



## Council Meeting Minutes

September 25, 2023, 7:00 p.m.

Council Chambers - Hybrid

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

Present:

Mayor B. Vrbanovic  
Councillor S. Davey  
Councillor D. Schnider  
Councillor J. Deneault  
Councillor C. Michaud  
Councillor A. Owodunni (Virtually)  
Councillor P. Singh  
Councillor B. Ioannidis  
Councillor M. Johnston  
Councillor D. Chapman  
Councillor A. Clancy

Staff:

D. Chapman, Chief Administrative Officer  
M. May, General Manager, Community Services and Deputy  
Chief Administrator  
V. Raab, General Manager, Corporate Services  
J. Readman, General Manager, Development Services  
J. Lautenbach, Chief Financial Officer, Financial Services  
D. McGoldrick, General Manager, Infrastructure Services  
L. MacDonald, City Solicitor  
B. Rowland, Director, Corporate Communications and Marketing  
R. Bustamante, Director, Planning  
A. Fusco, Director Legislated Services / City Clerk  
G. Stevenson, Manager, Development Review  
D. Saunderson, Deputy Clerk

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### 1. COMMENCEMENT

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

## **1.1 National Day for Truth and Reconciliation - September 30th, 2023**

Mayor B. Vrbanovic acknowledged Saturday, September 30th, 2023 as the National Day for Truth and Reconciliation and highlighted planned events to mark the commemoration.

## **2. MINUTES FOR APPROVAL**

On motion by Councillor B. Ioannidis the minutes of the regular meeting held August 28, 2023, and special meetings held August 28 and September 18, 2023 as mailed to the Mayor and Councillors, were accepted.

## **3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

### **3.1 Councillor P. Singh - Official Plan Amendment Application OPA22/004/V/KA, Zoning By-law Amendment Application ZBA22/006/V/KA, 130-142 Victoria Street South, 1936026 Ontario Inc., DSD-2023-365**

Councillor P. Singh declared a pecuniary interest with respect to Official Plan Amendment Application OPA22/004/V/KA, Zoning By-law Amendment Application ZBA22/006/V/KA, 130-142 Victoria Street South, 1936026 Ontario Inc., DSD-2023-365 on the agenda this date as a member of his family owns property in the vicinity of the subject property. Accordingly, Councillor P. Singh did not participate in any discussion or vote regarding this matter.

### **3.2 Councillor P. Singh - Zoning By-law Amendment Application ZBA23/032/V/CD, Lifting of Holding Provision 43H, 120 Victoria Street South, Glovebox (2019) Inc, DSD-2023-400**

Councillor P. Singh declared a pecuniary interest with respect to Zoning By-law Amendment Application ZBA23/032/V/CD, Lifting of Holding Provision 43H, 120 Victoria Street South, Glovebox (2019) Inc, DSD-2023-400 on the agenda this date as a member of his family owns property in the vicinity of the subject property. Accordingly, Councillor P. Singh did not participate in any discussion or vote regarding this matter.

### **3.3 Councillor A. Clancy - Zoning By-law Amendment Application ZBA23/013/S/CD, Lifting of Holding Provision 24H, 134-154 Shanley Street, 2701098 Ontario Inc., DSD-2023-263**

Councillor A. Clancy declared a pecuniary interest with respect to Zoning By-law Amendment Application ZBA23/013/S/CD, Lifting of Holding Provision 24H, 134-154 Shanley Street, 2701098 Ontario Inc., DSD-2023-263 on the agenda this date as she resides within the vicinity of the subject property. Accordingly,

Councillor A. Clancy did not participate in any discussion or vote regarding this matter.

#### **4. COMMUNICATIONS REFERRED TO FILE**

##### **4.1 Flag Request Under Policy MUN-FAC-442**

4.1.a Association des Francophones de Kitchener-Waterloo - September 25, 2023

4.1.b ARTA The Romanian Association - December 1, 2023

4.1.c Ink-stained Wretches - May 3, 2024

#### **5. PRESENTATIONS**

##### **5.1 REEP Green Solutions - Impact Report**

Mary Jane Patterson, Executive Director and Patrick Gilbride, Associate Director/Manager of Green Infrastructure Programs, Reep Green Solutions., were in attendance to provide a presentation regarding the 2022-2023 Impact Report, which included a summary of all of the work that has been completed for their fiscal year of April 1, 2022 to March 31, 2023. They provided information on collaboration initiatives, including but not limited to home energy efficiency programs and healthy yards, noting in 2022-2023 a total of 1,130 meaningful actions have been taken and 5,112 supportive actions have been undertaken to help in achieving our 2030 Greenhouse Gas (GHG) Reduction target. MJ Patterson indicated currently we have achieved a 31.8% GHG reduction of our overall goal.

The work of Reep Green Solutions was acknowledged in the community and importance of green initiatives.

Councillor P. Singh left the meeting and re-entered the meeting at this time.

Members of Council raised questions regarding energy rebate programs, education of newcomers to the city, grant opportunities for residents, advocacy to other levels of government, and engagement with the school boards, and received responses from the presenters.

#### **6. DELEGATIONS**

##### **6.1 Official Plan Amendment Application OPA22/004/V/KA, Zoning By-law Amendment Application ZBA22/006/V/KA, 130-142 Victoria Street South, 1936026 Ontario Inc., DSD-2023-365, listed as item 7.2.i**

Council considered Official Plan Amendment Application OPA22/004/V/KA, Zoning By-law Amendment Application ZBA22/006/V/KA, for the properties

municipally addressed as 130-142 Victoria Street South, outlined in Report DSD-2023-365, listed as item 7.2.i on the agenda this date.

Victor Labreche, Arcadis Professional Services (Canada) Inc., was in attendance in support of the subject applications and responded to questions from Council regarding displacement of the existing tenants at the subject properties and timing of the construction of the proposed development.

It was requested the following motion be voted on, on a recorded vote.

**Moved by Councillor D. Chapman**

**Seconded by Councillor S. Davey**

"That Official Plan Amendment Application OPA/22/004/V/KA for 1936026 ONTARIO INC. requesting a land use designation change from 'Mixed Use' to 'Mixed Use with 'Specific Policy Area 7' to permit a 25-storey mixed-use development on the lands specified and illustrated on Schedule 'A', be adopted, in the form shown in the Official Plan Amendment attached to Development Services Department report DSD-2023-365 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and,

That Zoning By-law Amendment Application ZBA22/006/V/KA for 1936026 ONTARIO INC., for the property municipally addressed as 130-142 Victoria Street South, be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Development Services Department report DSD-2023-365 as Appendix 'B'; and further,

That the Development Concept as provided in the 'Addendum to Urban Design Brief dated December 23, 2021, 130-142 Victoria Street South, Kitchener', prepared by Arcadis Professional Services (Canada) Inc., and dated June 14, 2023, attached to Development Services Department report DSD-2023-365 as Appendix 'F' be endorsed."

**In Favour (10):** Mayor B. Vrbanovic, Councillor S. Davey, Councillor D. Schnider, Councillor J. Deneault, Councillor C. Michaud, Councillor A. Owodunni, Councillor B. Ioannidis, Councillor M. Johnston, Councillor D. Chapman, and Councillor A. Clancy

**Conflict (1):** Councillor P. Singh

**Carried, unanimously on a recorded vote (10 to 0)**

## **6.2 Blue Community**

### **6.2.a Robyn Hamlyn**

Robyn Hamlyn, representing Blue Community, addressed Council regarding the protection and preservation of our freshwater for nature and future generations. R. Hamlyn requested that Council pass the required three resolutions to become a Blue Community, including committing to ban the sale of bottled water at public facilities and municipal events, recognizing water as a human right, and promoting publicly owned and operated water wastewater services.

Councillor J. Deneault left the meeting and returned to the meeting at this time.

In response to the presentation, Staff agreed to report back prior to the end of 2023 on the request. In response to further questions, D. McGoldrick stated she could provide additional information related to existing water refill infrastructure within city facilities, as well as the use of portable water apparatuses at special events.

### **6.3 Notice of Motion - J. Deneault - Ontario Disability Support Program and Ontario Works Program Rate Increase Advocacy, listed as item 9.3**

Councillor J. Deneault brought forward a Notice of Motion to lobby the Provincial government to double current social assistance rates for Ontario Disability Support Program (ODSP) and Ontario Works (OW) program recipients to reflect the cost of living and to tie these new rates to inflation so that people can afford to live a dignified life in the Province of Ontario, the motion was seconded by Councillor D. Chapman.

Allan Mills, Extend-A-Family Waterloo Region, and Mary Tindale addressed Council in support of the Notice of Motion highlighting the impacts of the ODSP and OW program deficiencies on individuals including housing instabilities and reliance on food programs. Members of Council raised questions regarding the new Canadian Disability Benefit (CDB), ODSP and OW eligibility, definition of affordable housing, disparity of income and received responses from the delegates. A. Mills further advised he also submitted a letter of support from the Developmental Services Planning & Advisory Council (DSPAC) of Waterloo Region expressing their support for the Notice of Motion.

Myron Steinman provided Council a written submission from the Provincial government summarizing recent changes to the ODSP program. M. Steinman addressed Council in support of the Notice of Motion and commented that ODSP rates should be individualized, increased with the rate of inflation and not be subject to clawbacks.

Councillor M. Johnston left the meeting and returned to the meeting at this time.

Councillor A. Clancy brought forward an amendment, which was seconded by Councillor M. Johnston, to include an additional clause stating "THEREFORE BE IT RESOLVED That the City of Kitchener call on the Provincial Government to support Feed Canada's recommendation to stop the clawbacks meaning OW and ODSP will allow recipients their first \$1000 earned without penalty and to exempt benefits such as CPP, WSIB, EI and the upcoming CDB from clawbacks as well.

Councillor Clancy's amendment was then voted on and was **Carried unanimously**.

A further amendment was brought forward by Councillor B. Ioannidis, which was seconded by Councillor S. Davey to replace the first clause that the City of Kitchener call on the Provincial Government to raise current social assistance rates for ODSP and OW recipients to above the poverty line, to reflect the cost of living and to tie the new rates to inflation so that people can afford to live a dignified life in the Province of Ontario.

Councillor Ioannidis's amendment was then voted on and was **Carried unanimously**.

The following motion as amended was then voted on.

**Moved by Councillor J. Deneault**  
**Seconded by Councillor D. Chapman**

"WHEREAS social assistance recipients are living in extreme poverty and food insecurity and are at great risk to develop associated health issues; and,

WHEREAS the Ontario Works (OW) program is meant for people who have financial need; and,

WHEREAS the Ontario Disability Support Program (ODSP) is meant for persons with a disability who are in financial need; and,

WHEREAS OW and ODSP rates are below Canada's Official Poverty Line and since social assistance rates were reduced by 21.6% in 1995, rate increases have been nominal, representing an approximate 10% increase over 26 years; and,

WHEREAS OW rates have not been increased since 2018 and are not indexed to inflation causing further income inequality, poverty and housing unaffordability; and,

WHEREAS a single person can receive up to \$1,308 a month on ODSP which is well below the average rent for a one bedroom apartment in the Region of Waterloo; and,

WHEREAS a single person can receive up to \$733 a month on OW which is well below the average rent for a one bedroom apartment in the Region of Waterloo; and,

WHEREAS rental rates in Kitchener, along with other communities, have risen dramatically in recent years, with average one-bedroom rental rates of \$2,132 per month according to a July 2023 RBC report; and,

WHEREAS provincial programs for affordable housing are based on rent at 80% of market rates so a one bedroom apartment with “affordable rent” is \$1,705 in Kitchener; and,

WHEREAS Canada Mortgage and Housing Corporation defines housing as “affordable” if it costs less than 30% of a household’s before-tax income. Based on this definition, a single person on ODSP can afford rent of \$392.40 per month; and,

WHEREAS a shelter allowance for an ODSP recipient living on their own is up to \$556 per month which is intended to help with rent/mortgage, utilities and other housing costs; and,

WHEREAS there are over 12,852 ODSP recipients in Waterloo Region and over 500,000 across the province;

WHEREAS there are over 394,000 OW recipients across the province; and,

WHEREAS ODSP has been indexed to increase with the inflation rate but is currently \$666.67 below the low income cut-off and \$1,259.07 below the disability-adjusted low income cut-off, so with the current model, it will consistently rest below the low income cut-off, with even affordable housing rental rates significantly out of reach; and,

WHEREAS OW and ODSP perpetuate a welfare trap as funds or benefits are clawed back should a recipient receive income from other sources i.e., employment. This disincentivizes people from working, and/or those who do work are penalized for earning money;

THEREFORE BE IT RESOLVED That the City of Kitchener call on the Provincial Government to raise current social assistance rates for ODSP and OW recipients to above the poverty line, to reflect the cost of living

and to tie the new rates to inflation so that people can afford to live a dignified life in the Province of Ontario;

THEREFORE BE IT FURTHER RESOLVED That the City of Kitchener call on the Provincial Government to support Feed Canada's recommendation to stop the clawbacks meaning OW and ODSP will allow recipients their first \$1000 earned without penalty and to exempt benefits such as CPP, WSIB, EI and the upcoming CDB from clawbacks as well;

THEREFORE BE IT FINALLY RESOLVED that a copy of this resolution be sent to the Premier of Ontario, local and area MPs and MPPs and the Association of Municipalities of Ontario for further consideration."

**Carried, unanimously, as amended**

#### **6.4 Notice of Motion - D. Chapman - Guaranteed Basic Income, listed as item 9.4**

Councillor D. Chapman brought forward a Notice of Motion to encourage the Government of Canada and the Province of Ontario to work collaboratively to establish an income-tested Guaranteed Liveable Basic Income (GLBI) to combat poverty, income inequality and economic insecurity within our community, which was seconded by Councillor A. Clancy.

Beatrice Henry, Basic Income Waterloo Region and Caterina Lindman, Ontario Basic Income Network provided a presentation to Council in support of the Notice of Motion outlining why a basic income is needed including minimum wage falling below the poverty line, precarious jobs, and food insecurities. Strategies to address the required tax reform to find a GLBI were highlighted.

Councillor C. Michaud left the meeting and returned to the meeting at this time.

Councillor D. Schnider moved a deferral motion until after the upcoming Provincial election, which was seconded by Councillor C. Michaud.

It was requested the following motion be voted on, on a recorded vote.

**Moved by Councillor D. Schnider**  
**Seconded by Councillor C. Michaud**

"That the **following motion be deferred to a Council meeting** following the Provincial By-law Election to confirm the new Member of Provincial Parliament for Kitchener Centre:

*"WHEREAS, the City of Kitchener passed a motion in May 2020 calling on the Ontario and Canadian governments to establish a*



*Universal Basic Income (UBI) which is a flat amount paid to all residents; and,*

*WHEREAS a Guaranteed Liveable Basic Income (GLBI) goes to those most in need and phases out as income from other sources increases; and,*

*WHEREAS studies from the Ontario Basic Income pilot, which ended abruptly in 2018, demonstrated improvements in the physical and mental health, labour market participation, food security, housing stability and financial and social well-being of pilot participants; and,*

*WHEREAS The Government of Canada's report Building Understanding: The First Report of the National Advisory Council on Poverty from 2020 used 2016 census data to highlight how poverty disproportionately impacts racialized individuals at twice the rate as compared to non-racialized individuals in Canada at 20.6% and 10.6% respectively; and,*

*WHEREAS the pandemic, rising cost of living and surges in food and housing prices have worsened income inequality and created scenarios where more people find it difficult to meet their basic needs; and,*

*WHEREAS social assistance recipients are living in extreme poverty and food insecurity and are at great risk of developing associated health concerns; and,*

*WHEREAS in lieu of a provincial or federal anti-poverty strategy, the City of Kitchener has developed programs to decrease the impacts of poverty and income inequality, and to make it possible for residents to participate in programs that provide a better quality of life which can positively improve mental and physical well-being; and,*

*WHEREAS these programs and services are the result of downloading by the provincial and federal governments which would be more fully addressed by a GLBI program; and,*

*WHEREAS implementing a GLBI program has been shown to reduce the need for individuals to apply for multiple support programs in order to maintain a healthy and dignified life; and,*

*WHEREAS the Region of Waterloo and the City of Waterloo recently passed a similar motion and the City of Cambridge will be discussing similar motions;*

*THEREFORE BE IT RESOLVED that the City of Kitchener requests that the Government of Canada and the Province of Ontario work collaboratively to establish an income-tested GLBI to combat poverty, income inequality and economic insecurity within our community;*

*THEREFORE BE IT FINALLY RESOLVED that a copy of this resolution be sent to the Prime Minister of Canada, the Premier of Ontario, local and area MPs and MPPs, the Federation of Canadian Municipalities and the Association of Municipalities of Ontario for further consideration."*

**In Favour (7):** Councillor S. Davey, Councillor D. Schnider, Councillor C. Michaud, Councillor A. Owodunni, Councillor P. Singh, Councillor B. Ioannidis, and Councillor M. Johnston

**Contra (4):** Mayor B. Vrbanovic, Councillor J. Deneault, Councillor D. Chapman, and Councillor A. Clancy

**Carried, on a recorded vote (7 to 4)**

**6.5 Official Plan Amendment Application OPA23/010/C/CD, Zoning By-law Amendment Application ZBA23/016/C/CD, 332 Charles Street East, 332 Charles GP Inc., DSD-2023-300, listed as item 7.2.j**

Council considered Official Plan Amendment Application OPA23/010/C/CD, Zoning By-law Amendment Application ZBA23/016/C/CD, for the property municipally addressed as 332 Charles Street East, as outlined in Report DSD-2023-300, listed as item 7.2.j on the agenda this date. G. Stevenson, Manager, Development Review and L. MacDonald, City Solicitor were in attendance to respond to questions from Council.

Pierre Chauvin, MHBC Planning and Stephen Litt, Vive Development were in attendance in support of the subject applications and spoke to the discussions that have occurred with staff since the Planning and Strategic Initiatives Committee on September 18, 2023, where Committee requested a further review of the applications and whether additional density could be achieved onsite.

Revisions to the proposed application were highlighted including proposing a 279-unit building (an increase from 163 units) with community benefits including energy efficiencies of 40% energy savings over building code, using heating of the building primarily through air source heat pumps, affordability provisions of 32 units will be affordable for a 20-year period which are a 20% discount from market rent and 2 accessible, adaptable units and 2 universal design units, in addition to the minimum requirements under the Ontario Building Code. The proposed revisions increase the proposed building height from 17 to 27 storeys, an increase the floor space ratio (FSR) from 9.8 to 14, and a reduction in the parking ratio to 0.3 spaces per unit from 0.5 spaces per unit.

Members of Council asked questions regarding the front-loading of community benefits, timing of the proposed buildings, and increasing affordable rates for 22 units at 20% of market rates and 10 units at 30% of market rates, and received responses from the delegates. In response to questions, S. Litt agreed to the request to provide 10 units at 30% of market rates for a 20-year period.

Questions were raised on whether the agreed upon community benefits should be included within the approved recommendation. G. Stevenson and L. MacDonald advised the resolution can only speak to policy and regulation changes. The community benefits spoken about and agreed upon would be noted in the minutes of the meeting, and would be stated to clarify the reason for the revisions to the staff recommendation.

A motion was brought forward by Councillor P. Singh, which was seconded by Councillor D. Chapman to approve Official Plan Amendment Application OPA23/010/C/CD and Zoning By-law Amendment Application ZBA23/016/C/CD for the property municipally addressed as 332 Charles Street East, as outlined in report DSD-2023-300, listed as item 7.2.j on the agenda this date.

Councillor S. Davey brought forward an amendment to revise the Official Plan Amendment and Zoning By-law Amendment to increase the proposed building height from 17 to 27 storeys, to increase the floor space ratio (FSR) from 9.8 to 14, and to reduce the parking ratio to 0.3 spaces per unit from 0.5 spaces per unit. Further than an additional clause be included in the resolution that states "That pursuant to Section 34(17) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, further notice is not required to be given in respect to Zoning By-law Amendment ZBA23/016/C/CD.", which was seconded by Councillor D. Chapman.

Councillor Davey's amendment was then voted on and was **Carried, on a recorded vote**, with Mayor B. Vrbanovic and Councillors S. Davey, D. Schnider.

J. Deneault, C. Michaud, A. Owodunni, P. Singh, B. Ioannidis, M. Johnston and A. Clancy voting in favour; and, Councillor D. Chapman voting in opposition.

Councillor A. Clancy left the meeting and returned to the meeting at this time.

Councillor D. Chapman left the meeting and returned to the meeting at this time.

The following motion was then voted on, on a recorded vote.

**Moved by Councillor P. Singh**

**Seconded by Councillor D. Chapman**

"That Official Plan Amendment Application OPA/23/010/C/CD for 332 Charles GP Inc., for the property municipally addressed as 332 Charles Street East, requesting a land use designation change from 'Mixed Use Corridor with Special Policy Area 1' to 'Mixed Use Corridor with Special Policy Area 12' to permit a 27-storey mixed use development on the lands specified and illustrated on Schedule 'A', be adopted, in the form shown in the Official Plan Amendment attached to Development Services Department report DSD-2023-300 as Appendix 'A', and as amended at the September 25, 2023 Council meeting, and accordingly forwarded to the Region of Waterloo for approval; and further,

That Zoning By-law Amendment Application ZBA23/016/C/CD for 332 Charles GP Inc. be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Development Services Department report DSD-2023-300 as Appendix 'B', and as amended at the September 25, 2023 Council meeting; and further,

That pursuant to Section 34(17) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, further notice is not required to be given in respect to Zoning By-law Amendment ZBA23/016/C/CD."

**Carried unanimously, as amended, on a recorded vote**

## **7. REPORTS OF COMMITTEES**

### **7.1 HERITAGE KITCHENER - SEPTEMBER 5, 2023**

Council was in receipt of a written submission in regards to item 7.1.a Heritage Permit Application HPA-2023-V-015, 30-40 Margaret Avenue, on the agenda this date from Arli Klassen and Keith Regehr.

Councillor J. Deneault left the meeting and returned at this time.

G. Stevenson, Manager, Development Review, was in attendance to respond to questions from Council related to Heritage Permit Application HPA-2023-V-015, 30-40 Margaret Avenue.

**Moved by Councillor C. Michaud**

**Seconded by Councillor D. Chapman**

"That the report of Heritage Kitchener, dated September 5, 2023, listed as items 7.1.a to 7.1.c on the agenda this date, be adopted."

7.1.a Heritage Permit Application HPA-2023-V-015, 30-40 Margaret Avenue, New Building - Townhome Development, DSD-2023-367

"That pursuant to Section 42 of the *Ontario Heritage Act*, Heritage Permit Application HPA-2023-V-015 be approved, as outlined in Development Services Department report DSD-2023-367, to permit the construction of eight blocks of townhome dwellings, an amenity space, and an internal roadway system with two access points onto Margaret Avenue, on the property municipally addressed as 30-40 Margaret Avenue, in accordance with the plans and supplementary information submitted with the application and subject to the following conditions:

1. That the final Heritage Impact Assessment and Cultural Heritage Protection Plan (Brief) be submitted and approved by the Director of Planning prior to the issuance of a Heritage Permit;
2. That final samples of the building materials and colours be submitted for review by Heritage Planning staff in conjunction with Urban Design prior to the issuance of a building permit; and
3. That the final building permit drawings be reviewed, and heritage clearance provided by Heritage Planning staff prior to the issuance of a building permit."

**Carried**

7.1.b Notice of Intention to Designate, 35 & 43 Sheldon Avenue North Under Part IV of the Ontario Heritage Act, DSD-2023-362

"That pursuant to Section 29 of the *Ontario Heritage Act*, the Clerk be directed to publish a Notice of Intention to Designate the property municipally addressed as 35 & 43 Sheldon Avenue North as being of cultural heritage value or interest, as outlined in Development Services Department report DSD-2023-362."

**Carried**

- 7.1.c Notice of Intention to Designate, 90-92 Queen Street South Under Part IV of the Ontario Heritage Act, DSD-2023-358

"That pursuant to Section 29 of the Ontario Heritage Act, the Clerk be directed to publish a Notice of Intention to Designate the front façade of the property municipally addressed as 90-92 Queen Street South as being of cultural heritage value or interest, as outlined in Development Services Department DSD-2023-358."

**Carried**

**7.2 PLANNING AND STRATEGIC INITIATIVES COMMITTEE - SEPTEMBER 18, 2023**

Due to the previously declared conflicts by Councillor P. Singh and Councillor A. Clancy, items 7.2.a related to Zoning By-law Amendment for the property municipally addressed as 34-154 Shanley Street and 7.2.b related to Zoning By-law Amendment for the property municipally addressed as 120 Victoria Street South were dealt with separately and they did not participate in any voting or discussion in these matters.

**Moved by: Councillor P. Singh**

**Seconded by: Councillor D. Chapman**

"That the report of the Planning and Strategic Initiatives Committee, dated September 18, 2023, listed as items 7.2.a, 7.2.c to 7.2.h and 7.2.j on the agenda this date, be adopted."

**Carried**

**Moved by Councillor D. Chapman**

**Seconded by Councillor M. Johnston**

"That the report of the Planning and Strategic Initiatives Committee, dated September 18, 2023, listed as item 7.2.b on the agenda this date, be adopted."

**Carried**

- 7.2.a Zoning By-law Amendment Application ZBA23/013/S/CD, Lifting of Holding Provision 24H, 134-154 Shanley Street, 2701098 Ontario Inc., DSD-2023-263

Councillor A. Clancy declared a conflict on this item. (Councillor A. Clancy declared a pecuniary interest with respect to Zoning By-law Amendment Application ZBA23/013/S/CD, Lifting of Holding Provision 24H, 134-154 Shanley Street, 2701098 Ontario Inc., DSD-2023-263 on the agenda this date as she resides within the vicinity of the subject property. Accordingly, Councillor A. Clancy did not participate in any discussion or vote regarding this matter.)

"That Zoning By-law Amendment Application ZBA23/013/S/CD for 2701098 Ontario Inc., for the property municipally addressed as 134-154 Shanley Street, for the purpose of removing Holding Provision 24H from the lands specified in the attached 'Map No.1', in the form shown in the 'Proposed By-law' attached to the Development Services Department report DSD-2023-263 as Appendix 'A', be approved."

**Carried**

7.2.b Zoning By-law Amendment Application ZBA23/032/V/CD, Lifting of Holding Provision 43H, 120 Victoria Street South, Glovebox (2019) Inc, DSD-2023-400

Councillor P. Singh declared a conflict on this item. (Councillor P. Singh declared a pecuniary interest with respect to Zoning By-law Amendment Application ZBA23/032/V/CD, Lifting of Holding Provision 43H, 120 Victoria Street South, Glovebox (2019) Inc, DSD-2023-400 on the agenda this date as a member of his family owns property in the vicinity of the subject property. Accordingly, Councillor P. Singh did not participate in any discussion or vote regarding this matter.)

"That Zoning By-law Amendment Application ZBA23/032/V/CD for Glovebox (2019) Inc., for the property municipally addressed as 120 Victoria Street South, for the purpose of removing Holding Provision 43H from the lands specified in the attached 'Map No.1', in the form shown in the 'Proposed By-law' attached to Development Services Department report DSD-2023-400 as Appendix 'A', be approved."

**Carried**

7.2.c Uncollectable Miscellaneous Receivable Accounts Write-Off, FIN-2023-293

"That uncollectable Miscellaneous Receivable Accounts amounting to \$19,485 be written off against the Allowance for Doubtful Receivables, as outlined in Financial Services Department report FIN-2023-293".

**Carried**

7.2.d Uncollectable Utility Receivable Write-Off, FIN-2023-294

"That uncollectable utility accounts amounting to \$109,658 be written off against the allowance for doubtful utility receivables, as outlined in Financial Services Department report FIN-2023-294."

**Carried**

7.2.e Applications for Cancellation, Refund, Reduction of Taxes, FIN-2023-354

"That the applications to City Council for write-off, cancellation, reduction, or refund of taxes totalling \$656,395.31 as attached to Financial Services Department report FIN-2023-354, be approved, pursuant to Sections 354 and 357 of the Municipal Act, S.O. 2001, c. 25 ("the Act")."

**Carried**

7.2.f Kitchener Public Library, Southwest Public Artwork Commission, DSD-2023-368

"That the commission and installation of a new artwork, "Wintertime Stories" by Isaac Murdoch and Nyle Miigizi Johnston, at the Kitchener Public Library's new southwest community facility, be approved, as outlined in Development Services Department report DSD-2023-368; and further,

That the Mayor and Clerk be authorized to implement an agreement, satisfactory to the City Solicitor, with the artists' representative, Highness Global Inc., outlining the obligations of the library public art commission."

**Carried**

7.2.g Active Transportation Progress Report, DSD-2023-007

"That Development Services Department report DSD-2023-007 be received as the first progress report for the Cycling and Trails Master Plan."



**Carried**

- 7.2.h Zoning By-law Amendment Application ZBA23/019/W/TS, 229 Wellington Street North, Peter Markin, DSD-2023-382

"That Zoning By-law Amendment Application ZBA23/019/W/TS requesting to amend Zoning By-law 2019-051, for Peter Markin, for the property municipally addressed as 229 Wellington Street North, be approved in the form shown in the 'Proposed By-law' and 'Map No. 1' attached to Development Services Department report DSD-2023-382 as Attachments 'A1' and 'A2'."

**Carried**

- 7.2.i Official Plan Amendment Application OPA22/004/V/KA, Zoning By-law Amendment Application ZBA22/006/V/KA, 130-142 Victoria Street South, 1936026 Ontario Inc., DSD-2023-365

Councillor P. Singh declared a conflict on this item. (Councillor P. Singh declared a pecuniary interest with respect to Official Plan Amendment Application OPA22/004/V/KA, Zoning By-law Amendment Application ZBA22/006/V/KA, 130-142 Victoria Street South, 1936026 Ontario Inc., DSD-2023-365 on the agenda this date as a member of his family owns property in the vicinity of the subject property. Accordingly, Councillor P. Singh did not participate in any discussion or vote regarding this matter.)

**Carried, under Delegations**

- 7.2.j Official Plan Amendment Application OPA23/010/C/CD, Zoning By-law Amendment Application ZBA23/016/C/CD, 332 Charles Street East, 332 Charles GP Inc., DSD-2023-300

**Carried, as amended, under Delegations**

## **8. UNFINISHED BUSINESS**

- 8.1 Lived Expertise Working Group - First Year Review, DSD-2023-295, DSD-2023-366 AND Follow-up Report DSD-2023-422**

Council considered Development Services Department report DSD-2023-422, which was a follow up report to DSD-2023-295 and DSD-2023-366 related to

Lived Expertise Working Group (LEWG) - First Year Review that was considered and deferred by Council at the June 26, 2023 and August 28, 2023 Council meeting. It was noted the follow-up report included recommendations to continue the work already underway with Lived Expertise Working Group (LEWG) for a second year and for staff, together with the facilitator of the Lived Expertise Working Group, report back to Council at the conclusion of the pilot program in 2024 on the outcome of the pilot. R. Bustamante, Director, Planning, and G. Stevenson, Manager, Development Review, were in attendance to respond to questions from Council.

**Moved by Councillor P. Singh**

**Seconded by Councillor J. Deneault**

"That the \$30,000 already committed to the operation of the Lived Expertise Working Group (LEWG) for year 2 from Kitchener's operating budget be allocated as outlined in DSD-2023-295; and,

That the City transfer \$23,600, inclusive of interim funds authorized by resolution of Council on June 26, 2023, to the Social Development Centre Waterloo Region (SDCWR) for year 2 costs in accordance with the Purchase of Services Agreement signed June 13, 2022, extended to August 31, 2023; and,

That staff be authorized to extend the Purchase of Services Agreement, signed June 13, 2022 (and extended to August 31, 2023) to June 30, 2024 to complete the second year of the LEWG pilot; and further,

That staff, together with the facilitator of the Lived Expertise Working Group, report back to Council at the conclusion of the pilot program in 2024 on the outcome of the pilot."

**Carried**

## **9. NEW BUSINESS**

### **9.1 MAYORAL BUSINESS AND UPDATES - MAYOR B. VRBANOVIC**

Mayor B. Vrbanovic provided an update on the recent bankruptcy filing and resignation of the Board of the Kitchener Waterloo Symphony and highlighted the role the Orchestra played in the community and world-class talent it generated. In response to a question from Council, J. Lautenbach addressed the grant process will be changed for the 2024 budget process.

Mayor B. Vrbanovic addressed a Mayoral Direction he issued under the new Strong Mayor powers in the Municipal Act to direct the Chief Administrative Officer to conduct the process in keeping with past practice to build consensus and have staff prepare a draft budget, engage in public engagement activities, summary presentations to be provided for operating and capital budgets, presentation of the revised Kitchener Budget, staff will prepare a report back at the next Special Council meeting regarding budget timelines.

## **9.2 Council Proceedings to go Beyond 11:00 p.m.**

**Moved by Councillor B. Ioannidis**

**Seconded by Councillor A. Clancy**

“That pursuant to Section 25.4.16 of Chapter 25 (Council Procedure) of the Municipal Code, the Council proceedings this date shall be allowed to continue beyond 11:00 p.m. to conclude matters as listed on the agenda.”

**Carried**

## **9.3 Notice of Motion - P. Singh - Boulevard Signage**

Councillor P. Singh brought forward a Notice of Motion related to excessive boulevard signs and direction to staff to help mitigate the signs, which was seconded by Councillor C. Michaud.

Members of Council raised questions regarding the timing of implementation of the software, establish set fines on a cost-recovery basis, impacts on signs on regional and city roads and received responses from staff.

**Moved by Councillor P. Singh**

**Seconded by Councillor C. Michaud**

"WHEREAS excessive boulevard signs contribute to visual clutter within our community and pose a safety hazard; and,

WHEREAS the current bylaw provision of allowing a 30-day sign hold after removal is ineffective in deterring the proliferation of boulevard signs; and,

WHEREAS utilizing digital innovation could provide an effective solution to monitor and regulate the placement of signs on boulevards; and,

WHEREAS providing clearer information of scheduled dates on real estate open houses would benefit residents and deter misuse; and,

WHEREAS increasing the fee for infractions would serve as a deterrent for violators of the sign bylaw,

THEREFORE be it resolved that the Kitchener Council direct staff take the following actions:

- a. Work with the Kitchener digital innovation team to investigate the feasibility of developing an app that allows residents to easily report the geo location of boulevard signs.
- b. Review and amend the Sign Bylaw to require realtors to prominently display either the date or the name of the day of the week for scheduled open houses.
- c. Remove the provision in the Sign Bylaw that requires a 30-day sign hold after removal, as it is deemed ineffective in addressing the issue of excessive boulevard signs.
- d. Implementation of set fines for infractions of the Sign Bylaw to provide a stronger deterrent to violators."

**Carried**

**9.4 Notice of Motion - J. Deneault - Ontario Disability Support Program and Ontario Works Program Rate Increase Advocacy**

**Carried, as amended, under Delegations**

**9.5 Notice of Motion - D. Chapman - Guaranteed Basic Income**

**Dealt with under Delegations**

**10. QUESTIONS AND ANSWERS**

- Questions were raised regarding Westwood Park opening timelines and events and received responses from D. McGoldrick.

**11. BY-LAWS**

At the request of A. Fusco, Director, Legislated Services, City Clerk, Council agreed to consider the By-laws listed on the agenda this date under the heading late starter by-laws to be added to the agenda, as the reports of the Committees have been adopted and the associated By-laws also requiring approval. It was noted the By-laws for the Official Plan Amendment and the Zoning By-law

Amendment for the property municipally addressed as 332 Charles Street East, were being approved as amended earlier this date.

### **11.1 1ST AND 2ND READING**

Councillor P. Singh left the meeting at this time.

Due to the previously declared conflicts by Councillor P. Singh and Councillor A. Clancy, the By-laws related to Zoning By-law Amendment for the property municipally addressed as 34-154 Shanley Street, related to Zoning By-law Amendment for the property municipally addressed as 120 Victoria Street South, and the By-laws related to the Official Plan Amendment and Zoning By-law Amendment for the property municipally addressed as 130-142 Victoria Street South were dealt with separately and they did not participate in any voting or discussion in these matters.

**Moved By: Councillor D. Chapman**

**Seconded By: Councillor C. Michaud**

"That leave be given to the mover and seconder to introduce the Zoning By-law Amendment for 134 and 152 Shanley Street and consider them to be read for a first and second time."

**Carried**

**Moved By: Councillor B. Ioannidis**

**Seconded By: Councillor S. Davey**

"That leave be given to the mover and seconder to introduce the Official Plan Amendment and Zoning By-law Amendment for 130 - 142 Victoria Street South and consider them to be read for a first and second time."

**Carried**

**Moved by Councillor J. Deneault**

**Seconded by Councillor D. Chapman**

"That leave be given the Mover and Seconder to introduce the balance of the by-laws, save and except the Zoning By-law Amendment, 134 and 152 Shanley Street and Official Plan Amendment and Zoning By-law Amendment for 130-142 Victoria Street South namely:

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 Being a by-law to amend Chapter 110 of The City of Kitchener Municipal Code regarding By-law Enforcement.
- 11.1.c 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.d To further amend By-law No. 2010-190, being a by-law to prohibit unauthorized parking of motor vehicles on private property.
- 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 Being a by-law to amend By-law 2019-051, as amended known as the Zoning By-law for the City of Kitchener – 2701098 Ontario Inc. – 134 and 152 Shanley Street.
- 11.1.g Being a by-law to amend By-law 85-1, as amended known as the Zoning By-law for the City of Kitchener – Glovebox (2019) Inc. – 120 Victoria Street South.
- 11.1.h Being a by-law to amend By-law 2019-051, as amended, known as the Zoning By-law for the City of Kitchener – Peter Markin – 229 Wellington Street North.
- 11.1.i Being a by-law to adopt Amendment No. 32 to the Official Plan - 130-142 Victoria Street South.
- 11.1.j Being a by-law to amend By-law 85-1, as amended, and By-law 2019-051, a amended, known as the Zoning By-laws for the City of Kitchener - 1232119 Ontario Inc. and 1936026 Ontario Inc. – 130 - 142 Victoria Street South.
- 11.1.k Being a by-law to adopt Amendment No. 131 to the Official Plan - 332 Charles Street East.
- 11.1.l Being a by-law to amend By-law 85-1, as amended, known as the Zoning By-law for the City of Kitchener – 332 Charles GP Inc, 332 Charles Street East.
- 11.1.m To confirm all actions and proceedings of the Council for September 25, 2023.

**Carried**

## **12. COMMITTEE OF THE WHOLE**

On motion, Council resolved itself into the Committee of the Whole to consider its agenda and was Chaired by Councillor Ioannidis.

## **12.1 ADMINISTRATIVE REPORTS**

### **12.1.a Nominating Committee Reappointments and Equity, Diversity and Inclusion Enhancements to the Process, COR-2023-337**

#### **it was resolved:**

"That representatives' or their designates from the Waterloo Region Community Foundation, Kitchener-Waterloo Multicultural Centre, the United Way Waterloo Region Communities, Capacity Canada, and the Greater Kitchener Waterloo Chamber of Commerce as outlined in Corporate Service Department report COR-2023-377, be re-appointed to the Nominating Committee for a two-year term from November 2022 to November 14, 2024; and,

That Clause 2 [eligibility requirement to either reside, work or own property in the City of Kitchener] of Policy 1-63 (Appointment to Boards and Committees) be suspended only for appointment to the Nominating Committee; and,

That, in lieu of the Interim Nominating Committee, the Nominating Committee composition be amended to include two Equity Anti-Racism staff members when considering applications to the Equity & Anti-Racism Advisory Committee, in accordance with report COR-2023-377; and further,

That the Nominating Committee Terms of Reference, GOV-BOA-010, be amended to reflect the equity, diversity and inclusion enhancements outlined in report COR-2023-377."

**Carried**

### **12.1.b NSP23-044 Multiyear Non-Standard Procurement Suppliers, FIN-2023-420**

#### **it was resolved:**

"That the City proceed with non-standard procurement and enter into agreements with the suppliers listed in Attachment 1 for a period of up to five (5) years."

**Carried**

## **12.2 MATTERS ARISING FROM IN-CAMERA**

### **12.2.a Talent Acquisition (Labour Relations - Section 239 (d)), COR-2023-423**

"That staff be directed to proceed in accordance with the in-camera direction in Report COR-2023-423 on September 25, 2023, regarding a labour relations matter which also relates to personally identifiable individuals."

**Carried**

## **13. REPORT OF THE COMMITTEE OF THE WHOLE**

On motion, Council rose from the Committee of the Whole.

**Moved by Councillor B. Ioannidis**

**Seconded by Councillor C. Michaud**

"That the proceedings and the recorded pecuniary interests and conflicts taken in the meeting of the Committee of the Whole held this date, as attached hereto and forming part of these minutes are hereby adopted and confirmed."

**Carried**

## **14. BY-LAWS**

### **14.1 3RD READING**

Due to the previously declared conflicts by Councillor P. Singh and Councillor A. Clancy, the By-laws related to Zoning By-law Amendment for the property municipally addressed as 34-154 Shanley Street, related to Zoning By-law Amendment for the property municipally addressed as 120 Victoria Street South, and the By-laws related to the Official Plan Amendment and Zoning By-law Amendment for the property municipally addressed as 130-142 Victoria Street South were dealt with separately and they did not participate in any voting or discussion in these matters.

**Moved By: Councillor B. Ioannidis**

**Seconded By: Councillor M. Johnston**

"That the by-law related Zoning By-law Amendment for 134 and 152 Shanley Street be given third reading."

**Carried**



**Moved By: Councillor D. Schnider**

**Seconded By: Councillor C. Michaud**

"That the by-law related Official Plan Amendment and Zoning By-law Amendment for 130 - 142 Victoria Street South be given third reading."

**Carried**

**Moved by Councillor S. Davey**

**Seconded by Councillor J. Deneault**

"That the balance of the by-laws, save and except those related to Zoning By-law Amendment, 134 and 152 Shanley Street and Official Plan Amendment and Zoning By-law Amendment for 130 - 142 Victoria Street South be given third reading, namely:

14.1.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 2023-121)

14.1.b Being a by-law to amend Chapter 110 of The City of Kitchener Municipal Code regarding By-law Enforcement.

(By-law 2023-122)

14.1.c 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 2023-123)

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

(By-law 2023-124)

14.1.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 2023-125)

14.1.f Being a by-law to amend By-law 2019-051, as amended known as the Zoning By-law for the City of Kitchener – 2701098 Ontario Inc. – 134 and 152 Shanley Street.

(By-law 2023-126)

14.1.g Being a by-law to amend By-law 85-1, as amended known as the Zoning By-law for the City of Kitchener – Glovebox (2019) Inc. – 120 Victoria Street South.

(By-law 2023-127)

14.1.h Being a by-law to amend By-law 2019-051, as amended, known as the Zoning By-law for the City of Kitchener – Peter Markin – 229 Wellington Street North.

(By-law 2023-128)

14.1.i Being a by-law to adopt Amendment No. 32 to the Official Plan - 130-142 Victoria Street South.

(By-law 2023-129)

14.1.j Being a by-law to amend By-law 85-1, as amended, and By-law 2019-051, a amended, known as the Zoning By-laws for the City of Kitchener - 1232119 Ontario Inc. and 1936026 Ontario Inc. – 130 - 142 Victoria Street South.

(By-law 2023-130)

14.1.k Being a by-law to adopt Amendment No. 131 to the Official Plan - 332 Charles Street East.

(By-law 2023-131)

14.1.l Being a by-law to amend By-law 85-1, as amended, known as the Zoning By-law for the City of Kitchener – 332 Charles GP Inc, 332 Charles Street East.

(By-law 2023-132)

14.1.m To confirm all actions and proceedings of the Council for September 25, 2023.

(By-law 2023-133)

**Carried**

## **15. ADJOURNMENT**

On motion, the meeting adjourned at 11:06 p.m.

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Mayor

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Clerk