change event" in subsection 34 (2.2) of the Assessment Act, during the taxation year, the property or portion of the property is eligible to be reclassified in a different class of real property, as defined in regulations made under that Act, and that class has a lower tax ratio for the taxation year than the class the property or portion of the property is in before the change event, and no supplementary assessment is made in respect of the change event under subsection 34 (2) of the Assessment Act;

- b. the land has become vacant land or excess land during the year or during the preceding year after the return of the assessment roll for the preceding year;
- c. the land has become exempt from taxation during the year or during the preceding year after the return of the assessment roll for the preceding year;
- d. during the year or during the preceding year after the return of the assessment roll, a building on the land,
 - i. was razed by fire, demolition or otherwise, or
 - ii. was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage;
- d.1 the applicant is unable to pay taxes because of sickness or extreme poverty;
- e. a mobile unit on the land was removed during the year or during the preceding year after the return of the assessment roll for the preceding year;
- f. a person was overcharged due to a gross or manifest error that is clerical or factual in nature, including the transposition of figures, a typographical error or similar error but not an error in judgment in assessing the property; or
- g. repairs or renovations to the land prevented the normal use of the land for a period of at least three months during the year.

AND WHEREAS pursuant to Section 358 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, upon application to the treasurer of a local municipality made in accordance with this section, the local municipality may cancel, reduce or refund all or part of the taxes levied on land,

- a. in one or both of the two years preceding the year in which the application is made for any overcharge caused by a gross or manifest error in the preparation of the assessment roll that is clerical or factual in nature, including the transposition of figures, a typographical error or similar errors, but not an error in judgment in assessing the property; or
- b. in the year or years in respect of which an assessment is made under section 33 or 34 of the Assessment Act for any overcharge caused by a gross or manifest error in the preparation of the assessment that is clerical or factual in nature, including the transposition of figures, a typographical error or similar errors, but not an error in judgment in assessing the property.

AND WHEREAS pursuant to Section 359 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, upon application made by the treasurer of the local municipality, a local municipality may increase the taxes levied on land in the year in respect of which the application is made to the extent of any undercharge caused by a gross or manifest error that is a clerical or factual error, including the transposition of figures, a typographical error or similar error, but not an error in judgement in assessing the land.

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

 That on behalf of the City of Kitchener the authority to adjust property taxes under Sections 354, 357, 358 and 359 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, is delegated to the following staff or their successors thereof:

- Chief Financial Officer (CFO)
- Director of Revenue
- Manager of Taxation and Payment Processing
- A person who is appointed by the CFO or selected from time to time by one of the above delegates to act in their stead.

PASSED at the Council Chambers in the City of Kitchener this 29th day of April, 2024.

Mayor

Clerk

Staff Report

Financial Services Department



REPORT TO:	Committee of the Whole
DATE OF MEETING:	April 29, 2024
SUBMITTED BY:	Saleh, Saleh, Director of Revenue, 519-741-2200 ext. 7346
PREPARED BY:	Yang, Shanna, Revenue Analyst, 519-741-2200 ext. 7954
WARD(S) INVOLVED:	Ward(s) 8 & 10
DATE OF REPORT:	April 16, 2024
REPORT NO.:	FIN-2024-196
SUBJECT: the 2024 Tax Rate By-la	Downtown Kitchener BIA and Belmont BIA 2024 Budgets Referenced in aw

RECOMMENDATION:

That the 2024 Budgets for the Downtown Kitchener Business Improvement Area (BIA) and the Belmont Business Improvement Area (BIA) be approved pursuant to Section 205 (2) of the Municipal Act, 2001.

REPORT HIGHLIGHTS:

This report supports the delivery of core services.

BACKGROUND:

Section 205 (2) of the Act states that the board of management shall submit the budget to council by the date and in the form required by the municipality and the municipality may approve it in whole or in part but may not add expenditures to it.

REPORT:

The Downtown Kitchener BIA 2024 Budget was reviewed by the Board on August 23, 2023, and includes the following:

Levy	\$ 1,816,000
Expenses	\$ 1,816,000

(refer to Attachment A – Downtown Kitchener BIA)

The Belmont BIA 2024 Budget was reviewed by the Board on January 30, 2024 and includes the following:

Levy	\$ 48,624
Expenses	\$ 60,774

*** This information is available in accessible formats upon request. *** Please call 519-741-2345 or TTY 1-866-969-9994 for assistance. (refer to Attachment B – Belmont BIA).

Approving the budget is the last step required to be able to levy taxes on behalf of the BIAs.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

The 2024 BIA levy, once approved, will be used to determine BIA tax rates to be incorporated into the 2024 tax rate by-law.

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:

There are no previous reports/authorities related to this matter.

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

ATTACHMENTS:

Attachment A – Downtown Kitchener BIA Attachment B – Belmont Business Improvement Area

Downtown Kitchener BIA

Draft 2024 Budget

REVENUE	2023 Budget	2024 Budget
BIA Levy	1,485,000	1,816,000
Grant Funding	10,000	-
Injection from Surplus	220,000	-
TOTAL REVENUE	\$1,715,000	\$1,816,000
EXPENSES		
BEAUTIFY (ENHANCE)	45.000	00.000
Graffiti Removal	15,000	20,000
Patio Program	200,000	40,000
Horticulture (Contribution to the City of Kitchener) DTK Street Squad	50,000 10,000	50,000
DTK Art Walk	-	155,000
Window Decorating with Conestoga College	30,000	20,000
Keeping Downtown Clean (after 5pm waste removal)	50,000	60,000
TOTAL BEAUTIFY (ENHANCE)	\$405,000	\$345,000
ACTIVATE		
Kitchener-Waterloo Oktoberfest	30,000	30,000
Kitchener Blues Festival	40,000	45,000
Festivals (Contribution to the City of Kitchener)	50,000	50,000
Christkindl Market (Contribution to the City of Kitchener)	40,000	40,000
Hut Repair	10,000	-
Live Music Member Grant	90,000	60,000
Arts and Culture Activation	150,000	225,000
Community Builder Grant TOTAL ACTIVATE	60,000	30,000
TOTAL ACTIVATE	\$470,000	\$480,000
CONNECT		
DTK Resident Club	-	30,000
Marketing and Promotions	170,000	200,000
Social Media Program (Contract)	48,000	-
Downtown Safety	-	-
Downtown Dollars	11,000	20,000
TOTAL CONNECT	\$229,000	\$250,000
GENERAL & ADMIN	\$139,000	\$155,000
OFFICE MOVE	\$18,000	\$0
MEMBER RELATIONS	\$7,000	\$7,000
MEETINGS & PROFESSIONAL DEVELOPMENT	\$19,000	\$20,000
HR EXPENSES	\$443,000	\$566,000
TOTAL EXPENSES	\$1,730,000	\$1,816,000

City of Kitchener BIA 2024 Budget Comments August 14, 2023

The BIA team, and the BIA Board are significant contributors to the life and vibrancy of downtown Kitchener. The economic development team would be unable to realize its downtown objectives without the BIA's investments. Please accept the follow comments as background and context as the Board considers the BIA's 2024 expenditures.

Horticulture/Operations

Pre-pandemic there was a request from the downtown businesses to enhance and upgrade the plant materials in DTK to support beautification efforts. The city's horticulture team was able to do this with horticulture support from the BIA. In 2020, the city received a written complaint from several developers and building owners requesting that the city further enhance and address the DTK beautification efforts.

Over the last 3 years the Parks/Operations team from the City of Kitchener has added resources (human and financial) to support the maintenance and horticulture efforts in downtown Kitchener. For many years, both Economic Development (Downtown) and the Downtown Kitchener BIA have contributed to these efforts. The BIA has contributed \$50,000/year in support of this work.

Beginning in the fall of 2020 a dedicated DTK Operations team was established. This team works directly with the horticulture team within the city's Parks department. The following investments have been made by the municipality over the last three years:

Capital

Tree, concrete and paver replacements Electrical and irrigation system upgrades Carl Zehr Square updates

Operating

Addition of downtown operations staff and resources Expanded horticulture efforts (plant materials, watering, seasonal plantings) Support for BIA patio planters (material and maintenance)

The BIA's continued support of the horticulture program is essential to maintaining the current standard. Changes in funding would directly hinder the operational and horticulture efforts in DTK. Current funding is required to maintain staffing and service levels.

Special Events

The BIA has a tradition of support and collaboration with the Economic Development Special Events team, and the numerous community partners who host, run, and animate large scale events in

downtown Kitchener. The vibrancy we have come to expect is the result of both large- and small-scale activations. Large scale activations will continue to draw thousands of people to the core who will experience DTK in new ways. Each impression is critical in shaping the DTK story and furthering the feeling that DTK is safe, vibrant, and open for business. The 2023 edition of Cruising on King is a perfect example, where nearly 16,000 individual cell phone users were captured.

The Special Events team, under Manager Steve Roth, has been using the 2023 season to assess, collect data, and review operational processes to consider how best to strategically deliver exceptional event experiences. The Special Events (SE) team co-ordinates and/or supports all aspects of the large-scale events. In 2023, these include, but is not limited to:

- Tri-Pride
- KW Multicultural Festival
- Canada Day
- Ribfest
- Cruising on King
- Wayback Festival
- KidsPark
- Oktoberfest
- Christkindl

The SE team has embarked on a data collection exercise to assess and understand the reach and impact of each event. 2023 was a first step toward gathering and understanding the data, with the aim of tailoring the event activities, understanding event demographics, and expanding the data collection exercise into 2024 and 2025.

The BIA's support for DTK activations is critical and necessary to realize the breadth and scale of the events that animate the downtown. It has always been essential to draw upon many partners, collaborators, and contributors and this will be even more critical as the cost to support events and community partners increases.

In a recent meeting with city staff, Linda Jutzi, BIA ED shared that moving forward the BIA would welcome opportunities to:

- add or tweak event programming to animate King Street during business operating hours.
- work more collaboratively to review event outcomes to align better with shared objectives.

The city is open to a dialogue on how to incorporate the BIA's concerns and to address the evolving needs of downtown businesses and partners. The city believes that there is significant synergy between the BIA's recently approved strategic priorities, the community led DTK Visioning exercise, and the strategic priorities set out for the SE team. Council recently approved strategic priorities (2023-2027) that include a focus on special events, highlighting the significance of this community benefit. The city welcomes the opportunity to work in partnership with the BIA.

The BIA's support (\$50,000 for large events, and \$40,000 for Christkindl) is essential to the event portfolio. It is the city's request that the BIA continue its support of special events and the vibrancy and economic contribution that activations provide to DTK.

Belmont Business Improvement Area (Belmont BIA)

REVENUE 44,822.00 \$44,797 48,624 Other Income 14,100.00 \$9,773 48,624 Total Revenue 58,922.00 \$54,570 48,624 EXPENSES Administration and General Improvement Projects 39,688.00 \$43,005 39,774 Improvement Projects 1,900.00 \$226 3,300 \$226 3,300 Events & Promotions \$3,962 9,500 \$17,334.00 \$0 \$17,950.00 \$0 Total Expenses 76,872.00 \$47,193 60,774 60,774 Net Revenue (Expenses) -17,950.00 \$7,377 -12,150 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289 56,139		Budget 2023	Actual 2023	Budget 2024
Other Income 14,100.00 \$9,773 Total Revenue 58,922.00 \$54,570 48,624 EXPENSES Administration and General Improvement Projects 39,688.00 \$43,005 39,774 Improvement Projects 1,900.00 \$226 3,300 \$226 3,300 Digital Marketing \$226 3,300 \$226 3,300 Events & Promotions \$3,962 9,500 \$3,962 9,500 BIA Boundary Expansion Project 7,750 7,750 \$17,934.00 \$0 Summer Project 17,950.00 \$0 \$0 \$0 Total Expenses 76,872.00 \$47,193 60,774 Net Revenue (Expenses) -17,950.00 \$7,377 -12,150 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289	REVENUE			
Total Revenue 58,922.00 \$54,570 48,624 EXPENSES Administration and General Improvement Projects 39,688.00 \$43,005 39,774 Improvement Projects 1,900.00 \$226 3,300 \$226 3,300 Digital Marketing \$226 3,300 \$226 3,300 \$226 3,300 Events & Promotions \$3,962 9,500 \$3,962 9,500 \$3,962 9,500 BIA Boundary Expansion Project 7,750 7,750 7,750 \$30 \$450 Marketing 17,334.00 \$0 \$0 \$0 \$0 \$0 Total Expenses 76,872.00 \$47,193 60,774 \$0,774 \$0,912.00 \$60,912 68,289 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289 \$0	City of Kitchener BIA Levy	44,822.00	\$44,797	48,624
EXPENSES Administration and General 39,688.00 \$43,005 39,774 Improvement Projects 1,900.00 \$226 3,300 Digital Marketing \$226 3,300 Events & Promotions \$3,962 9,500 BIA Boundary Expansion Project 7,750 Finance 450 Marketing 17,334.00 \$0 Summer Project 17,950.00 \$0 Total Expenses 76,872.00 \$47,193 60,774 Net Revenue (Expenses) -17,950.00 \$7,377 -12,150 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289	Other Income	14,100.00	\$9,773	
Administration and General 39,688.00 \$43,005 39,774 Improvement Projects 1,900.00 \$226 3,300 Digital Marketing \$226 3,300 Events & Promotions \$3,962 9,500 BIA Boundary Expansion Project 7,750 Finance 450 Marketing 17,334.00 \$0 Summer Project 17,950.00 \$0 Total Expenses 76,872.00 \$47,193 60,774 Net Revenue (Expenses) -17,950.00 \$7,377 -12,150 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289	Total Revenue	58,922.00	\$54,570	48,624
Improvement Projects 1,900.00 Digital Marketing \$226 Events & Promotions \$3,962 BIA Boundary Expansion Project 7,750 Finance 450 Marketing 17,334.00 Summer Project 17,950.00 Total Expenses 76,872.00 \$47,193 Net Revenue (Expenses) -17,950.00 \$7,377 Accumulated Surplus, beginning of year 60,912.00 \$60,912	EXPENSES			
Digital Marketing \$226 3,300 Events & Promotions \$3,962 9,500 BIA Boundary Expansion Project 7,750 Finance 450 Marketing 17,334.00 \$0 Summer Project 17,950.00 \$0 Total Expenses 76,872.00 \$47,193 60,774 Net Revenue (Expenses) -17,950.00 \$7,377 -12,150 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289	Administration and General	39,688.00	\$43,005	39,774
Events & Promotions \$3,962 9,500 BIA Boundary Expansion Project 7,750 Finance 450 Marketing 17,334.00 \$0 Summer Project 17,950.00 \$0 Total Expenses 76,872.00 \$47,193 60,774 Net Revenue (Expenses) -17,950.00 \$7,377 -12,150 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289	Improvement Projects	1,900.00		
BIA Boundary Expansion Project 7,750 Finance 450 Marketing 17,334.00 \$0 Summer Project 17,950.00 \$0 Total Expenses 76,872.00 \$47,193 60,774 Net Revenue (Expenses) -17,950.00 \$7,377 -12,150 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289	Digital Marketing		\$226	3,300
Finance 450 Marketing 17,334.00 \$0 Summer Project 17,950.00 \$0 Total Expenses 76,872.00 \$47,193 60,774 Net Revenue (Expenses) -17,950.00 \$7,377 -12,150 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289	Events & Promotions		\$3,962	9,500
Marketing 17,334.00 \$0 Summer Project 17,950.00 \$0 Total Expenses 76,872.00 \$47,193 60,774 Net Revenue (Expenses) -17,950.00 \$7,377 -12,150 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289	BIA Boundary Expansion Project			7,750
Summer Project 17,950.00 \$0 Total Expenses 76,872.00 \$47,193 60,774 Net Revenue (Expenses) -17,950.00 \$7,377 -12,150 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289	Finance			450
Total Expenses 76,872.00 \$47,193 60,774 Net Revenue (Expenses) -17,950.00 \$7,377 -12,150 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289	Marketing	17,334.00	\$0	
Net Revenue (Expenses) -17,950.00 \$7,377 -12,150 Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289	Summer Project	17,950.00	\$0	
Accumulated Surplus, beginning of year 60,912.00 \$60,912 68,289	Total Expenses	76,872.00	\$47,193	60,774
	Net Revenue (Expenses)	-17,950.00	\$7,377	-12,150
	Accumulated Surplus, beginning of year	60,912.00	\$60,912	68,289
	· · · ·	42,962.00		

Note: the \$68,289 surplus is made up of \$14,789 cash and the \$53,500 fixed assets.

Proposed Budget

REVENUE

Notes on Belmont BIA 2024





REPORT TO:	Committee of the Whole
DATE OF MEETING:	April 29, 2024
SUBMITTED BY:	Garett Stevenson, Director of Development and Housing Approvals, 519-741-2200 ext. 7860
PREPARED BY:	Tim Seyler, Senior Planner, 519-741-2200 ext. 7860
WARD INVOLVED:	Ward 9
DATE OF REPORT:	April 24, 2024
REPORT NO.:	DSD-2024-209
SUBJECT:	Part Lot Control Exemption – PLC24/001/K/TS 387 & 397 King Street East 2296093 Ontario Inc.

RECOMMENDATION:

That the City of Kitchener, grant approval to Part Lot Control Exemption Bylaw PLC24/001/K/TS for 387 &397 King Street East to exempt certain lots from Part Lot Control - Part of Lots 16 or 15 (Hueglin) & Part of Lots 17 (B. Moogk) & 18, South Side of King Street, Registered Plan 364, Part of Lot 19, South Site of King Street, Registered Plan 365, and further,

That the City Solicitor be authorized to execute and register an agreement with the Owner pursuant to Section 118 of the Land Titles Act in relation to the property legally described as Part of Lots 16 or 15 (Hueglin) & Part of Lots 17 (B. Moogk) & 18, South Side of King Street, Registered Plan 364, Part of Lot 19, South Site of King Street, Registered Plan 365

REPORT HIGHLIGHTS:

- The purpose of this report is to provide a recommendation to approve the proposed Part Lot Control exemption By-law for the property at 387 & 397 King Street East.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The owner 2296093 Ontario Inc. is proposing a part lot control exemption to create a strata plan for the property containing 8 part lots.

The subject property is an irregular shaped lot, with frontage onto King Street East, Charles Street East, Madison Avenue South, and Cedar Street South. The property has received site

*** This information is available in accessible formats upon request. *** Please call 519-741-2345 or TTY 1-866-969-9994 for assistance. plan approval in 2018 for 2 buildings, one containing a 2-storey building with ground floor commercial and a 2nd storey office space. The other building consists of an 8-storey building containing ground floor commercial and the remaining floors are residential containing 60 residential units (Site Plan Application SP18/063/K/LT).

This application is in conjunction with a Common Element Condominium application that has been circulated and currently under review. Each of the buildings within the parcel of tied lands will also be making a future standard condominium applications to further delineate the units.



Figure 1: Location map

REPORT:

The owner 2296093 Ontario Inc. is proposing a part lot control exemption to create a strata plan for the property containing 8 part lots. 1 parcel of tied land will consist of a twostorey commercial office building, 1 parcel of tied land will consist of an eight storey mixed use building, 5 part lots will consist of various mechanical rooms, and 1 for a maintenance easement. This application is in conjunction with a Common Element Condominium application that has been circulated and currently under review. Each of the buildings within the parcel of tied lands will also be applying for standard condominium applications.

Each parcel of tied land created will be required to be a separate conveyance in order to be dealt with separately, and for this purpose the part lot control exemption process has been requested.

An agreement under Section 118 of the Land Titles Act will be required in order to ensure that the POTL's will not be conveyed until the standard condominium applications are registered without the City's permission. The Section 118 agreement will be released from title when both POTLs are registered.

Registered plan 58R-22006 was submitted and approved by the Land Registry office as part of this application.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the 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.

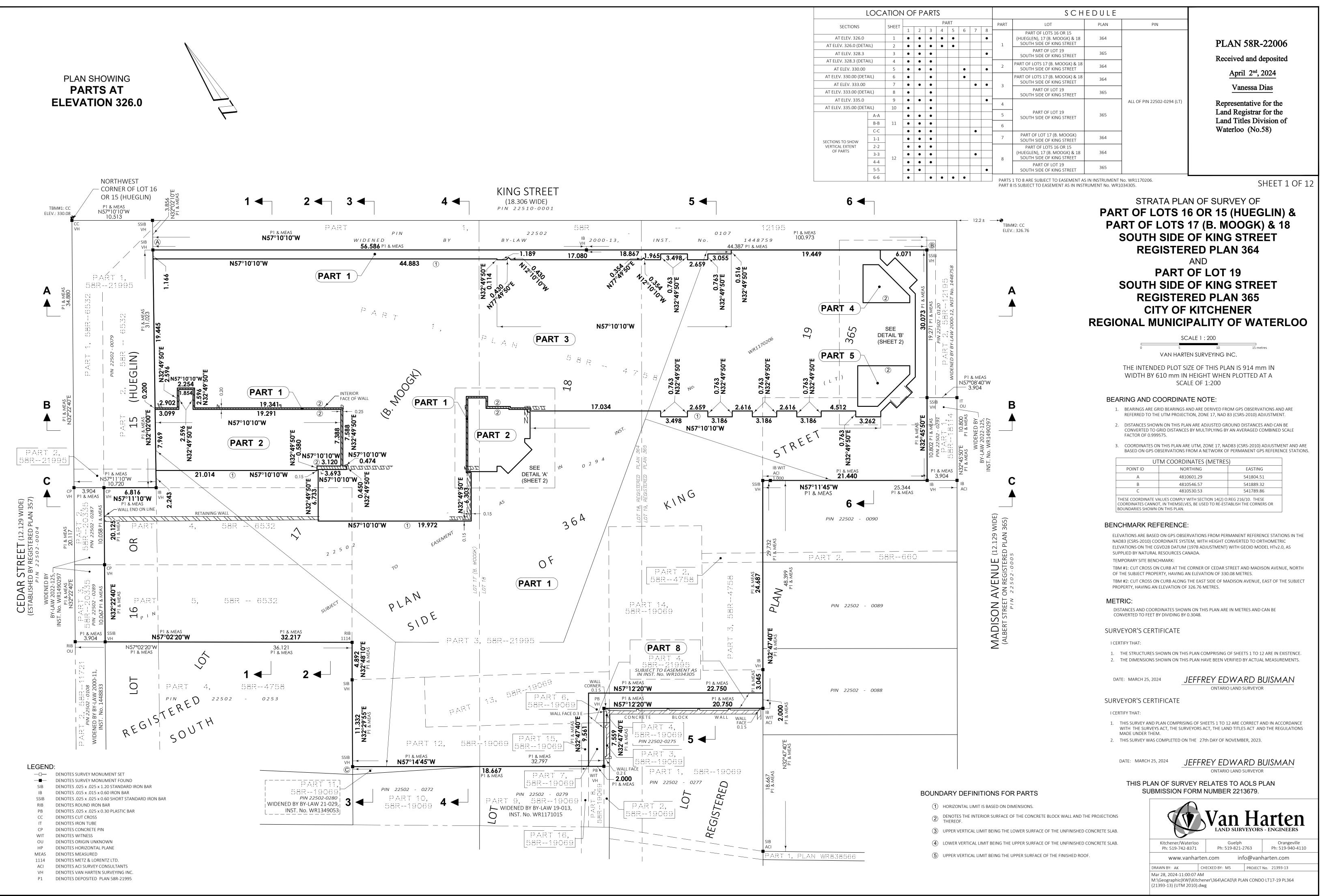
PREVIOUS REPORTS/AUTHORITIES:

- Planning Act
- Land Titles Act
- Condominium Act, 1998
- MUN-PLA-1072

APPROVED BY: Justin Readman - General Manager, Development Services

ATTACHMENTS:

Appendix "A" - Registered Plan 58R-22006 Appendix "B" - Approved Site Plan SP18/063/K/TS Appendix "C" - Proposed Part Lot Control By-law



	LOCA	ATION	10
SECTIONS		SHEET	1
AT ELEV. 326.0		1	•
AT ELEV. 326.0 (DETA	AIL)	2	•
AT ELEV. 328.3		3	•
AT ELEV. 328.3 (DETA	AIL)	4	•
AT ELEV. 330.00		5	•
AT ELEV. 330.00 (DET.	AIL)	6	٠
AT ELEV. 333.00		7	•
AT ELEV. 333.00 (DET.	AIL)	8	•
AT ELEV. 335.0	AT ELEV. 335.0		•
AT ELEV. 335.00 (DET.	AT ELEV. 335.00 (DETAIL)		•
	A-A	11	•
	B-B		•
	C-C		•
SECTIONS TO SHOW	1-1		•
VERTICAL EXTENT	2-2		•
OF PARTS	3-3	12	•
	4-4	12	•
	5-5		•
	6-6		•

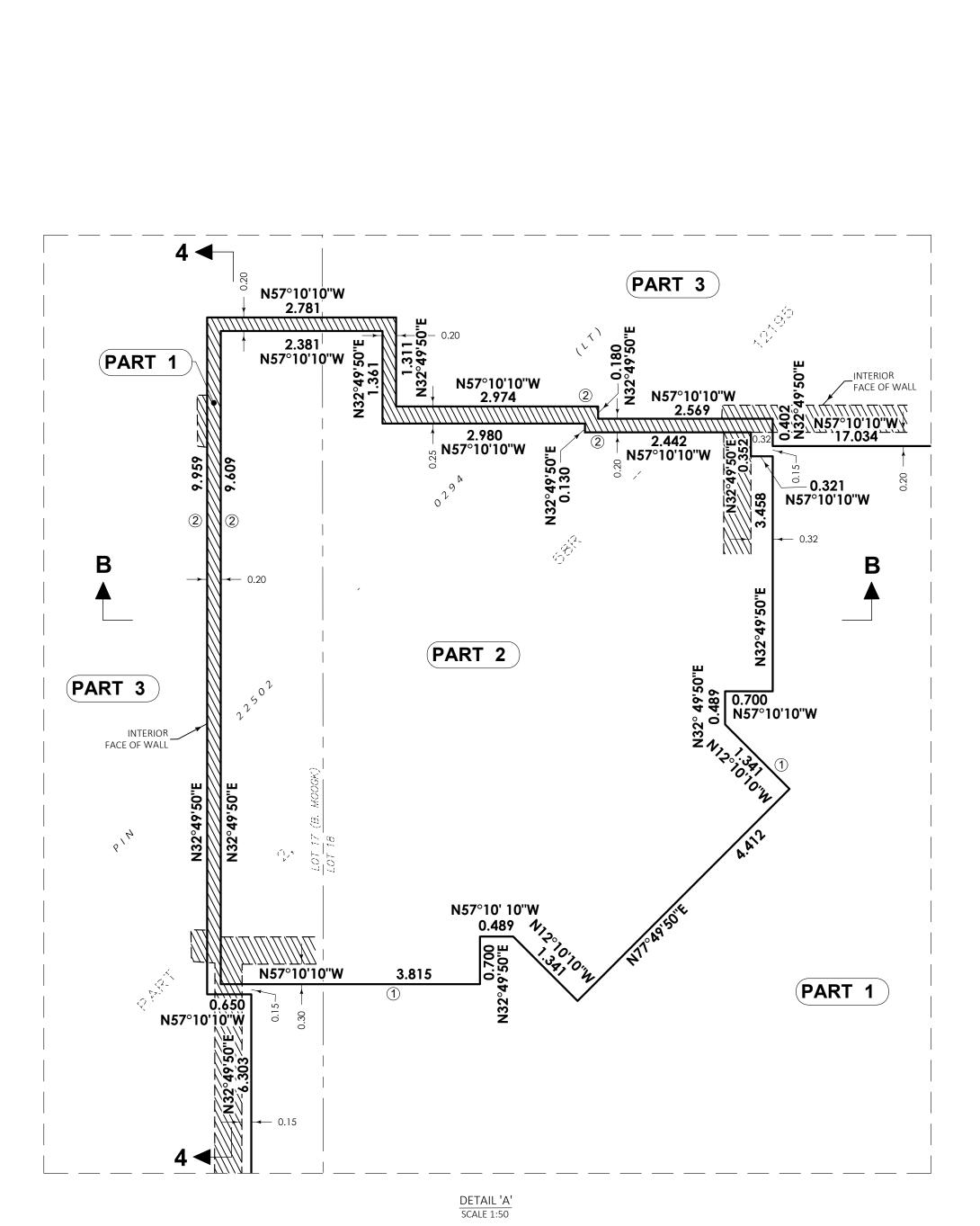
Page 30 of 45



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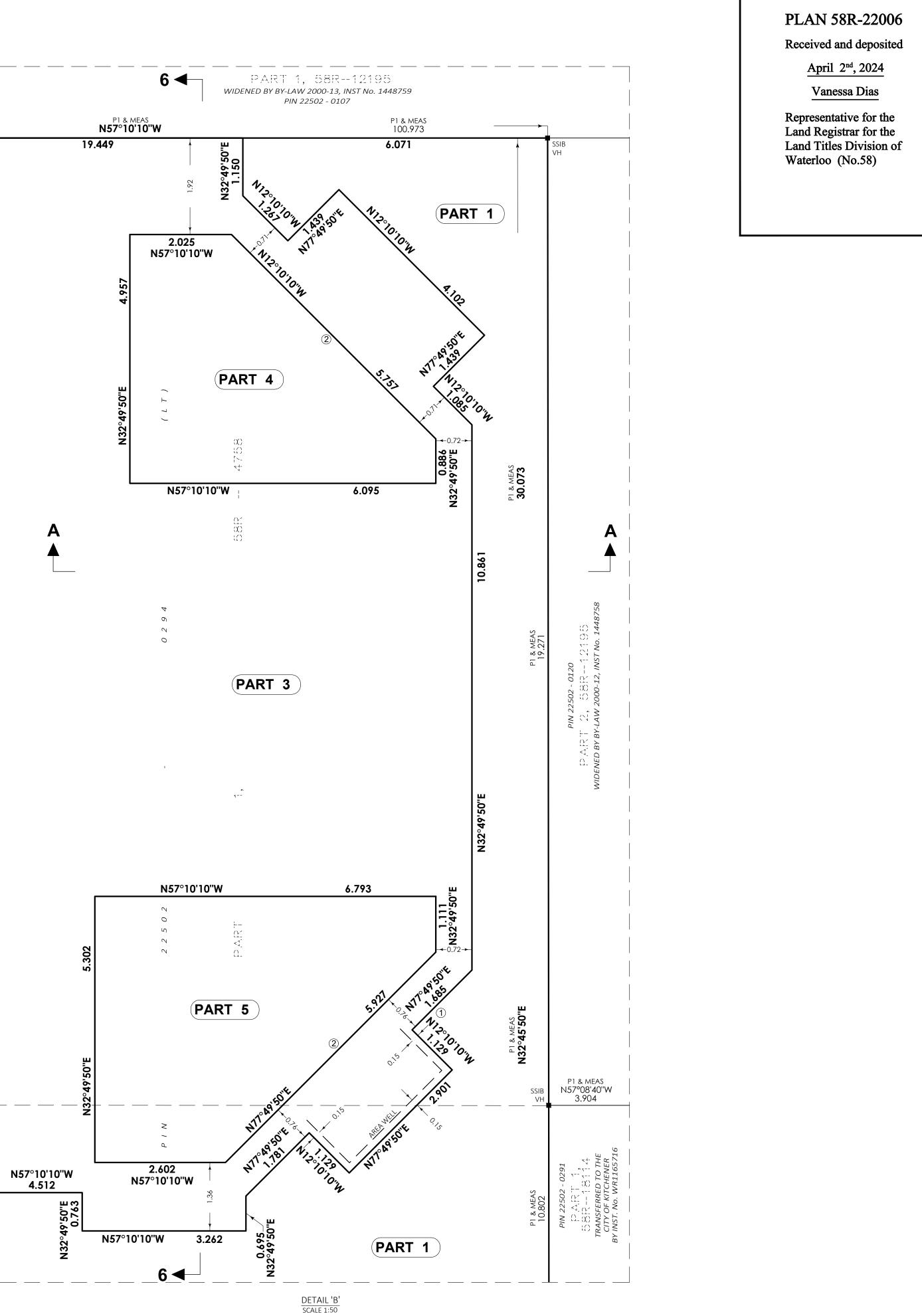
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VAN HARTEN SURVEYING INC.

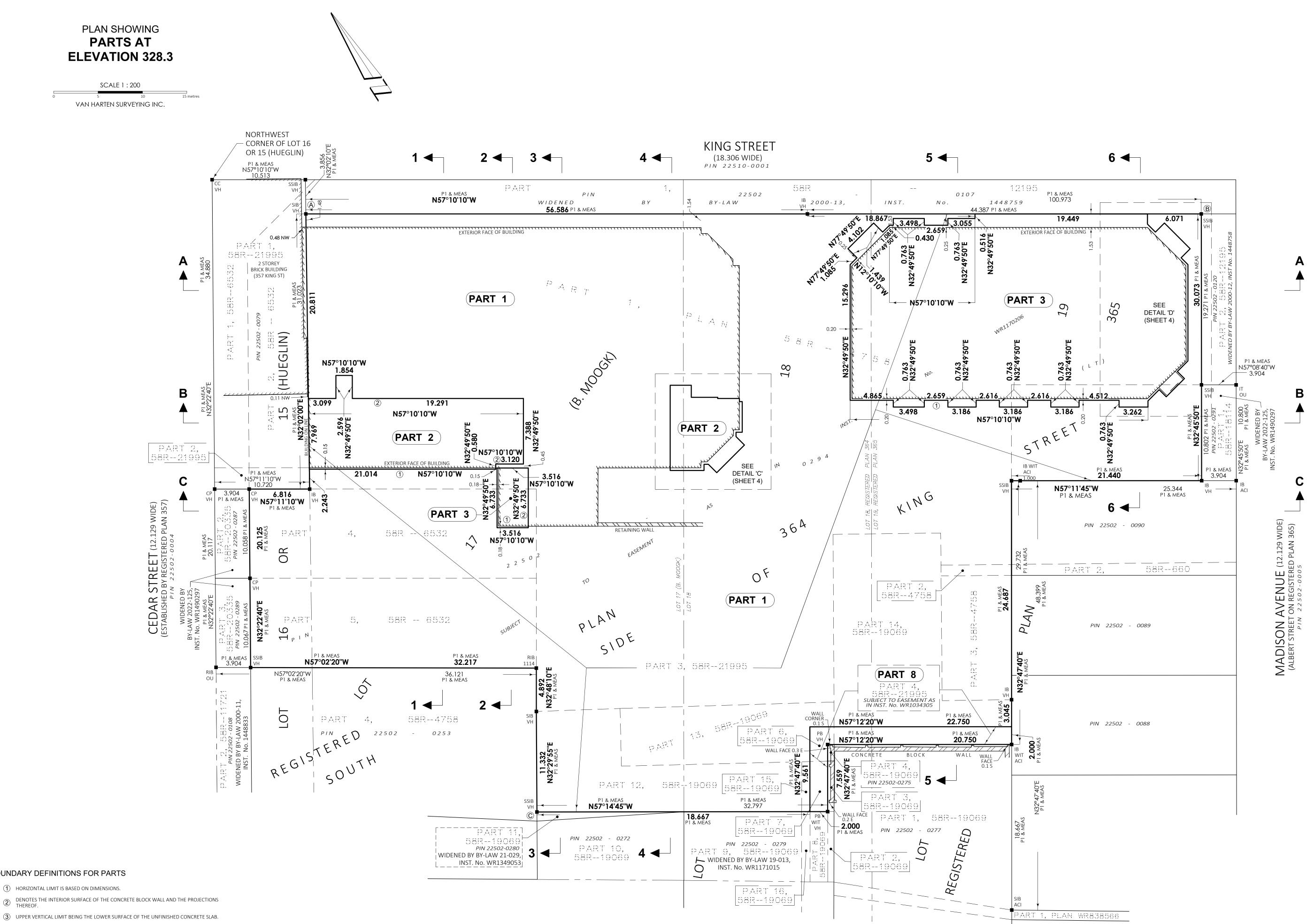


BOUNDARY DEFINITIONS FOR PARTS

- 1 HORIZONTAL LIMIT IS BASED ON DIMENSIONS.
- ② DENOTES THE INTERIOR SURFACE OF THE CONCRETE BLOCK WALL AND THE PROJECTIONS THEREOF.
- ③ UPPER VERTICAL LIMIT BEING THE LOWER SURFACE OF THE UNFINISHED CONCRETE SLAB.
- (4) LOWER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE UNFINISHED CONCRETE SLAB.
- (5) UPPER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE FINISHED ROOF.



SHEET 2 OF 12



BOUNDARY DEFINITIONS FOR PARTS

(1) HORIZONTAL LIMIT IS BASED ON DIMENSIONS.

- (3) UPPER VERTICAL LIMIT BEING THE LOWER SURFACE OF THE UNFINISHED CONCRETE SLAB.
- (4) LOWER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE UNFINISHED CONCRETE SLAB.
- (5) UPPER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE FINISHED ROOF.

SHEET 3 OF 12

PLAN 58R-22006

Received and deposited

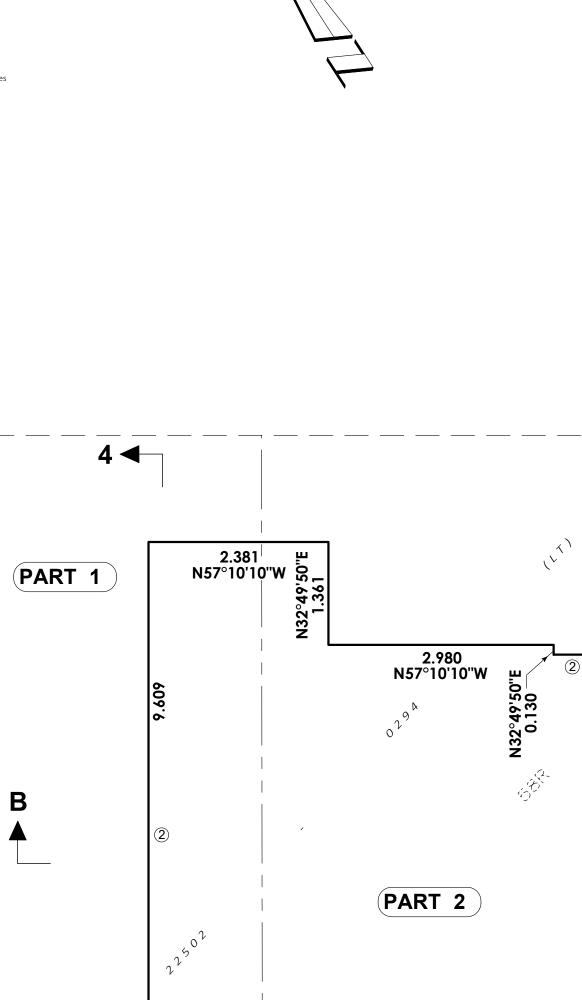
April 2nd, 2024 Vanessa Dias



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VAN HARTEN SURVEYING INC.



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DETAIL 'C' SCALE 1:50

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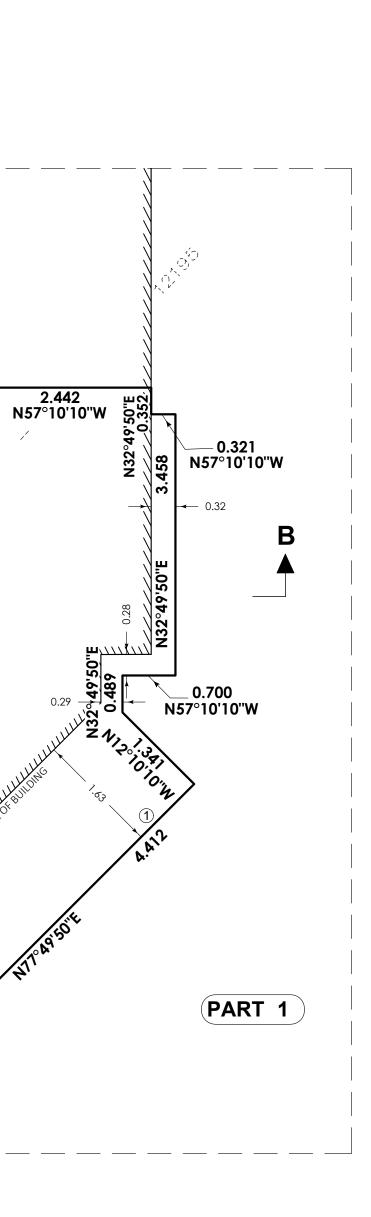
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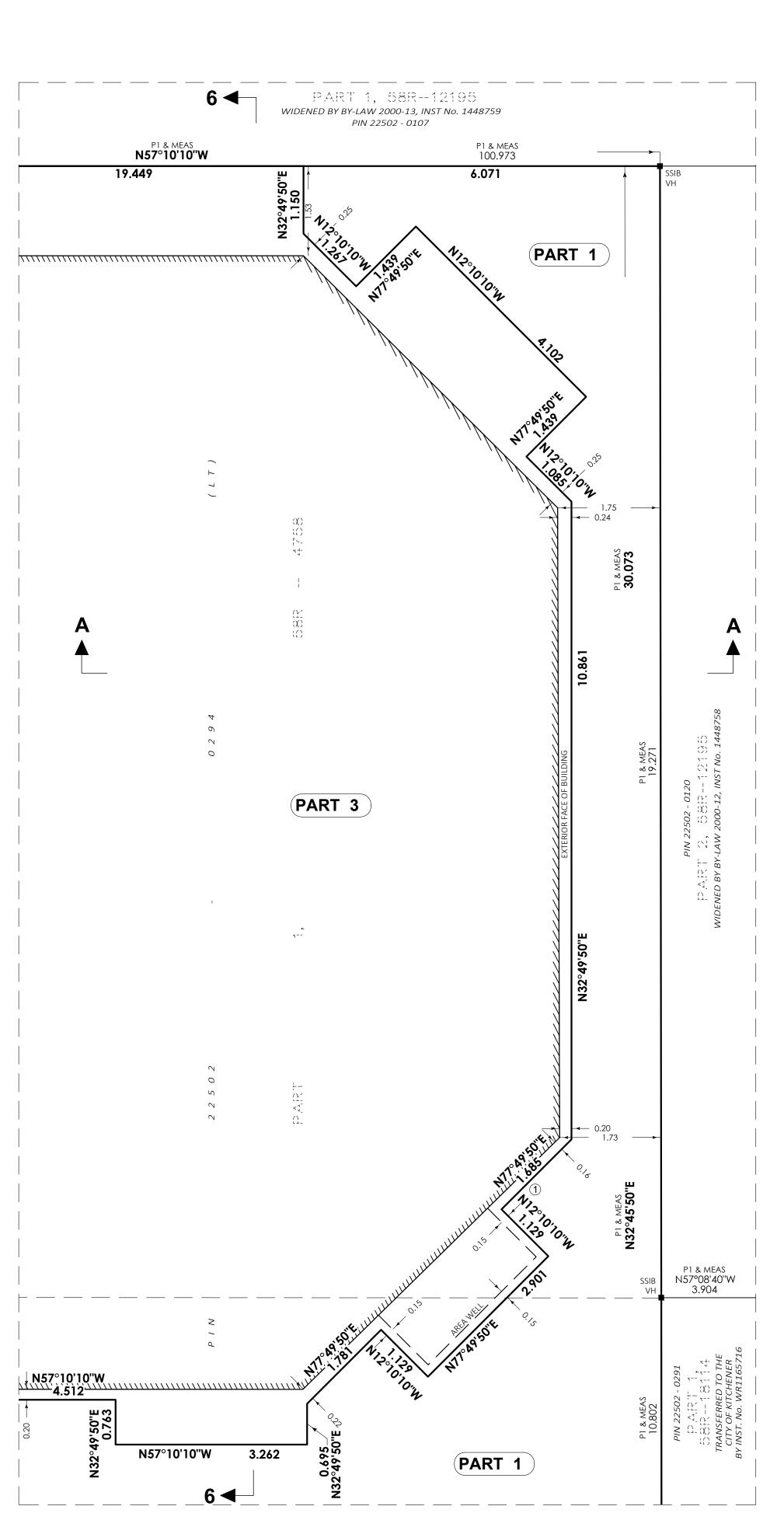
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BOUNDARY DEFINITIONS FOR PARTS

- () HORIZONTAL LIMIT IS BASED ON DIMENSIONS.
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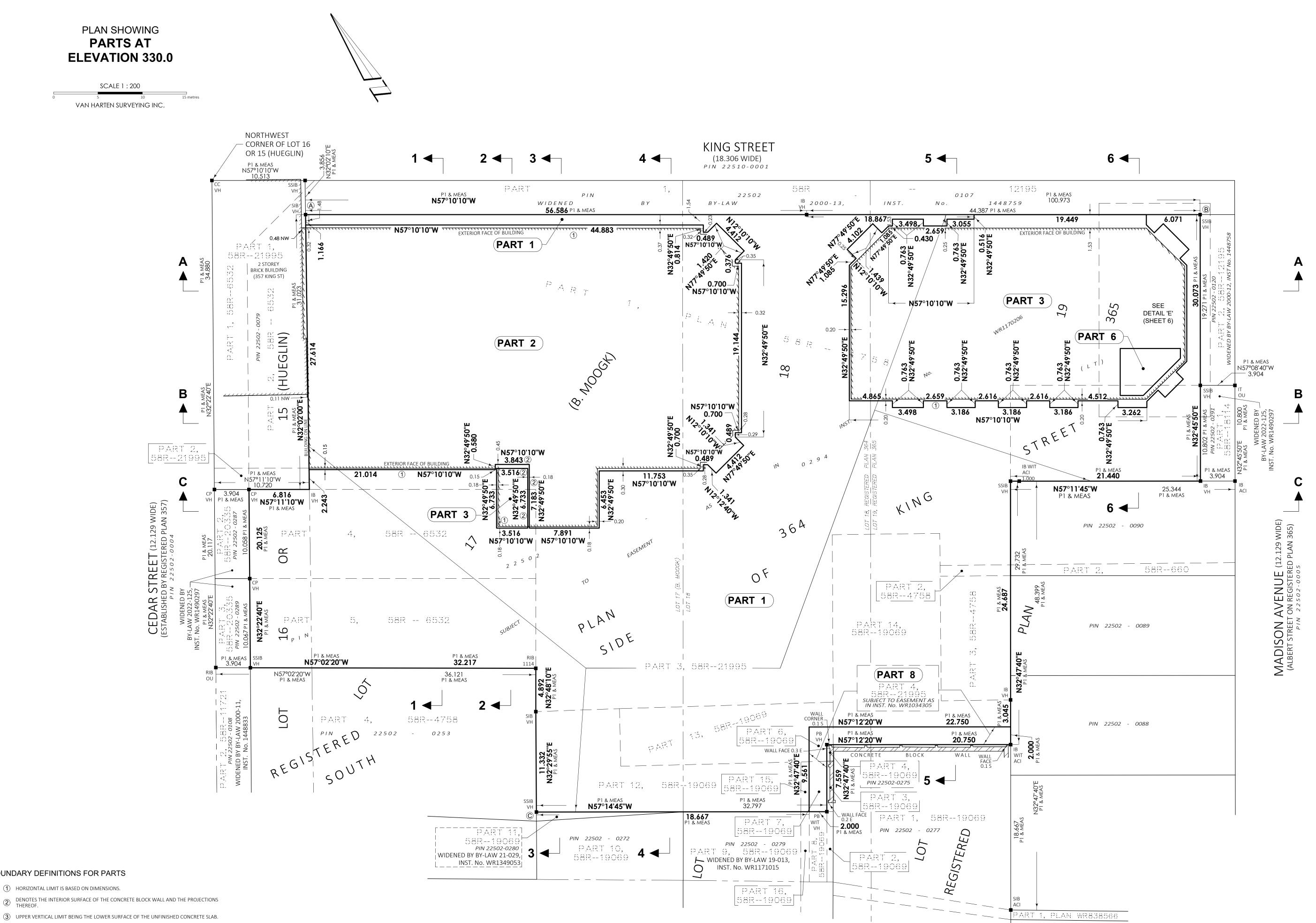


SHEET 4 OF 12

PLAN 58R-22006

Received and deposited

April 2nd, 2024 Vanessa Dias



BOUNDARY DEFINITIONS FOR PARTS

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- (5) UPPER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE FINISHED ROOF.

SHEET 5 OF 12

PLAN 58R-22006

Received and deposited

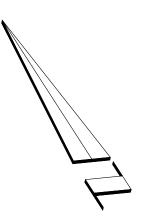
April 2nd, 2024 Vanessa Dias

DETAIL 'E' SHOWING PARTS AT ELEVATION 330.0

SCALE 1 : 50

VAN HARTEN SURVEYING INC.

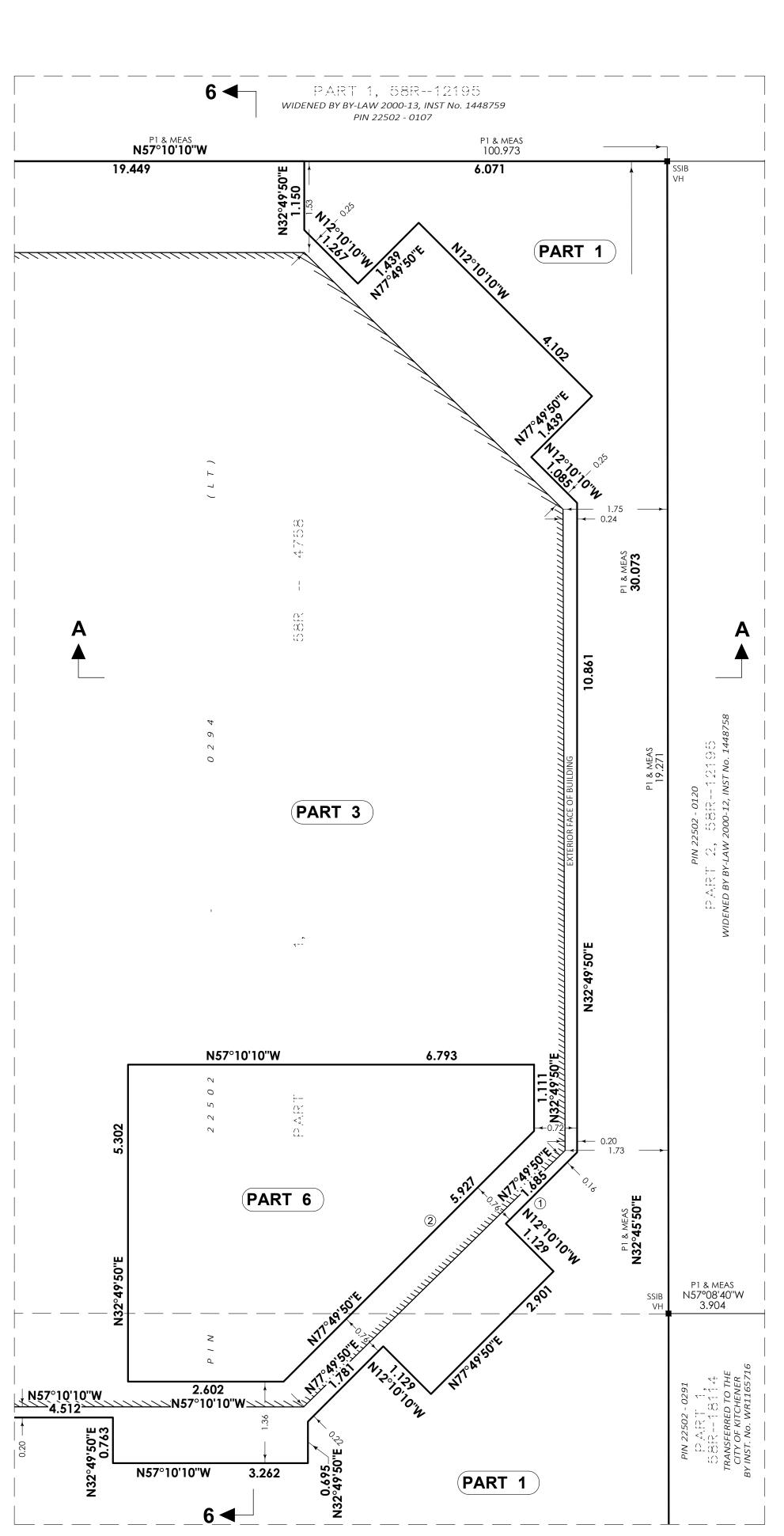
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BOUNDARY DEFINITIONS FOR PARTS

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- (5) UPPER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE FINISHED ROOF.



PLAN 58R-22006 Received and deposited

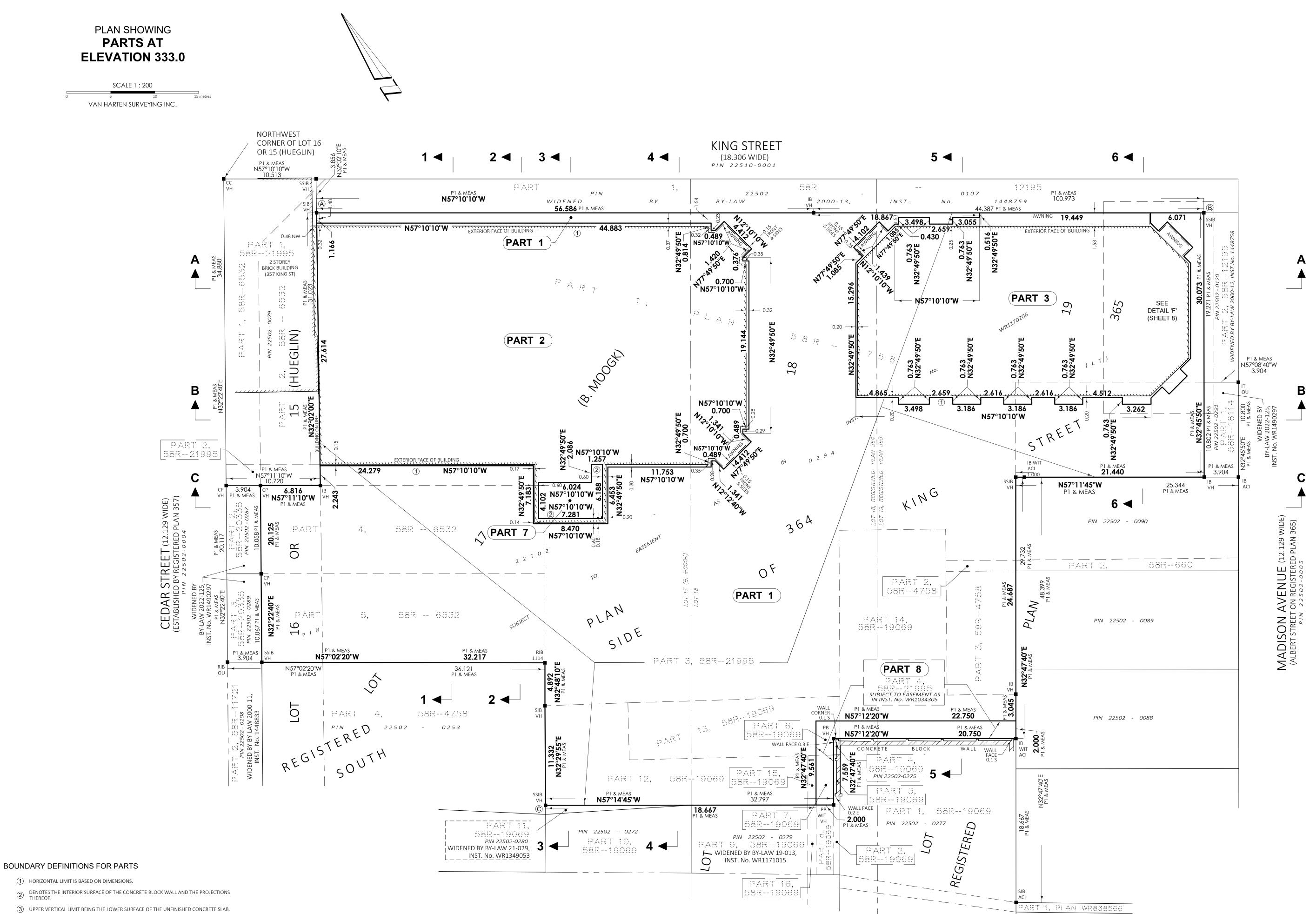
SHEET 6 OF 12

April 2nd, 2024

Vanessa Dias

Representative for the Land Registrar for the Land Titles Division of Waterloo (No.58)

DETAIL 'E' SCALE 1:50



(1) HORIZONTAL LIMIT IS BASED ON DIMENSIONS.

- (3) UPPER VERTICAL LIMIT BEING THE LOWER SURFACE OF THE UNFINISHED CONCRETE SLAB.
- (4) LOWER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE UNFINISHED CONCRETE SLAB.

(5) UPPER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE FINISHED ROOF.

SHEET 7 OF 12

PLAN 58R-22006

Received and deposited

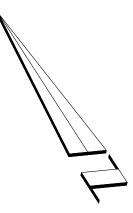
April 2nd, 2024 Vanessa Dias

DETAIL 'F' SHOWING PARTS AT ELEVATION 333.0

SCALE 1 : 50

VAN HARTEN SURVEYING INC.

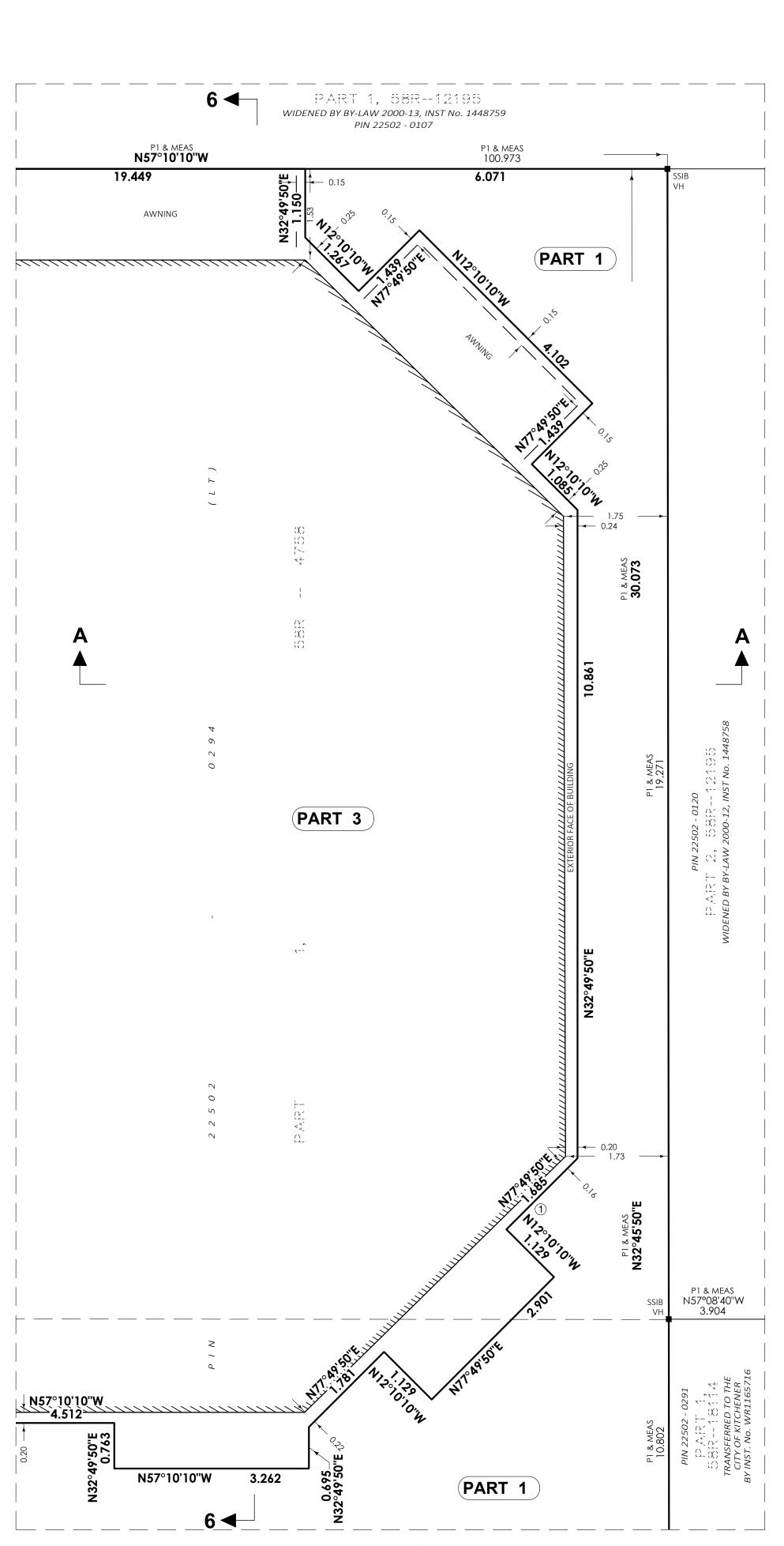
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BOUNDARY DEFINITIONS FOR PARTS

(1) HORIZONTAL LIMIT IS BASED ON DIMENSIONS.

- 2 DENOTES THE INTERIOR SURFACE OF THE CONCRETE BLOCK WALL AND THE PROJECTIONS THEREOF.
- (3) UPPER VERTICAL LIMIT BEING THE LOWER SURFACE OF THE UNFINISHED CONCRETE SLAB.
- (4) LOWER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE UNFINISHED CONCRETE SLAB.
- (5) UPPER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE FINISHED ROOF.



DETAIL 'F' SCALE 1:50

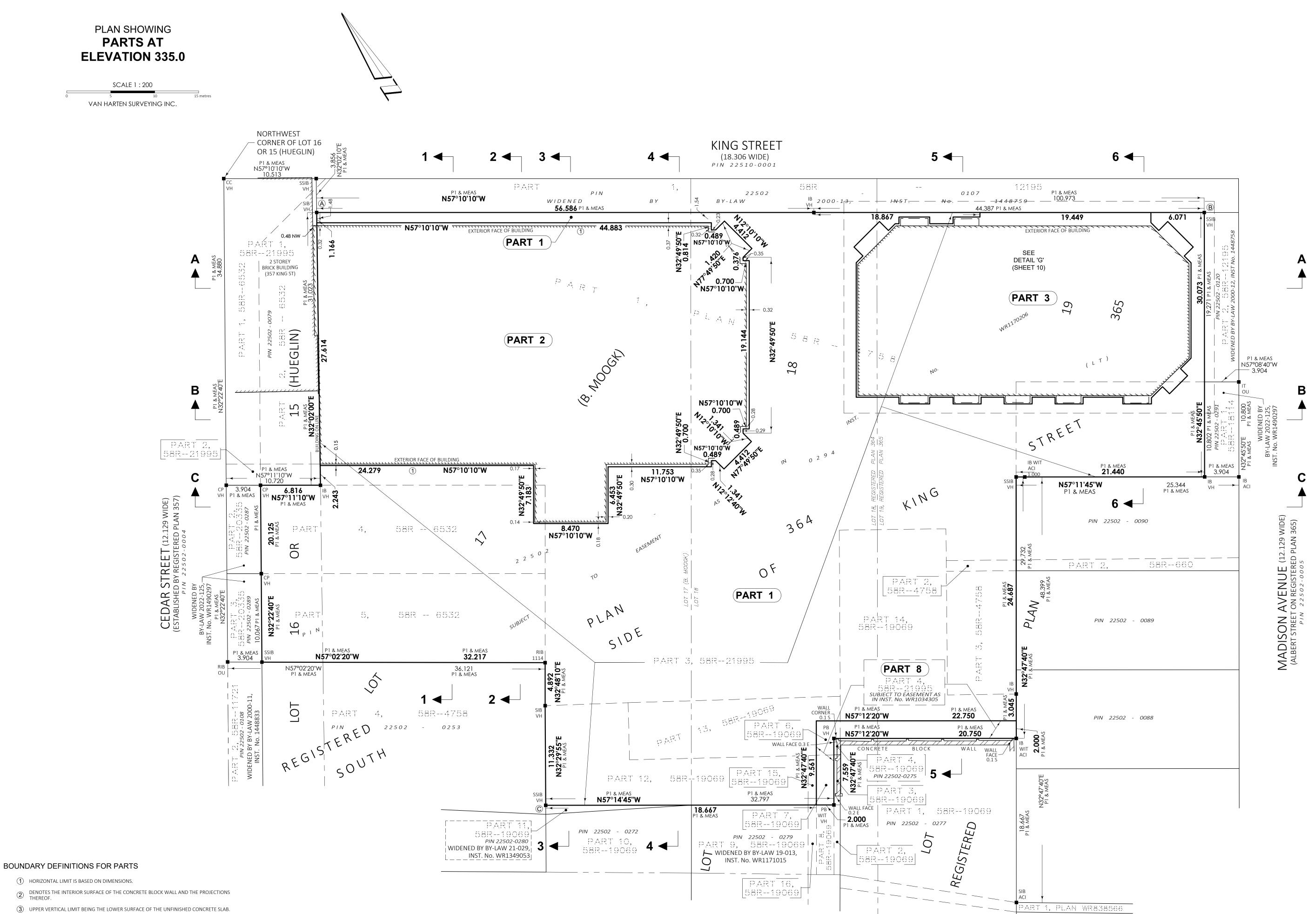
SHEET 8 OF 12

PLAN 58R-22006

Received and deposited

<u>April 2nd, 2024</u>

Vanessa Dias



(1) HORIZONTAL LIMIT IS BASED ON DIMENSIONS.

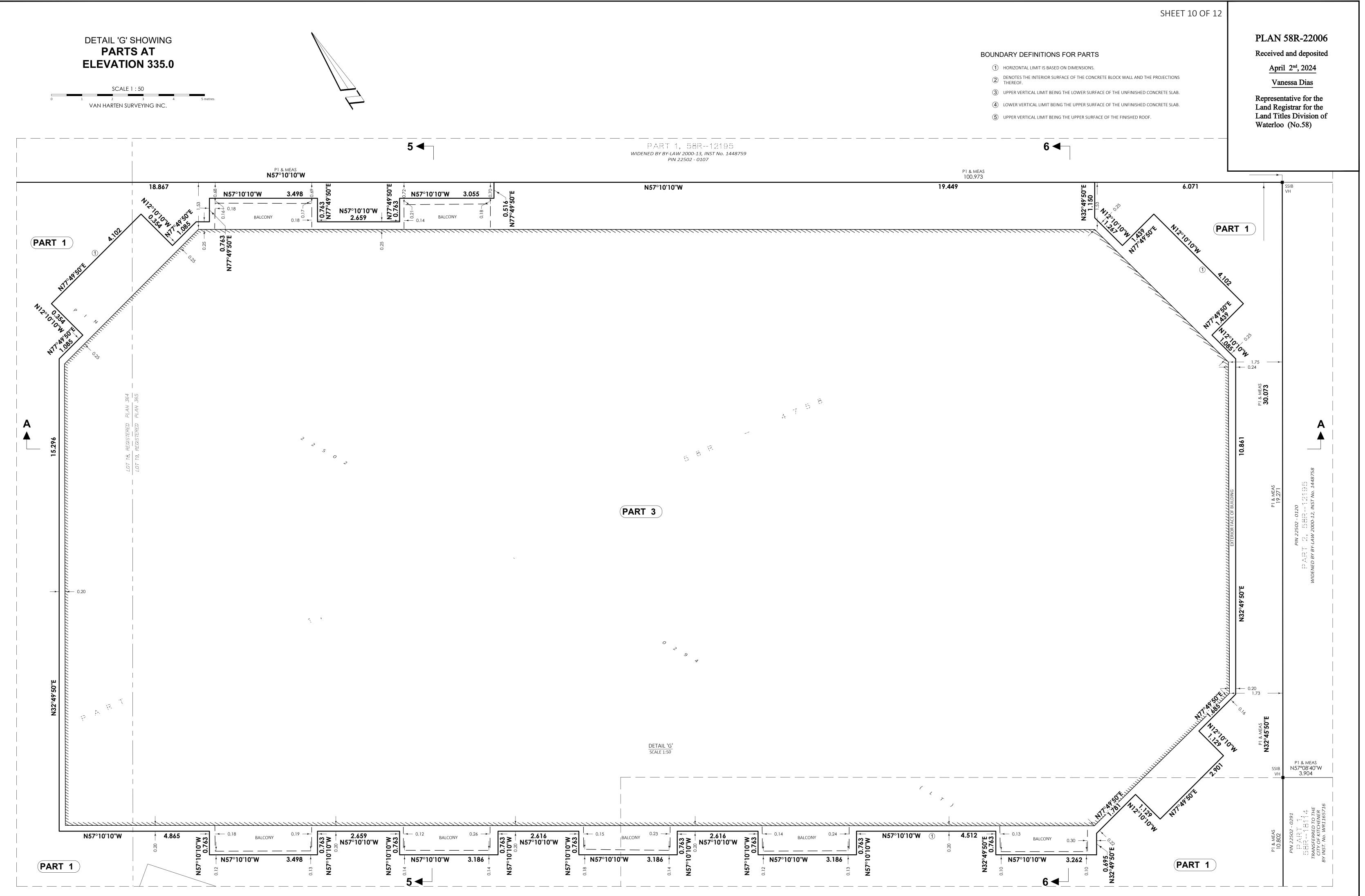
- (3) UPPER VERTICAL LIMIT BEING THE LOWER SURFACE OF THE UNFINISHED CONCRETE SLAB.
- (4) LOWER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE UNFINISHED CONCRETE SLAB.
- (5) UPPER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE FINISHED ROOF.

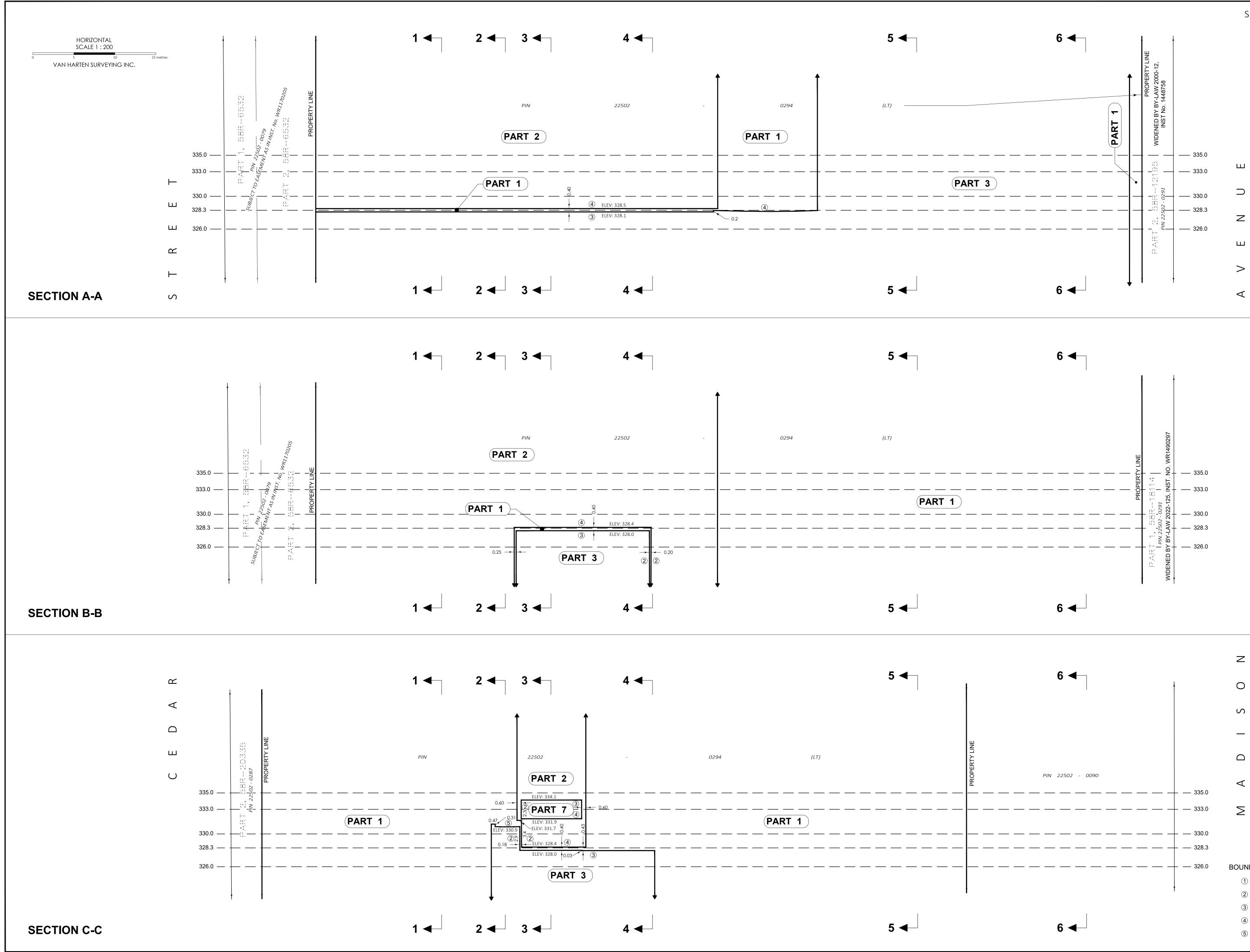
SHEET 9 OF 12

PLAN 58R-22006

Received and deposited

April 2nd, 2024 Vanessa Dias





SHEET 11 OF 12

PLAN 58R-22006

Received and deposited

April 2nd, 2024 Vanessa Dias

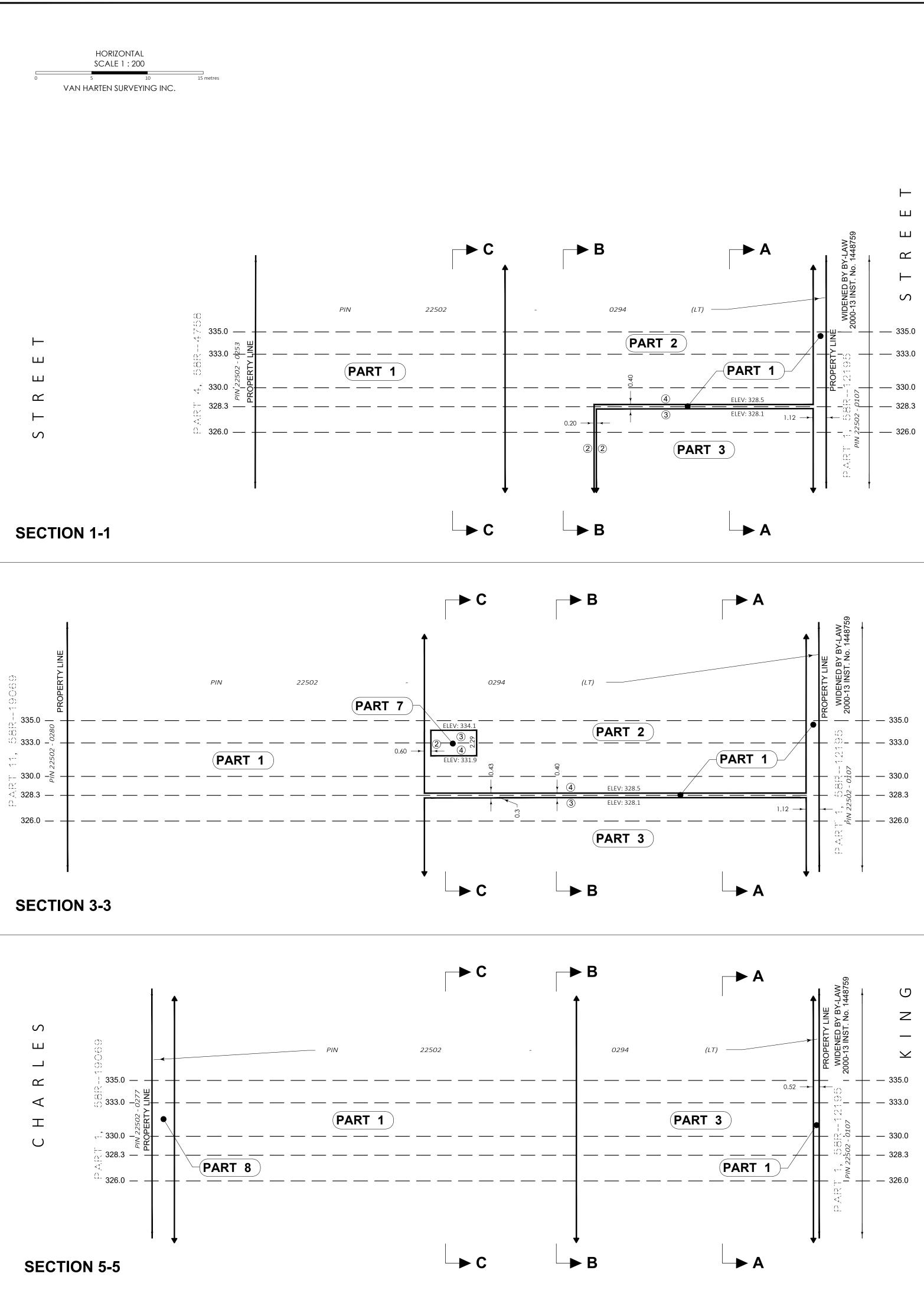
Representative for the Land Registrar for the Land Titles Division of Waterloo (No.58)

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BOUN	DARY DEFINITIONS FOR PARTS
1	HORIZONTAL LIMIT IS BASED ON DIMENSIONS.
2	DENOTES THE INTERIOR SURFACE OF THE CONCRETE BLOCK WALL AND THE PROJECTIONS THEREOF.

③ UPPER VERTICAL LIMIT BEING THE LOWER SURFACE OF THE UNFINISHED CONCRETE SLAB.

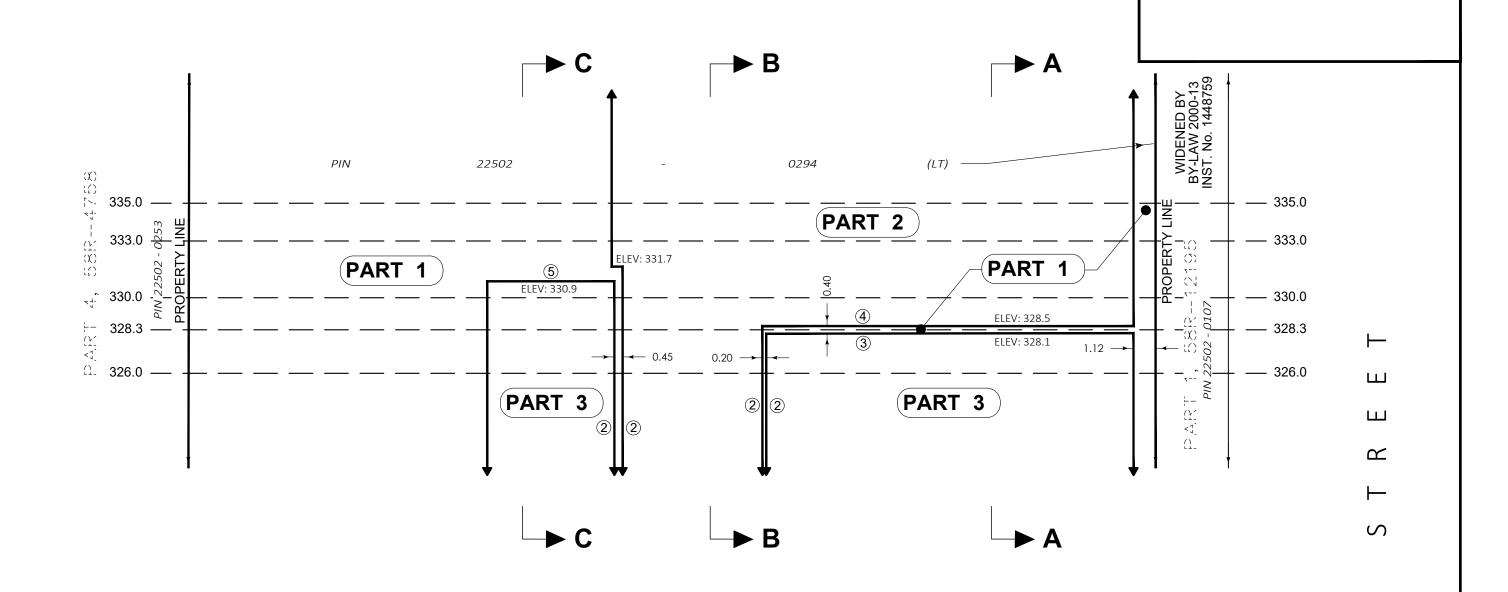
(4) LOWER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE UNFINISHED CONCRETE SLAB.

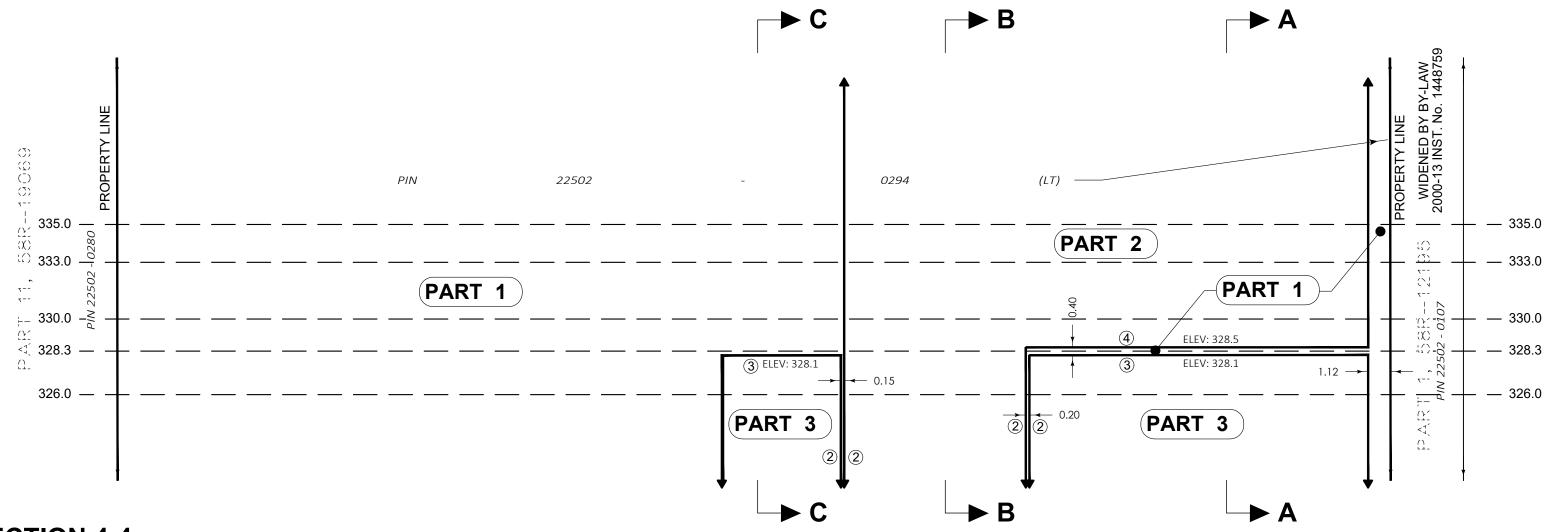
(5) UPPER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE FINISHED ROOF.





SECTION 2-2





SECTION 4-4

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SECTION 6-6

SHEET 12 OF 12

PLAN 58R-22006

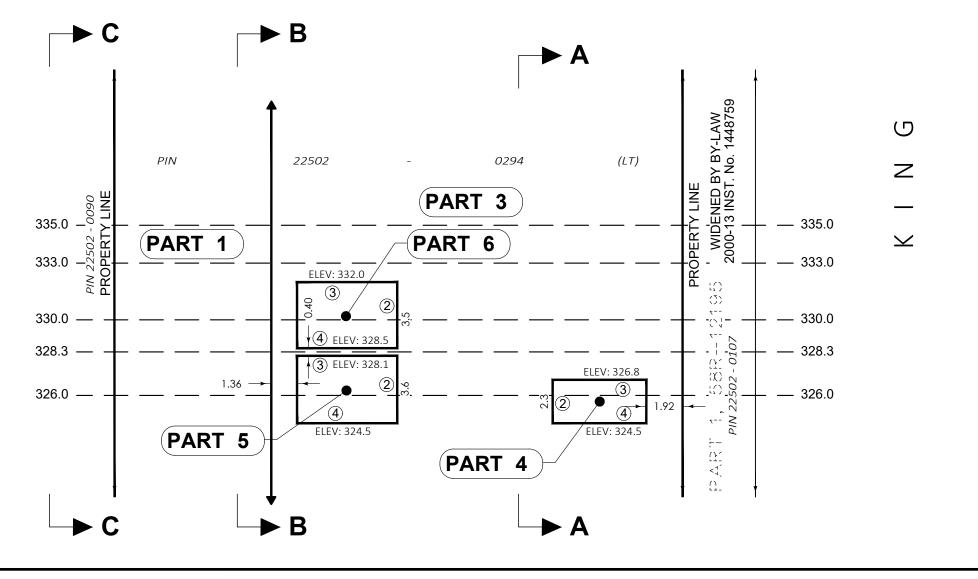
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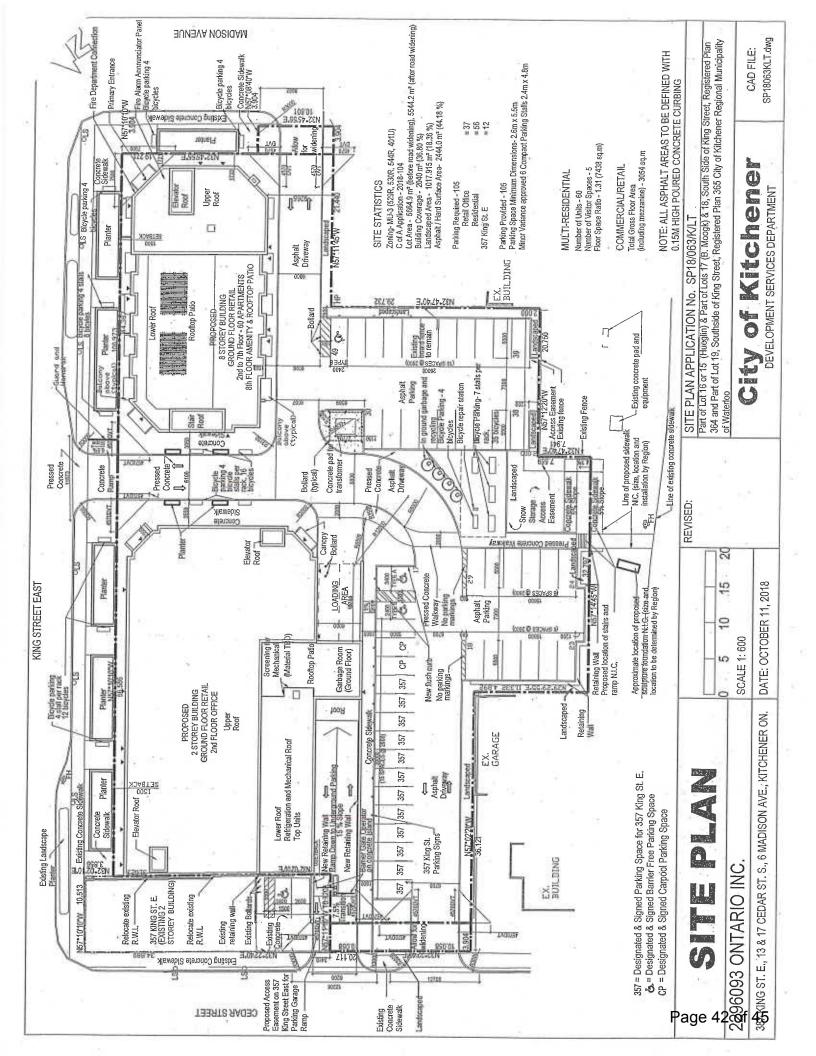
April 2nd, 2024

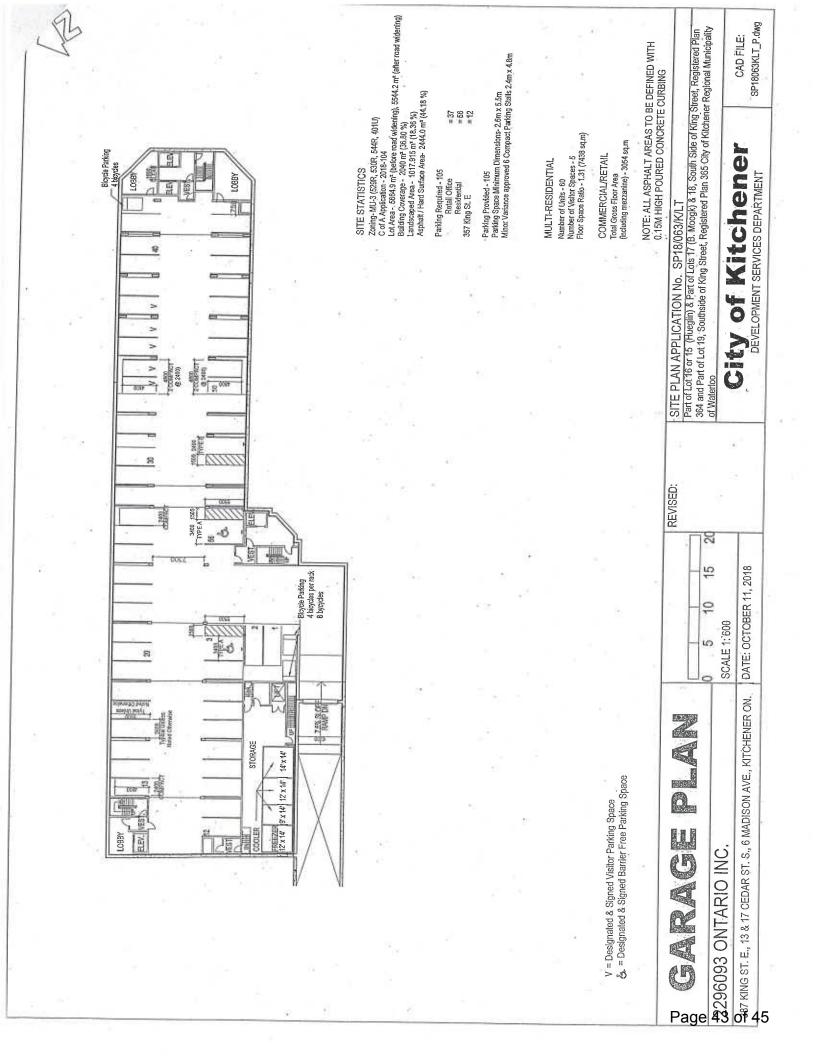
Vanessa Dias



- (1) HORIZONTAL LIMIT IS BASED ON DIMENSIONS.
- ② DENOTES THE INTERIOR SURFACE OF THE CONCRETE BLOCK WALL AND THE PROJECTIONS THEREOF.
- ③ UPPER VERTICAL LIMIT BEING THE LOWER SURFACE OF THE UNFINISHED CONCRETE SLAB.
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- (5) UPPER VERTICAL LIMIT BEING THE UPPER SURFACE OF THE FINISHED ROOF.







BY-LAW NUMBER

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to exempt certain lots from Part Lot Control – Part Lots 16 or 15 (Hueglin) and Part Lots 17 (B. Moogk) and 18, South Side of King Street, Registered Plan 364 and Part Lot 19, South Side of King Street, Registered Plan 365 – 387 and 397 King Street East)

WHEREAS by Subsection (7) of Section 50 of The Planning Act, R.S.O. 1990, Chapter P.13 it is provided that a municipal Council may by by-law provide that subsection (5) of said Section 50 (Part Lot Control) does not apply to land within plans or parts of plans designated in the by-law and that when the by-law is approved by the appropriate approval authority, said subsection (5) ceases to apply to the lands therein described:

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

- Subsection (5) of Section 50 of The Planning Act, R.S.O. 1990, Chapter P.13, does not apply to the lands described as Part Lots 16 or 15 (Hueglin) and Part Lots 17 (B. Moogk) and 18, South Side of King Street, Registered Plan 364 and Part Lot 19, South Side of King Street, Registered Plan 365, designated as Parts 1 to 8 inclusive on Reference Plan 58R-22006, in the City of Kitchener and in the Regional Municipality of Waterloo.
- This by-law shall be restricted in its application only to divide the lot(s) and block(s) cited above according to the parts on the reference plan(s) cited above.
- 3. This by-law shall remain in force and effect for a period of two (2) years from the date of its passing and shall expire on April 29, 2026.
- 4. This by-law was approved by the Council of The Corporation of the City of Kitchener, on the date of passing hereof, by authority delegated by Regional By-law

Number 97-061 pursuant to Section 51.2 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

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

Mayor

Clerk