

**ONTARIO LAND TRIBUNAL**

**PROCEEDING COMMENCED UNDER subsection 17(40) of the Planning Act, R.S.O. 1990, c. P. 13, as amended**

Appellant/Applicant: 30 Duke Street Limited  
 Subject: Failure of Approval Authority to announce a decision respecting a Proposed Official Plan Amendment  
 Municipality: City of Kitchener  
 Reference No.: OPA 20/005/W/JVW  
 Legacy Case No.: PL210104  
 OLT Lead Case No.: OLT-22-002377  
 Date of Hearing: April 22, 2025  
 OLT Case Name: 30 Duke Street Limited v. Kitchener (City)

**PROCEEDING COMMENCED UNDER subsection 34(11) of the Planning Act, R.S.O. 1990, c. P. 13, as amended**

Appellant/Applicant: 30 Duke Street Limited  
 Subject: Failure of Approval Authority to announce a decision respecting a Zoning By-law Amendment  
 Municipality: City of Kitchener  
 Reference No.: ZBA 20/013/W/JVW  
 Legacy Case No.: PL210104  
 OLT Lead Case No.: OLT-22-002377  
 Date of Hearing: April 22, 2025  
 OLT Case Name: 30 Duke Street Limited v. Kitchener (City)

**PROCEEDING COMMENCED UNDER subsection 42(6) of the Ontario Heritage Act, R.S.O. 1990, c. P. 13, as amended**

Appellant/Applicant: 30 Duke Street Limited  
 Subject: Failure of Approval Authority to announce a decision respecting a Zoning By-law Amendment  
 Municipality: City of Kitchener  
 Reference No.: HPA-2022-V-015  
 OLT Lead Case No.: OLT-22-002377  
 Date of Hearing: April 22, 2025  
 OLT Case Name: 30 Duke Street Limited v. Kitchener (City)

**WITNESS STATEMENT OF DEEKSHA CHOUDHRY, MSc., BES**

**Title:** Heritage Planner  
**Company:** The Corporation of the City of Kitchener  
**Address:** 200 King Street West, Kitchener, ON N2G 4G7  
**Phone:** 519-783-8906  
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**WITNESS QUALIFICATIONS**

1. I am a Heritage Planner with the City of Kitchener. A copy of my curriculum vitae is attached at Tab A. A copy of my Acknowledge of Expert's Duty Form is also attached at Tab B.
2. I have a Masters of Science in Architectural Conservation from the University of Edinburgh.
3. I have a Bachelor of Environmental Studies (Honours, Planning) from the University of Waterloo.
4. I am a Candidate member of the Ontario Professional Planners Institute (OPPI).
5. I have 4.5 years of progressive heritage planning experience, including my role as Heritage Planner at the City of Kitchener.

**ROLE AT THE CITY OF KITCHENER**

6. My professional experience focuses on the conservation of cultural heritage resources through listings and designations under the *Ontario Heritage Act*, RSO 1990, c O18 (OHA), and the conservation of cultural heritage resources as part of land use planning applications and infrastructure projects. I advise on a variety of matters pertaining to the OHA and provide comments on development applications under the *Planning Act*, RSO 1990, c P13 (Planning Act) and the *Environmental Assessment Act*, RSO 190 c E18. I also participate in other heritage planning matters such as policy planning projects and studies. I regularly write staff reports with my professional recommendations for consideration by the City's municipal heritage committee, currently known as Heritage Kitchener, which was established under Section 28 of the OHA.
7. My main duties require me to review and process development applications under the Planning Act, and heritage permit applications under the Ontario Heritage Act, and provide comments. I am the Heritage Planner who reviews heritage permit applications and

presents my professional recommendations for consideration before the Heritage Kitchener Committee and Council. I am the Heritage Planner who reviewed and processed the heritage permit application that was submitted for the proposed development. I prepared a staff report with my professional opinion and recommendation to refuse the heritage permit application for the proposed development pursuant to Section 42 of the *Ontario Heritage Act*.

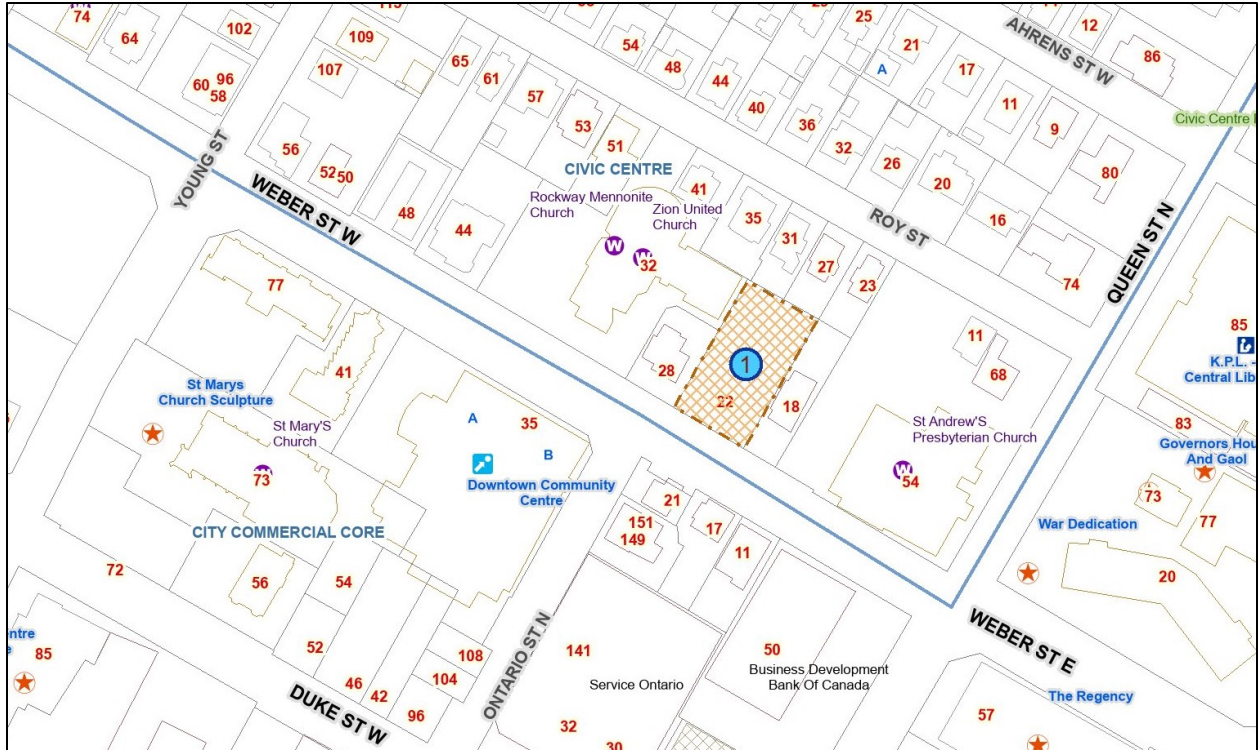
8. My professional recommendations are guided by best practices for the conservation of cultural heritage resources described in the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada, Heritage Conservation District Plans, the Ministry of Citizenship and Multiculturalism's Eight Guiding Principles for the Conservation of Built Heritage Properties, Ontario Heritage Toolkit, and Ontario Regulation 9/06 of the OHA, as amended.

## **SUMMARY OF EVIDENCE**

9. This witness statement will provide my expert opinion on the proposed development applications (proposed Official Plan Amendment and Zoning By-law Amendment applications) related to heritage planning matters.
10. It is my professional opinion that the proposed Official Plan Amendment and Zoning By-law Amendment applications for 22 Weber Street West are not consistent with the Provincial Planning Statement 2024, do not conform to the Region of Waterloo Official Plan or the City of Kitchener Official Plan, the City of Kitchener Urban Design Manual, and the Civic Centre Neighborhood Heritage Conservation District Plan (HCD Plan).
11. The proposed development and proposed Official Plan Amendment and Zoning By-law Amendment applications do not constitute good planning. The proposed development is not compatible with the character of the Civic Centre Neighborhood Heritage Conservation District. The heritage character of the heritage conservation district will not be conserved if the amendments are approved as proposed.

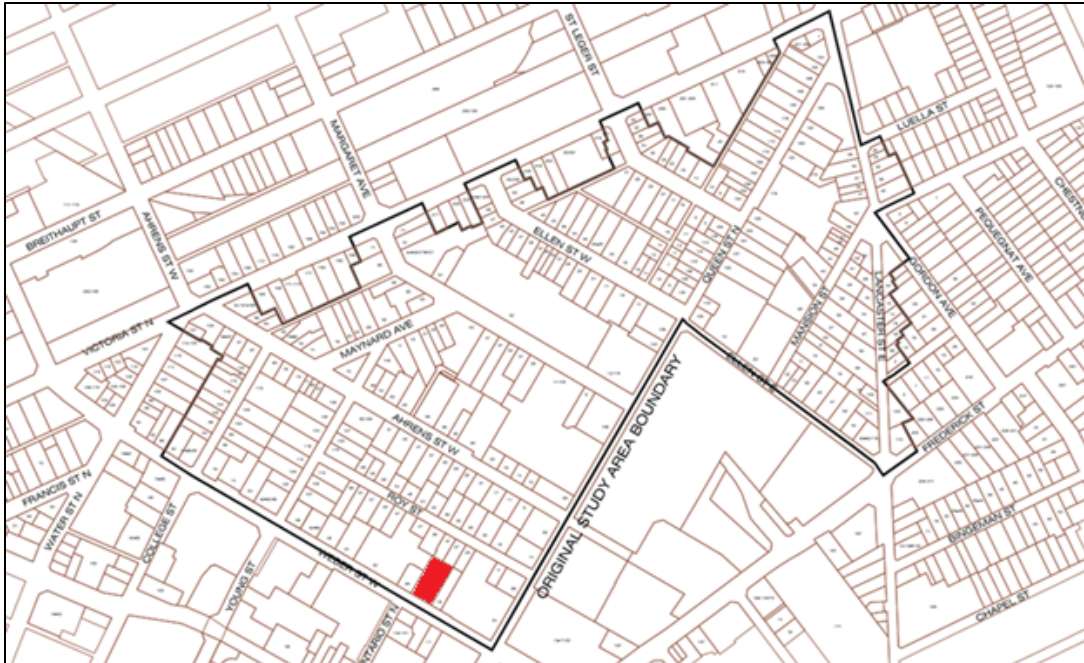
## **SUBJECT SITE AND SURROUNDING AREA**

12. The subject property is located near the intersection of Ontario Street North and Weber Street West, on the north side of Weber Street West. The current use of the property is a surface parking lot. A location Map is provided below.



Map Showing the Subject Property (hatched)

13. The Site is approximately 1392 square metres in size and has approximately 27.1 metres of frontage along Weber Street West.
14. The subject property is currently High Density Commercial Residential in the Civic Centre Secondary Plan.
15. The surrounding land uses are primarily low-density residential housing typologies including single detached residential dwellings, and a range of other uses including multiple dwellings, mixed use buildings, and institutional and commercial uses.
16. The subject property is located within the Civic Centre Neighborhood Heritage Conservation District and is designated under Part V of the Ontario Heritage Act.



Map Showing the Civic Centre Neighborhood Conservation District Plan Boundary (black line) and Subject Lands (red)

17. The subject property is also located within the Civic Centre Neighborhood Cultural Heritage Landscape (CHL) as identified in the City of Kitchener Cultural Heritage Landscape Study, dated December 2014.

**REQUESTED OFFICIAL PLAN AMENDMENT AND ZONING BYLAW AMENDMENT**

18. The Subject Land is designated High Density Commercial Residential in the Civic Centre Secondary Plan. The High Density Commercial Residential designation permits a range of uses, including free standing multiple residential buildings at a maximum Floor Space Ratio (“FSR”) of 4.0. The Official Plan Amendment proposes to retain the existing designation but with an increased FSR permission of 8.0.

19. The Zoning By-law Amendment application now requests the Subject land be rezoned Commercial Residential Three (CR-3) Zone with Site Specific Provisions in order to permit the development as proposed:

- a. A minimum front yard setback of 0.0 metres is proposed along Weber Street West, whereas a minimum front yard of 3.0 metres is required.

- b. For portions of the building up to 5.0 metres in height, a minimum rear yard setback of 8.0 metres is proposed. For portions of the building greater than 5.0 metres in height, a minimum rear yard setback of 14 metres is proposed, whereas a minimum setback of one half the building height is required.
- c. A maximum Floor Space Ratio of 8.0 whereas a maximum Floor Space Ratio of 4.0 is permitted.
- d. A minimum landscape area of 5% whereas a minimum area of 10% is required.

## **CHRONOLOGY OF OFFICIAL PLAN AND ZONE CHANGE APPLICATION**

- 20. The City received Zoning By-law Amendment and Official Plan Amendment applications for the proposed development, which were deemed complete on August 7, 2020. A Heritage Permit Application was submitted to the City of Kitchener on May 2, 2022.
- 21. A Notice of Complete Application for the Heritage Permit Application was issued by the City of Kitchener on June 28, 2022.
- 22. The heritage permit application was presented to the Heritage Kitchener Committee on August 2, 2022. Staff Report and DSD-2022-321, and Addendum Report DSD-2022-379 were presented to the Committee with staff recommending refusal.
- 23. Kitchener City Council refused the heritage permit application on August 22, 2022.
- 24. 30 Duke Street Limited appealed Council's decision to the Ontario Land Tribunal in a letter dated August 24, 2022.
- 25. A Notice of Decision was issued by the City of Kitchener on August 29, 2022.
- 26. It is noted that Phase 2 of this hearing will be dealing with the Heritage Permit Application.

## **RESPONSE TO ISSUES**

### **CIVIC CENTRE NEIGHBORHOOD HERITAGE CONSERVATION DISTRICT**

- 27. The Civic Centre Neighborhood Heritage Conservation District ("District") is an important historic residential neighborhood that tells the story of Kitchener's exponential growth at the turn of the 19<sup>th</sup> century. Almost two-thirds of the existing buildings were built between 1880 and 1917. These buildings were built and occupied by citizens who worked for some of the most important industries in Kitchener at the time. Today, the Civic Centre Neighborhood is one of Kitchener's oldest neighborhoods that still retains a large number of original

buildings. The District contains a variety of architectural styles, including Georgian, Queen Anne, and Italianate architectural styles, as well as 'Berlin or Kitchener Vernacular' architectural style.

28. The CCNCHD's streetscape also contributes to its cultural heritage value. Many streets are framed with mature trees, creating a shaded canopy throughout most of the neighborhood. These mature trees greatly contribute to the heritage character of the neighborhood. Furthermore, buildings with consistent setbacks, linear streets, and private and public trees along the boulevards create a strong and cohesive streetscape almost throughout the neighborhood.
29. According to the HCD Plan, the District's heritage attributes are found within its architecture, streetscape and historical associations, and architecture, and include the following:
- i. It's associations with important business and community leaders during a key era of development in Kitchener.
  - ii. A wealth of well maintained, finely detailed buildings from the late 1800s and early 1900s that are largely intact.
  - iii. A number of unique buildings, including churches (religious institutions) and commercial buildings, which provide distinctive landmarks within and at the edges of the District.
  - iv. A significant range of recognizable architectural styles and features including attic gable roofs, decorative trim, brick construction, porches and other details, associated with the era in which they were developed.
  - v. The presence of an attractive and consistent streetscape linked by mature trees, grassed boulevards and laneways.
  - vi. Hibner Park, Kitchener's second oldest city park, as a green jewel in the centre of the District.
30. The District boundary is roughly bounded by Weber Street West, Victoria Street North, Ellen Street East, Lancaster Street East, and Queen Street North. The boundary underwent minor changes during the District Study phase that was undertaken. The final boundary, approved as outlined in the HCD Plan, includes the majority of the original study area, which has the most significant architectural and streetscape consistency. The final study area also includes sections of Weber Street West that have the highest amount of original, unique and significant buildings in the neighborhood. The retention of these buildings on only one side of Weber Street West is a defining reason why the subject property is included within the HCD Plan boundary. This boundary was established through the approval of the HCD Plan

to ensure long term conservation of the most important heritage attributes and streetscapes in the CCNCHD, including the buildings on Weber Street West.

### **CIVIC CENTRE NEIGHBORHOOD HERITAGE CONSERVATION DISTRICT PLAN**

31. The CCNHCD came into effect in 2008 through By- Law No. 2008-38, and is applied to manage change within the District, including alterations, demolitions, additions, and new buildings. The HCD Plan does not prevent new development or growth within the HCD Plan boundary, but rather provides a layer of review to ensure that change is managed and balanced with conservation.
32. For the overall District, the relevant goals and principles include:
- *“Recognize, protect, enhance and appreciate the Civic Centre Neighborhood’s cultural heritage resources, including buildings, landscapes and historical connections, and value their contribution to the community by providing guidance for change so that the essential architectural and streetscape character of the District is maintained, and wherever possible, enhanced.*
  - *Ensuring that infill development or redevelopment is compatible with the heritage character and pedestrian scale of the District.*
  - *Preserving the historic context of the District; and*
  - *New buildings will respect and be compatible with the heritage character of the Civic Centre Neighborhood, through attention to height, built form, setback, massing, material and other architectural elements such as doors, windows, roof lines.”*
33. It is my opinion that the proposed applications are not consistent with the District Objectives, Principles, and Policies including within Sections 3.1, 3.2, and 3.3 of the HCD Plan. The proposed development is not compatible with the heritage character or the pedestrian scale of the District, and would not result in the continued preservation of the historic context of the District.
34. There are site specific policies in place for properties along Weber Street West (including the subject lands) applied in the review of development applications. The HCD Plan recognizes that Weber Street West contains nearly half of the oldest buildings in the Civic Centre neighborhood, which makes it one of the most important streets in the District from an historic and architectural perspective. The Plan also recognizes that the High Density Commercial Residential Designation (Section 4.2.1) that is located on Weber Street West and extends slightly into College and Young Streets, has the potential to be in conflict with



the intent of the HCD Plan. Furthermore, redevelopment on Weber Street West can have a negative impact on the heritage character of the area if infill or redevelopment is not undertaken in a sensitive manner. The proposed development does not meet the intent of 3.3.5.2. (b), (d), and (e) which provides policies related to any development on Weber Street West.

35. Policy 3.3.5.2 (b) states “*Maintain residential streetscape character through the use of appropriate built form, materials, roof pitch, architectural design and details particularly at the interface between Weber Street [West] and the interior of the neighborhood.*”
36. The proposed development does not have an appropriate built form or architectural design. The proposed development includes a contemporary design which does not respect and is not compatible with its surrounding historic context. It is not the intent of the Plan to make any new development mimic the building's existing architectural styles. Rather, compatibility here refers to the ability of a new development to exist side-by-side other cultural heritage resources without overpowering, detracting, or negatively affecting their heritage attributes and/or cultural heritage value. The proposed development's compatibility with regards its built form is discussed in more detail below.
37. While Weber Street West has a variety of existing commercial, institutional, and residential uses, and the existing built forms includes a variety of architectural styles, the interior of the neighborhood is predominantly low-rise residential dwellings, with few exceptions, most of which were developed prior to the approval and implementation of the HCD Plan. The proposed development, with its height and contemporary design, and a lack of appropriate step backs towards the rear of the building (except for a single storey bicycle room on the ground floor), does not provide an efficient transition from Weber Street West to the interior of the neighborhood.



Existing Condition of Weber Street West towards Queen Street.



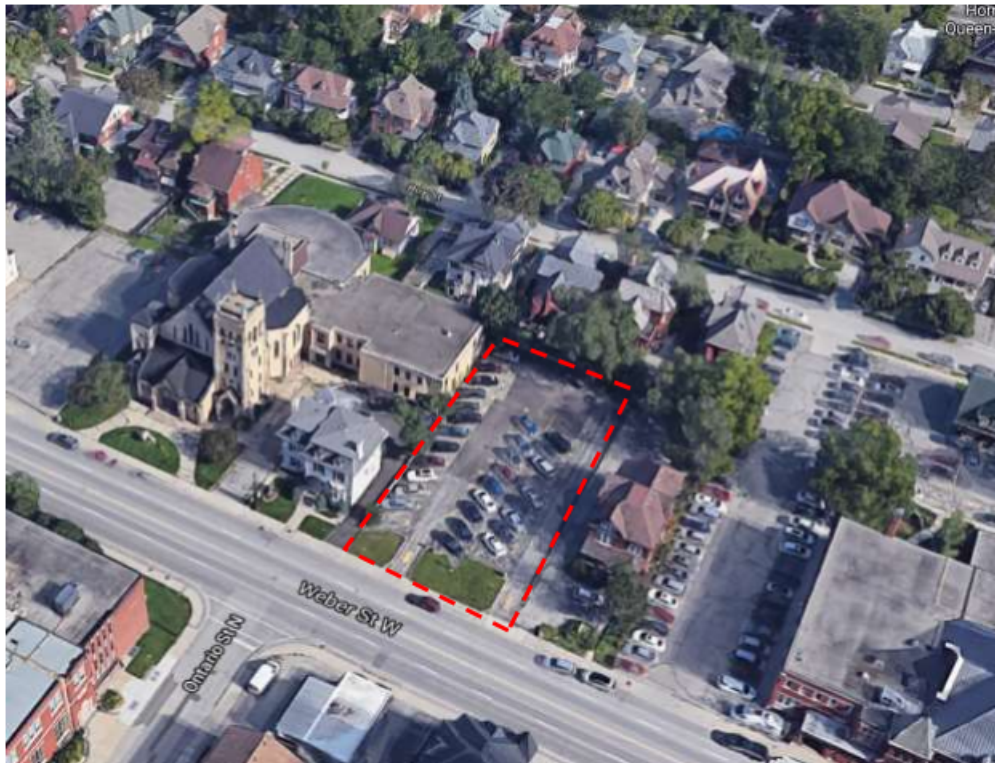
Existing conditions of Weber Street West towards Young Street.

38. Policy 3.3.5.2 (d) states *“Where redevelopment is proposed on vacant or underutilized sites, new development shall be sensitive to and compatible with adjacent heritage resources on the street with respect to height, massing, built form, and materials.”*
39. The proposed development is also not consistent, nor comparable, in height, massing, and built form with the immediately adjacent buildings, or with any other buildings on the same block of Weber Street West within the HCD. The proposed building is 19-storeys in height, and overshadows the immediately adjacent heritage resources on both sides at 18 Weber Street West and 28 Weber Street West. 28 Weber Street West is a two-and-a-half storey Second Empire home, and 18 Weber Street West is a two-and-a-half storey Berlin Vernacular residential home. These buildings are not compatible with a 19-storey tower in between them; there is no transition proposed, and there is no architecturally sympathetic design. Furthermore, the proposed design projects outwards on the right side (south side) above the ground level, further overshadowing the current building at 18 Weber Street West.
40. The massing of the proposed design is also not compatible with the immediately adjacent buildings. The proposed design does not consider the context of its immediate surrounding and as a result, the proposed development looks very isolated from its surroundings. The use of glass curtain walls and white anodized aluminum walls in this particular building design do not contribute to the appropriate integration of the proposed development into the surrounding heritage context. Alternative design mitigations, such as step backs on upper levels so as to not dominate the adjacent resources, a more compatible design using that is more sympathetic to and consistent with the established character of the HCD has also not been explored or considered in any submission made by the Applicant, but were identified as possible mitigation measures by staff.
41. As illustrated below, the renderings provided are very conceptual and do not depict an accurate representation of the existing built form along Weber Street West, or within the HCD. The aerial view included in the HIA can be used to see the actual building typologies and context of the HCD. The rendering appears to show a green area and a dense urban skyline in the distance. While renderings are conceptual, this illustration of the existing built environment is inaccurate. The skyline in the distance is questionable and the purpose of including such detail is not understood. This rendering also misrepresents the style and massing of the properties adjacent and nearby to the subject property. It should be noted that for an area whose architectural character is significant and is included within its heritage attributes, renderings of this kind can be an important tool in illustrating how proposed developments are compatible with the HCD. However, the renderings that have

been provided as part of the planning applications and the HIA completely ignore the existing context of the HCD.



Rendering of the Proposed Development



Aerial View of HCD as included in the HIA showing actual existing conditions.





Existing Conditions of the subject property with adjacent buildings.

42. With regard to built form, there are no other buildings within the HCD that contain a similar massing or design as the proposed development. While the HCD does contemplate higher density within the HCD, and there are existing high-rise buildings within the HCD, such as the apartment buildings at 11 Margaret Avenue, 175 Queen Street North, 100 Queen Street North, and 119 College Street, these existed before this area was designated as an HCD, and the Plan came into effect. In addition, these buildings are not proximal to the subject property from an architectural or visual impact perspective.
43. Section 13.1.2.5 of the Civic Centre Secondary Plan states that “*The aim of the High Density Multiple Residential designation is to recognize the existing high rise apartment buildings located at 119 College Street, 11 Margaret Avenue, 100 Queen Street North, and 175 Queen Street North, all which have been constructed in excess of 200 units per hectare. Permitted uses are restricted to multiple dwellings in excess of 200 units per hectare, home businesses, private home day care, lodging houses, parks, and large and small residential care facilities. Day care facilities are permitted provided they are on the*

*same lot as a large multiple dwelling. The maximum floor space ratio shall be 4.0, meaning the above grade gross floor area shall not exceed 4.0 times the lot area.”*

44. The Secondary Plan specifically mentions these four properties because they are only high-rise buildings that exist within the HCD, and the Secondary Plan provides clear direction that high-rise development is limited to those properties only, as these developments were not typical of the existing character in that neighborhood.
45. Policy 3.3.5.2 (e) states that *“Design guidelines provided in Section 6.9.2 [this is a typo in the HCD Plan, it should be 6.9.4] of this Plan will be used to review and evaluate proposals for major alterations, additions or new buildings to ensure that new development is compatible with the adjacent context”*.
46. The proposed development also fails to meet many key policies within Section 6.9.4, which includes site-specific development guidelines for the Weber Street Area. Bullet No. 1 includes *“Any infill development on Weber Street [West] must maintain a strong relationship to the street at the lower levels (2 to 4 storeys) with respect to built form and use”*. While the proposed development does include a podium, with the absence of any appropriate step backs on the front, side and rear elevations of the proposed development, it is my opinion that the upper levels dominates the visual precedence over the podium, and that the proposed development does not maintain a strong relationship to the street.
47. Bullet No. 2 within Section 6.9.4 states that *“setbacks of new development should be consistent with adjacent buildings. Where significantly different setbacks exist on either side, the new building should be aligned with the building that is most similar to the predominant setback on the street.”* The proposed development has a setback of 0 metres, whereas the existing building at 18 Weber Street West has a setback of approximately 13 metres, and the building at 28 Weber Street West has a setback of 7.25 metres. The HCD Plan states that where significantly different setbacks exist on either side, that the new building should be aligned with the building that is most similar to the predominant setback on the street. Having a 19-storey building with 0 metre setback would not be compatible with the existing built form and street edge and would not contribute to achieving a human-scale pedestrian realm. The proposed building would be distinctively different from the existing built form, and it fails to meet this policy.
48. Bullet No. 3 of Section 6.9.4 states that *“building facades at the street level should incorporate architectural detail, similar materials and colours, and consistency with the vertical and horizontal proportions or rhythm of adjacent/nearby buildings on the street to establish a cohesive streetscape.”* Bullet No. 5 states that *“size, placement, and proportion*

*of window and door openings for new buildings or additions should be generally consistent with those on other buildings along the street.”* The building facade at the street level does not incorporate architectural detail and massing with the adjacent buildings. The overall contemporary design of the proposed development isolates it from the existing buildings on this section of Weber Street West, and as a result, disrupts the established character of the existing streetscape, and also does not establish or enhance the streetscape.

49. The proposed development design includes an incompatible size and proportion of windows, which is not consistent with the vertical and horizontal proportions of the rhythm of adjacent or nearby buildings on the street. The proposed design uses various sizes of square and rectangular shapes balconies, and part of the building projects outwards beyond the podium on the upper levels. The rhythm of the balconies and windows is not contextually consistent with most of the other buildings that exist on the street or in the HCD.
50. The HCD Plan recognizes that will be development in the HCD, and that any new development should be of it's time so that it is distinguishable from the existing cultural heritage resources and as mentioned above, it should be able to co-exist with the established character of the area without detracting from it. However, it is imperative that the proposed design of any new development be sensitive to the existing context, built form, massing, height, and materials. Thus, the issue is not with the building design's contemporary nature, it is how the elements of that contemporary design does not consider or respect the existing context, which has resulted in a building design that negatively impacts the established architectural character of the HCD in its current form.
51. Bullet. No. 6 of Section 6.9.4 states that *“Any new buildings taller than 3 to 4 storeys should incorporate some form of height transition or step backs to minimize the perception of height and shadow impacts to pedestrians on the street and provide more visual continuity. Step backs should be a minimum of 2 metres to provide for useable outdoor terraces for the upper levels.”* Not only does the building not have a front yard setback, it also does not have any appropriate step backs on any elevation of the proposed development to provide an efficient transition from Weber Street West towards the interior of the neighborhood that lessen the perception of height. As a result, the incompatible design of the proposed development does not provide visual continuity at the pedestrian scale.
52. Bullet No. 7 of Section 6.9.4 states that *“Any buildings taller than 5 storeys abutting a residential property to the rear should be constructed within a 45 degree angular plane where feasible, starting from the rear property line, to minimize visual impacts on adjacent property owners.”* [emphasis added].

53. The proposed development also does not meet the 45 degree angular plane where a new building abuts a residential property, starting from the rear property line to minimize visual impacts on adjacent property owners. The HCD Plan does not define a ‘residential property’.
54. Regarding a residentially zoned property, Kitchener’s Zoning By-law 85-1 states that “*any reference to “residential zone” or “residentially zoned” lands in this by-law shall mean the Residential One (R-1) to Residential Nine (R-9), inclusive, zones only*”. By-law 2019-051 defines a residential zone as “*RES zone herein, or any residential zone in Zoning By-law 85-1.*” Furthermore, it defines a ‘residential use’ as *a premises with at least one dwelling unit.*
- a. Zoning By-law 85-1 was amended in 2013 to add regulations for *Residential Uses* and *Residential Zone* and *Residential Use*.
  - b. Zoning By-law 2019-051 was approved in 2019 with a definition for *Use, Residential*, as well as a definition of *Zone, Residential*.
  - c. These amendments were added to the City’s zoning by-laws well after 2008, the year HCD Plan ultimately came into effect. It is not possible that the HCD references definitions related to residential uses and residential zones that were not in effect at the time the HCD Plan was implemented.
55. Kitchener’s Official Plan does not define ‘residential’ or what would constitute a ‘residential property’. Thus, it would be fair to consider the general understanding of the word ‘residential’ when applying the angular plane policy.
56. Broadly, residential is an adjective that expresses a relationship with homes, apartments, or any place where people live. One might refer to a residential building, a residential neighborhood, or a residential block. Something that is deemed for ‘residential use’ is designed for use at home or rather than for business or commercial use.
57. The subject property abuts 27 Roy Street and 31 Roy Street, both properties with residential zoning and uses.
- a. In Zoning By-law 85-1, 27 Roy is currently zoned Residential Five (R-5) with Special Use Provision 164U and Special Regulation Provision 781R.
  - b. In Zoning By-law 85-1, 31 Roy is zoned as Residential Five (R-5) with Special Use Provision 164U.
    - i. The R-5 zone permits a variety of low-rise residential uses.
    - ii. Special Use Provision 164U permits a semi-detached dwelling, duplex dwelling, multiple dwelling, lodging house and small residential care facility, office and uses accessory thereto shall also be permitted only within the



buildings existing on January 24, 1994, and off-street parking shall be provided in accordance with Section 6.1 of this By-law.

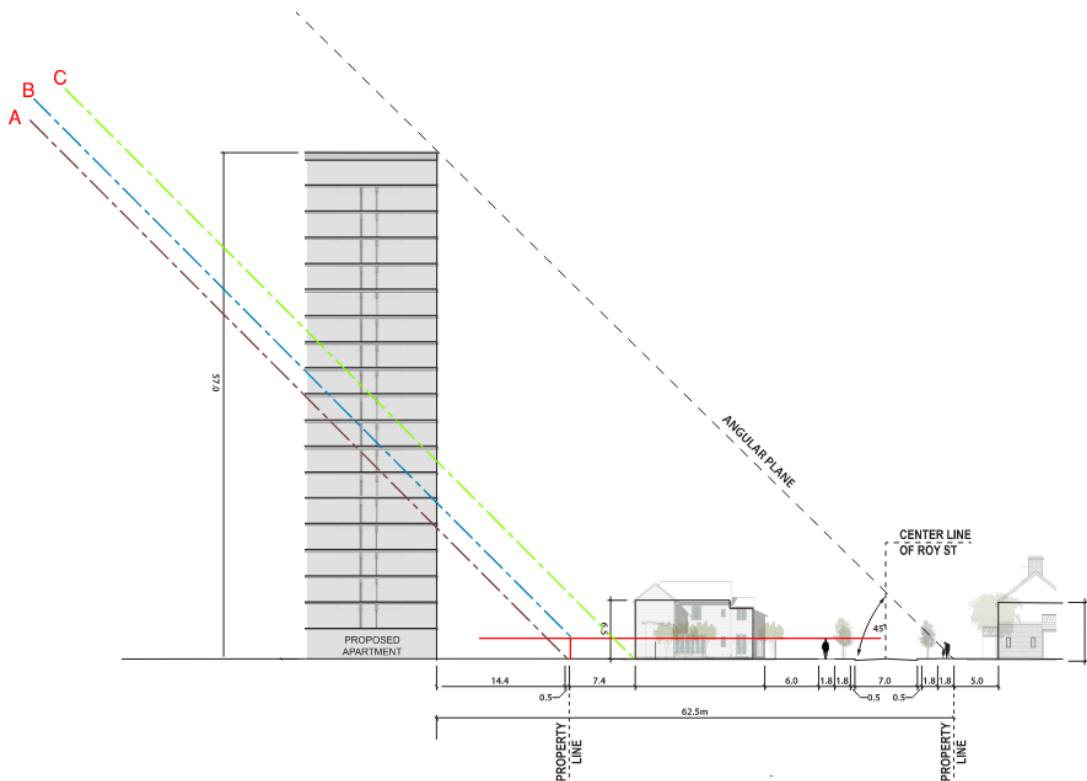
1. Special Regulation Provision 781R permits an Artisan's Establishment and Restaurant, regulates the Minimum lot area and width, regulates off-street parking, and permits a maximum of four dwelling units.
- c. 27 Roy is proposed to be zoned SGA-1 (170), and 31 Roy is proposed to be zoned as SGA-1.
- i. The SGA-1 zone permits missing middle housing and compatible non-residential uses in low-rise forms up to 11 metres in height.
  - ii. Provision (170) brings forward Special Regulation 781R, in part, and permits an Artisan's Establishment and Restaurant in a building with a residential use, regulates the Minimum lot area and width, and permits a maximum of four dwelling units.
58. The current and proposed zoning regulations permit a variety of uses, including residential uses. Both these properties are located within an existing low-rise residential neighborhood and were originally built as residential buildings. Even with the previous Office Residential Conversion land use designation for these properties as mentioned in the HIA (now designated as Strategic Growth Area A), it is assumed that any business or commercial use would be taking into account their residential built form typology. They are surrounded by other residential properties, which are also designated under Part V of the Ontario Heritage Act.
59. The intent of including the angular plane policy was because the HCD Plan anticipated that this portion of Weber Street West will include higher-density development and that sufficient transition should be provided to the immediate low-rise buildings immediately behind this portion to protect them from the adverse impacts that might be caused by visual impacts of any new development. Regardless of their zoning or use, the existing buildings at 27 and 31 Roy Street were originally constructed as part of a residential neighborhood, contribute to the heritage character of that neighborhood, and should be protected against any adverse impacts caused by any new development. Additionally, these properties are also designated under Part V of the Ontario Heritage Act and should be given the same treatment as any other protected cultural heritage resource is, further strengthening their case to be protected against any adverse negative impacts. Just because a property is intended to provide a buffer zone between the higher density area of Weber Street West and low-rise area does not mean that property itself cannot be negatively impacted due to a proposed development,

and if it is, that those impacts do not need to be mitigated. Furthermore, while this is a guideline, this guideline has been given status through Section 3.5.2 of the HCD Plan, which includes policies related to development on Weber Street West, and is used to review all applications relating to that portion of Weber Street West.

60. The angular plane analysis that was included as part of the HIA takes it from the front property line of the property across 27 and 31 Roy Street, which has been incorrectly applied in my opinion. It should be taken from the rear property lines of 31 and 27 Roy Street. The intent of the policy is to ensure that there are no adverse visual impacts to these abutting low-rise buildings, and if required, address any transition challenges due to the proposed design of any proposed development. However, since the angular plane has been incorrectly applied, the proposed development fails to acknowledge and address any visual impacts and achieve an efficient transition to 27 and 31 Roy Street.
61. The language specifically states that “*Any buildings taller than 5 storeys abutting a residential property to the rear should be constructed within a 45 degree angular plane where feasible, starting from the rear property line, to minimize visual impacts on adjacent property owners.*” [emphasis added]. The language is specific regarding “*starting from the rear property line*” and “*adjacent property owners*”. The policy was not clearly meant to be applied to the front lot line of a non-adjacent property, when in fact, that is the opposite of the way it was written.
62. In my opinion, the application of the 45 degree angular plane analysis in the HIA prepared by the Applicant relying on this approach is completely incorrect. The angular plane analysis that has been submitted with the HIA takes the 45 degree angular plane from the edge of the ‘low-rise residential properties’ on Roy Street, opposite 27 and 31 Roy Street. The HIA provides rationale for this by remarking that “*The subject lands do not abut the Low Rise Residential designated areas that make up the interior of the Heritage District. Section 5.2.3 of the HCD Study as well as the policies of the Secondary Plan identify that the Office Residential Conversion lands are intended to provide a buffer and transition between the higher density uses on Weber Street [West] and the low-rise residential areas in the Heritage District. The intent of the angular plane guideline is to ensure that tall buildings don’t negatively impact the character of low-rise residential properties and jeopardize their continued residential use.*”
63. Section 13.1.2.6 of the Civic Centre Secondary Plan states that “*The Office-Residential Conversion designation applies to certain properties fronting onto the south side of Roy Street (with the exception of 41 and 51 Roy Street), the south side of Ahrens Street, and*

portions of Young and College Streets north of the westerly projection of Roy Street, as shown on Map 9. The aim of this designation is both to preserve the existing structures in these areas and to serve as a transition area between the higher intensity uses along Weber Street [West] and Queen Street [North] and the Low Rise Residential - Preservation designation of the interior of the neighbourhood.” Based on this policy, it can be assumed that we cannot solely rely on land use designation of 27 and 31 Roy Street, as this was put in place for these properties to be ‘preserved’ because they serve as a transition between the higher intensity area and the low-rise areas, not because they wouldn’t qualify as residential properties themselves.

64. The guideline, however, does not include specific direction about a property’s *designation* or use, simply mentioning the angular plane needs to be satisfied where new development abuts a residential property to the rear. Since there is no clear definition of a residential property, but because 27 and 31 Roy Street are located within a residential neighborhood and have been used for residential purposes, have a residential architectural style, the angular plane should be taken from the rear lot of the subject lands (shared property line with 27 and 31 Roy Street).



65. As a demonstration, adding additional angular plane analysis on the illustration relied on by the Applicant (which I will note, is not to scale), Line ‘A’ in brown takes the angular plane

from the rear property line of the property abutting the property line. Line 'B' in blue takes from the same point as point 'A' but approximately at the human-scale level, and line 'C' in green takes the angular plane from the rear elevation of the building abutting the subject property towards the rear to provide some flexibility. In all three cases, it is quite evident that the proposed building, with its current height, does not satisfy this policy and if constructed, will have adverse impacts on the buildings abutting it to the rear.

66. For the reasons described above, the Applicant's contention that the Angular plane should be measured from a property across the street, rather than the adjacent property which was designed for residential purposes, is inaccurate, and should be completely disregarded by the Tribunal.
67. The impacts resulting from the intrusion of more than half of the building into the 45 degree angular plane include, but are not limited to, visual impacts due to the incompatibility of the proposed design of the building. The current low-rise buildings on 27 Roy and 31 Roy Street will be abutting a property with a 19-storey building with no step backs and an incompatible design to their rear if this proposal is approved.
68. The city of Kitchener Urban Design manual requires shadow studies as a test of compatibility for any tall building proposed adjacent to an existing use. The manual notes that all buildings are to limit shadowing on the public realm and on adjacent properties. It is my opinion that the correct application of the 45 degree angular plane, along with introducing step backs might decrease the shadow impacts to properties in the surrounding neighborhood.
69. Bullet No. 8 of Section 6.9.4 states that "*To minimize impacts on properties to the rear of or flanking Weber Street [West], a rear yard setback of 15 metres should be maintained for new buildings as well as additions where feasible.*" The proposed development proposes rear yard setback of 8 metres where building height is 5 metres, and for portions of the building greater than 5 metres, a rear yard setback of 14 metres is proposed. Thus, the proposed development does not satisfy this requirement.
70. It is my opinion that the proposed development is incompatible with overall character of the HCD and is not sympathetic to its character due to its proposed design, height, massing, transition and overall built form, and does not meet the requirements of the angular plane analysis. It does not incorporate any significant step backs to lessen the impacts on the adjacent properties to its side or rear and is not sensitive to the established character of the HCD. The proposed development does not meet the intent of the policies for new

development within the HCD and would have a negative impact on the heritage attributes, and character of the HCD.

71. At the time the heritage permit application was submitted for this development, the Official Plan Amendment and Zoning By-law Amendment applications were under appeal. As no final decision has been made on these applications, staff recommended that the heritage permit application be refused.

## **CITY OF KITCHENER OFFICIAL PLAN**

### Relevant Policies

72. Policy 12.1.1 of Kitchener's Official Plan states that *"To conserve the city's cultural heritage resources through their identification, protection, use and/or management in such a way that their heritage values, attributes and integrity are retained"*.
73. Policy 12.1.2 of Kitchener's Official Plan states that *"To ensure that all development or redevelopment and site alteration is sensitive to and respects the cultural heritage resources and that cultural heritage resources are conserved."*
74. Policy 12.C.1.10 states that *"The City will require the conservation of significant cultural heritage landscapes within the City."*
75. Policy 12.C.1.19. states that *"in addition to listing and designating properties under the Ontario Heritage Act, the City may use and adopt further measures to encourage the protection, maintenance and conservation of the city's cultural heritage resources including built heritage and significant cultural heritage landscapes and implement Cultural Heritage Resource Conservation Measures Policies in this Plan. These may include, but are not limited to covenants and easements pursuant to the Ontario Heritage Act; by-laws and agreements pursuant to the Planning Act (Zoning By-law, demolition control, site plan control, community improvement provisions, provisions in a subdivision agreement); and agreements pursuant to the Municipal Act (Property Standards Bylaw, tree by-law, sign by-law)."*
76. Policy 12.C.1.20. states that *"The City will make decisions with respect to cultural heritage resources that are consistent with the policies of the Provincial Policy Statement, which require the conservation of significant cultural heritage resources. In addition, such decisions will be consistent with the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada."*

77. Policy 12.C.1.21. states that *“All development, redevelopment and site alteration permitted by the land use designations and other policies of this Plan will conserve Kitchener’s significant cultural heritage resources. The conservation of significant cultural heritage resources will be a requirement and/or condition in the processing and approval of applications submitted under the Planning Act.”*
78. Policy 12.C.1.29. states that *“Where a Heritage Permit Application is required for a property designated under the Ontario Heritage Act, the owner/applicant will be required to submit supporting information in accordance with the City’s Heritage Permit Application submission requirements and guidelines such as:*
- a. a) a detailed site plan drawn to scale with metric dimensions;*
  - b. b) details of the work that is proposed to be completed including materials, samples, colors, and elevation drawings; and,*
  - c. c) an explanation of the reason for the work that is proposed to be completed.”*
79. Policy 4.C.1.7 states that *“The City may require a site plan, elevation drawings, cross-sections, landscaping plans and any other appropriate plans and/or studies, to support and demonstrate that a proposed development or redevelopment is compatible with respect to built form, landscaping, screening and/or buffering, conforms to zoning, and provides for a healthy, safe, accessible, and sustainable building and site design. These requirements are intended to address the relationship to adjacent residential development, to ensure compatibility with the existing built form and the community character of the established neighborhood and to minimize adverse impacts.”*
80. Policy 4.C.1.9 states that *“Residential intensification and/or redevelopment within existing neighborhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility.”*

#### Analysis and Professional Opinion

81. In my opinion, the proposed applications and proposed development do not meet the intent of the policies regarding the conservation of cultural heritage resources in Kitchener’s Official Plan. The proposed development will have a negative impact on HCD’s character, heritage attributes, and integrity. The proposed development has not been developed with a high degree of sensitivity to surrounding context, and thus, is not compatible with the surrounding properties within the HCD.

82. The heritage permit application was submitted with a site plan, elevation drawings and other documents that had not been approved. Furthermore, no decision on the Official Plan Amendment and Zoning By-law Amendment applications have been made. Thus, recommending approval and issuing a heritage permit would have been premature in my opinion. If the heritage permit had been issued based on draft plans, and if there was any change in those plans, it could have been possible that a new heritage permit application would be required based on the scope of the changed design.
83. The District Plan was put in place to conserve the District's heritage attributes under the legislative authority of the Ontario Heritage Act and Kitchener's Official Plan. As the proposed development does not meet the intent of the District Plan's policies regarding new development within the HCD and does not meet the Weber Street West specific policies, it is my opinion that the proposed development does not meet the intent of, and does not conform to, the City of Kitchener's Official Plan.

## **KITCHENER URBAN DESIGN MANUAL**

### Relevant Policies

84. Section 0.1.2.7 of the City of Kitchener Urban Design Manual states that "*new buildings in existing neighborhoods should respect planned and established heights and setbacks in the neighborhoods. It also states that new development in existing neighborhoods should ensure compatibility by providing appropriate building mass, design features and materials.*"
85. Section 1.2.8 of the Kitchener Urban Design Manual states that "*new development near cultural heritage resources is to be compatible, with a high level of urban design, particularly as it relates to views, streetscape character and material selection.*"
86. Section 2.3.1 of the Kitchener Urban Design Manual states, "*provide step back for upper levels in mid-rise and tall buildings to mitigate impacts and create street-facing shared amenity space.*" It also states that "*Buildings should not be longer than 70m in total length. Buildings greater than 35m in length are to provide additional articulation in building massing, materials, and architecture.*"

### Analysis and Professional Opinion

87. It is my opinion that the proposed development does not achieve a sufficient transition to the adjacent existing and built form of the adjacent properties. The proposed building height is not compatible and aligned with adjacent neighboring properties. The proposed design features do not contribute to the established neighborhood and streetscape character, and instead, detracts from it.
88. The building does not provide additional articulation in building massing, materials, and architecture in the context of the established character of the HCD.

## **REGION OF WATERLOO OFFICIAL PLAN**

### Relevant Policies

89. Objective 3.8 of the Regional Official Plan states one of the overall goals of the Regional Official Plan is to create vibrant urban and rural places by “*supporting the conservation of cultural heritage resources.*”
90. Policy 2.D.1 of the Regional Official Plan states that “*in preparing or reviewing planning studies, or in reviewing development applications or site plans, the Region and/or Area Municipalities will ensure that development occurring within the Urban Area is planned and developed in a manner that:*
- (e) Conserves cultural heritage resources and supports the adaptive re-use of historic buildings.*”
91. Policy 3.G.1 of the Regional Official Plan states that “*The Region and Area Municipalities will ensure that cultural heritage resources are conserved using the provisions of the Heritage Act, the Planning Act, the Environmental Assessment Act, the Cemeteries Act, and the Municipal Act.*”
92. Policy 3.G.6 states that “*Area Municipalities will designate Cultural Heritage Landscapes in their Official Plans and establish associated policies to conserve these areas. The purpose of this designation is to conserve groupings of cultural heritage resources that together have greater significance than their constituent elements or parts.*”

### Analysis and Professional Opinion

93. It is my opinion that the proposed development will not conserve Kitchener’s cultural heritage resources and cultural heritage landscapes as outlined in the Region of Waterloo



Official Plan as has been discussed above. Furthermore, The City has not been able to assess the proposed development under the provisions of the Planning Act through the site plan control process, and such, cannot ensure that the proposed development will conserve cultural heritage resources. For these reasons it is my professional heritage planning opinion that the proposed development and the Applications do not conform with the Region of Waterloo Official Plan.

## **PROVINCIAL PLANNING STATEMENT, 2024**

### Relevant Policies

94. Policy 4.6.1 of the PPS states *“Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved”*.

95. Policy 4.6.3 states that *“Planning authorities shall not permit development and site alterations on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.”*

96. Conserved is defined in the PPS as:

*“Means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision maker. Mitigative measures and/or alternative development approaches should be included in these plans and assessments.”*

Protected heritage property is defined in the PPS as:

*“ means property designated under Part IV or VI of the Ontario Heritage Act; property included in an area designated as a heritage conservation district under Part V of the Ontario Heritage Act; property subject to a heritage conservation easement or covenant under part II or IV of the Ontario Heritage Act; property identified as a ministry or a prescribed public body as a property having cultural heritage value or interest under the Standards and Guidelines for the Conservation of Provincial Heritage Properties; properties protected under federal heritage legislation; and UNESCO world heritage sites.”*

Analysis and Professional Opinion

97. The Heritage Impact Assessment (HIA) submitted in support of this application has not yet been approved by the City.
98. The mitigation measures that were included in Section 7.0 of the HIA explores other approaches for the subject property, including the 'Do Nothing' approach, 'Redevelop site with decreased height and density', 'Redevelop the site with increased density', and 'Redevelop the site with alternative design and materials.'
99. Under the 'Do Nothing' approach, The HIA mentions how paved parking areas may detract from the character of the District. However, it is important that any proposed development in such areas be compatible with, sympathetic to, and respectful of the existing character and historic context of the HCD, which the proposed development is not in my opinion.
100. The HIA further elaborates that "*redeveloping the site with decreased height and density, leading to a design that would result in a building with lesser height would not be the preferred option as the 19-storey building conforms with the policies of the District regarding height i.e. - the 45 degree angular plane.*" However, the angular plane has not been applied properly in this case, as discussed above. The HIA indicates that "*if the lower height was accommodated by constructing a wider building, there may be increased impact due to the reduction in the rear yard setback.*" The HIA does not go into detail about how what those 'increased impacts' might be, or whether they would be greater than the impact of the proposed height and massing of the proposed development with its current design. The HIA does not contemplate potential alternative designs with decreased height, or decreased height with the same width to demonstrate what that building typology would look like and whether that would be more compatible with the character of the HCD.
101. Section 6.5.1 of the HIA states that the "*The CCNCHD does not regulate height. Instead, it indicates that new buildings along Weber Street West should be sensitive to, and compatible with adjacent heritage resources. proposed new building which is 19 storeys in compatible with the existing built form of Weber Street West in terms of scale and massing as a) It is located at the Perimeter of the District, where higher density development are anticipated, and b) It will not result in disrupting any consistent building height, as the Weber Street West streetscape varies considerably and is located within close proximity to higher intensity land uses in the Downtown.*"
102. The location of a proposed development, even in an area where higher density developments are anticipated, does not automatically make a proposed building compatible

with the built form of that area. It is my opinion that the Weber Street West streetscape will be disrupted as a result of this development because currently, even with different building typologies on that portion of Weber Street West, none of the buildings are similar in height as the proposed development. Instead, these buildings are similar in height to each other, which contributes to the establishment of the current streetscape. Higher density development is anticipated on the portion of Weber Street West that is not included within the HCD boundary, which further emphasizes the need for appropriate and compatible development on the portion of Weber Street West that is within the HCD boundary to ensure that there is sufficient transition from these higher density areas to conserve the character of the low-rise residential character of the neighborhood.

103. Other than acquiring the adjacent properties or increasing the width of the building to achieve the same proposed FSR so that the building can have a bigger footprint, the HIA does not explore any additional design considerations such as step backs, additional compatible materials, setbacks, that could lessen the impact of the proposed development, achieving a building design that is more compatible with the immediate adjacent heritage resources, and generally with the HCD. The mitigation measures seem to focus on building FSR and density rather than alternative building design options that could demonstrate that the proposed development could be compatible with the immediately adjacent protected heritage property and the HCD in general, even if that would result in lower FSR and density. Even in later iterations of the proposed development, changes in the design of the proposed development have never been explored.
104. In my opinion, the Applicant's HIA relies on an incorrect application of the HCD Pan policies, and as such, cannot be relied on to conclude a 19 storey building conforms with the policies in the HCD Plan.
105. The City's opinion that the Applicant is employing an incorrect application of the angular plane policy has been shared with the Applicant throughout the review of the application and following the appeal, and changes to the proposed development and subsequent updates to the HIA have not attempted to resolve this incorrect application of the angular plane guideline. The City's interpretation of the angular plane policy, which in my opinion is the only reasonable interpretation of the policy, would result in over half of the proposed building being built within the 45 degree angular plane, given that the building is proposed to be 19 storeys. A building can be built within the angular plane while still achieving higher density, but not at 19 storeys, or even 15 storeys which was the original proposal by the Applicant.

106. It is my opinion the Kitchener's protected heritage property, including the overall District and the immediately adjacent properties to the subject property will not be conserved as a result of the proposed development. The proposed development has failed to meet the intent of policies within the CCNHCD Plan, Kitchener's Official Plan, the Region of Waterloo Official Plan, and the Provincial Planning Statement. Without satisfying policies within these plans, it cannot be expected that the proposed development will satisfy the cultural heritage policies of the Provincial Planning Statement.

## PLANNING ACT

107. Section 2 of the Planning Act states that:

*The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as*

*(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*

*(n) the resolution of planning conflicts involving public and private interests;*

*(p) the appropriate location of growth and development; and*

*(r) the promotion of built form that.*

*(i) is well-designed,*

*(ii) encourages a sense of place, and*

*(iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant;*

108. Cultural heritage conservation is a public interest matter, with the HCD Plan in place to ensure that cultural heritage value of the District is preserved. It is my opinion that the heritage attributes of the District will be impacted because of the proposed development and will not result in the conservation of features of significant architectural, cultural, and historical interest. While the Plan recognizes that Weber Street West is an area of the HCD where higher density development might happen, the Plan also states that any development on Weber Street West needs to be sensitive to the existing character of the neighborhood. Approval of the proposed development will not result in a built form that the well-designed in the context of the CCNCHD, it will not encourage or contribute to the encouragement of a sense of place, does not provide public spaces that are of high quality, and vibrant.

## CONCLUSION

109. In conclusion, the proposed development will have an adverse negative impact on the HCD and its heritage attributes. The proposed development will impact the overall character of the HCD, and that the proposed height, design, and massing is not appropriate for nor compatible with the established character of the HCD.
110. There are examples of other high-rise buildings within the District such as the apartment buildings at 11 Margaret Avenue, 175 Queen Street North, 100 Queen Street North, and 119 College Street however, those were constructed before this neighborhood was designated as a Heritage Conservation District. In fact, the HCD Study and Plan were developed and implemented to recognize the cultural heritage value and significance of the character of this neighbourhood, and to guide any future development within the area to ensure the prevention of such non-compatible buildings moving forward. Since the neighborhood was designated as an HCD, there has not been any development that contemplated the height and massing that the proposed development is proposing.
111. The proposed development only meets some policies within the HCD Plan, such as policies related to locating services towards the rear, entrances oriented to the street, use of materials such as brick; however, key issues such as the proposed height, lack of transition, and proposed building design outweigh the policies that met and these issues are significant in nature.
112. Alternative, mitigative designs have not been explored which could help address these issues, and it is also important to consider the long-term impacts of approving such a development. Approving the proposed incompatible development would erode the established character of the HCD and could lead to other development proposals that would have further negative impacts on the heritage attributes of the HCD.
113. In my opinion, the proposed Applications:
- a. Do not have appropriate regard for section 2 of the Planning Act;
  - b. Are inconsistent with the PPS, 2024;
  - c. Do not conform with the Region of Waterloo Official Plan;
  - d. Do not conform with the City of Kitchener Official Plan;
  - e. Do not conform with the Civic Centre Neighbourhood Heritage Conservation District Plan; and
  - f. Therefore, do not represent good heritage planning in the public interest.

A handwritten signature in black ink, appearing to read "Deeksha Choudhry". The signature is written in a cursive style with a horizontal line underneath the name.

Deeksha Choudhry, MSc., BES

February 26, 2025

# APPENDIX A

## CURRICULUM VITAE OF DEEKSHA CHOUDHRY, MSc., BES

### EMPLOYMENT PROFILE

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01/2024 – Present	Heritage Planner, City of Kitchener
08/2023 – 01/2024	Heritage Planner, City of Toronto
01/2022 – 08/2023	Heritage Planner, City of Kitchener
12/2021 – 12/2021	Consultant Conservation Planner, Aishwarya Tipnis Architects Ltd.
02/2021 – 04/2021	Conservation Architect, Cultural Resource Conservation Initiative
08/2017 – 04/2018	Graduate Heritage Planner, City of Edmonton
05/2017 – 11/2017	Student Planner, City of Edmonton

### EDUCATION

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09/2019	Masters of Science, Architectural Conservation University of Edinburgh Edinburgh, Scotland, United Kingdom
09/2017	Bachelors of Environmental Studies, Honours Planning Minor in Geography and Environmental Management University of Waterloo Waterloo, Ontario, Canada

### RELEVANT WORK EXPERIENCE

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#### **Project Management**

##### **Heritage Planning Lead for the Lower Doon Secondary Plan**

Managing the Lower Doon Secondary Plan heritage planning considerations and working with consultant to ensure project deliverables meet the project schedule.

##### **Old Mill Ruins**

Managing the comprehensive review and restoration of the Old Mill Ruins in Lower Doon. Working with retained professionals to evaluate the restoration and costing requirements to repair and maintain this cultural heritage resource.

#### **Planning Application Experience**

##### **Official Pan and Zoning By-law Amendment Applications**

Providing heritage planning advice and comments on several Zoning By-law amendment and Official Plan Amendment applications for the City of Kitchener.



**Residential Subdivision**

Providing heritage planning advice and comments on residential subdivisions in the City of Kitchener, many of which have included a Zoning By-law amendment application to facilitate and implement the proposed plan of subdivision.

**Site Plan Approval**

Providing heritage planning advice and comments on formal site plan applications on a variety of different developments from street fronting townhouse developments, condominium developments, to dense mixed-use high-rise developments.

**Heritage Permits**

Preparing reports and processing heritage permits for properties designated under Part IV or Part V of the Ontario Heritage Act for the City of Kitchener.

**Designations under the Ontario Heritage Act**

Preparing reports and passing designation by-laws to designate properties under the Ontario Heritage Act for the City of Kitchener.

**Other Related Experience**

**Municipal Heritage Register Review – Bill 23**

Evaluating and designating listed properties on the City’s Municipal Heritage Register in response to the changes made to the Ontario Heritage Act by the More Homes Built Faster Act, 2022 for the City of Kitchener.

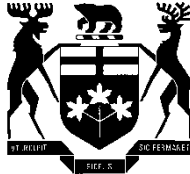
**Customer Inquiries**

Customer Service Representative providing heritage planning advice to customers in person at the counter, by email, or over the phone on behalf of the Planning Division for the City of Kitchener.

**Heritage Kitchener Committee**

Facilitating monthly meetings for the Heritage Kitchener Committee to process heritage permits, gather input for Heritage Impact Assessments, and discuss other items as needed.

# APPENDIX B



Ontario  
 Ontario Land Tribunal  
 Tribunal ontarien de l'aménagement du territoire

**Acknowledgment Of Expert's Duty**

<b>OLT Case Number</b>	<b>Municipality</b>
<b>OLT-22-002377</b>	<b>CITY OF KITCHENER</b>

1. My name is DEEKSHA CHOUDHRY.....(*name*)  
 I live at the Municipality of Mississauga.....(*municipality*)  
 In the Region of Peel.....(*province*)
2. I have been engaged by or on behalf of.....City of Kitchener.....(*name of party/parties*) to provide evidence in relation to the above-noted Ontario Land Tribunal ( `Tribunal` ) proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
  - a. to provide opinion evidence that is fair, objective and non-partisan;
  - b. to provide opinion evidence that is related only to matters that are within my area of expertise;
  - c. to provide such additional assistance as the Tribunal may reasonably require, to determine a matter in issue; and
  - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date...February 25, 2025.....

Signature