

Participant Statement Re: Case # OLT-22-002377, 22 Weber St W

Sally Gunz

On September 23rd, 2021, I submitted a request for Participant Status in this Appeal that was subsequently accepted. I remain a member of the Cedar Hills community and am committed to maintaining currency in key planning issues in the City of Kitchener and, in particular, the downtown.

I maintain that, for a city to be a viable and well-planned entity, we all require predictability in process and rulings. An enormous amount of time is spent by City Staff and all persons interested and affected by relevant planning issues in ensuring plans are established that best meet all interests. ‘All’ includes the interests of developers who, from my experience, are typically actively involved in the development of such plans along with residents and others. If such planning documents are simply ignored or paid lip service to only, there is little point in these exercises. While sometimes developers may be given slightly more than the rules allow, this is typically in the form of a quid pro quo for other concessions.

This particular appeal, to my mind, frustrates the principles described above. Indeed, it would appear that any ‘rules’ placed upon the Applicant, including those they requested themselves, are deemed to be intended solely for others. Despite launching an appeal on the basis that the City failed to deliver a decision within the newly-reduced time frames, in the early days of the pandemic, the Applicant sought and was granted three separate adjournments. Along the way, the Applicant chose not to comply with the Procedural Order which they proposed to the Tribunal. The third adjournment request was to consider “the recent, significant changes to governing legislation, and the significant policy changes that are anticipated as a result of the legislative changes”. During the adjournment period, Strategic Growth Area designations and zonings were prepared by the City of Kitchener to bring the City into compliance with Provincial directives. The Applicant along with all other interested parties had every right to participate in these processes. And yet now, they don’t believe the rules that apply to all members in their class of properties should apply to them.

In my Participant Status Request I stated, “[i]t has always been my belief that all of us can assume an equitable and universal application of the law. Should any property holder be permitted by your tribunal to build so significantly outside of existing rules, there seems little reason why any of us will have any belief that land use zoning/rules have any relevance to how our communities develop. The system, as we know it, will be essentially irrelevant. From my perspective, that would be a sad outcome for our communities.”

I urge you to reject this appeal. By doing this, you will ensure that all those involved in the planning process maintain their faith in a fair application of the rule of law to everyone.



Sally Gunz