

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)

REPLY WITNESS STATEMENT OF ERIC SCHNEIDER, BES, RPP, MCIP

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Reply:

1. The following is a reply to the Witness Statement of Andrea Sinclair, dated February 26, 2025, regarding the Appeals of the Official Plan Amendment and Zoning By-law Amendment applications for 22 Weber Street West.
2. I have prepared this Reply Witness Statement to assist the Tribunal and provide clarification, where it is needed. When I refer to a specific paragraph in Ms. Sinclair's Witness Statement, I have italicized the font to distinguish from my own paragraphs.
3. In paragraph 142, Ms. Sinclair states "*The current designation was put in place to recognize anticipated intensification along Weber Street corridor with the north side of Roy Street intended to provide a buffer to the stable residential neighbourhood internal to the Civic Centre Neighbourhood.*"
4. In my opinion, the north side of Roy Street is not intended to provide a buffer to the stable residential neighbourhood internal to the Civic Centre Neighbourhood. Rather, the north side of Roy Street is within and a part of the stable residential neighbourhood internal to the Civic Centre Neighbourhood. This is evident by the land use designation of the vast majority (13 of 14 lots) of the lands with frontage on the north side of Roy Street, which is "Low Rise Residential Preservation".
5. Section 13.1.2.1 of the Civic Centre Secondary Plan within the City's Official Plan states: "*The Low Rise Residential-Preservation designation has been applied to areas where it is the aim of the Official Plan to retain the single detached residential character of the neighbourhood. Existing houses and streetscapes are to be preserved wherever possible.*"

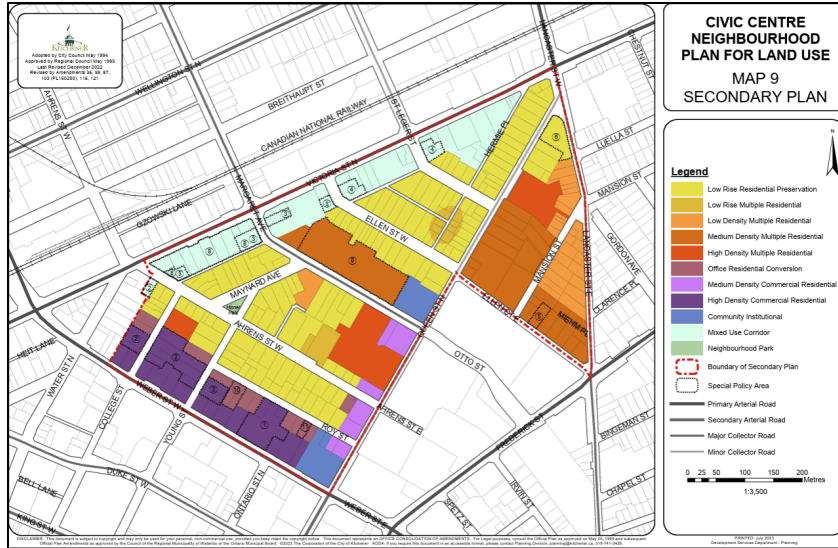


Figure 1: Civic Centre Neighbourhood Plan for Land Use

6. In my concluding opinion, the age, use, and typology of the lands with frontage on the north side of Roy Street, as well as the geographic location of the north side of Roy Street within the Civic Centre Neighbourhood are further evidence that the north side of Roy Street is within and part of the stable residential neighbourhood internal to the Civic Centre Neighbourhood.

Eric Schneider

Eric Schneider, BES, RPP, MCIP

March 19, 2025