

**Appendix B Affidavit of Hal Jaeger**

**Ontario Land Tribunal**

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

Applicant and Appellant: 30 Duke Street Limited

Failure of the City of Kitchener to announce a decision respecting Proposed Official Plan Amendment No. OPA 20/005W/JVW

Municipality: City of Kitchener

OLT Case No.: PL210104

OLT File No.: PL210104

OLT Case Name: 30 Duke Street Limited vs. Kitchener (City)

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

Applicant and Appellant: 30 Duke Street Limited

Application to amend Zoning By-law No. 85-1 - Refusal or neglect of the City of Kitchener to make a decision

Existing Zoning: Commercial Residential Three Zone

Proposed Zoning: Site Specific (To be determined)

Purpose: To permit a 15 storey residential building

Property Address/Description: 22 Weber Street W.

Municipality: City of Kitchener

Municipality File No.: 20/013/W/JVW

OLT Case No.: PL210104

OLT File No.: PL210105

**PROCEEDING COMMENCED UNDER** Subsection 42(6) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.22.

Applicant and Appellant: 30 Duke Street Limited

Subject: Heritage Conservation Act Appeal

Reference Number: HPA-2022-V-015

Property Address: 22 Weber Street W

Municipality/UT: Kitchener/Waterloo

OLT Case No.: OLT-22-004383

OLT Lead Case No.: OLT-22-002377

Legacy Lead Case No.: PL210104

OLT Case Name: 30 Duke Street Limited vs. Kitchener (City)

**Affidavit of Hal Jaeger  
(Affirmed October 15, 2025)**

I, Hal Jaeger of the City of Kitchener, in the Regional Municipality of Waterloo, in the Province of Ontario, AFFIRM and say as follows:

1. I have knowledge of the matters hereinafter deposed. Where anything is affirmed herein, I verily believe it to be true.
2. I write this affidavit in support of the Friends of Olde Berlin Town (“FOBT”) Request for Review of the September 17, 2025 Decision of Members Y. Faghani and G. Ingram on OLT Case No.: OLT-22-002377 (30 Duke Street Limited v Kitchener (City), [2025 CanLII 96327 \(ON LT\)](#)) (“the Decision”) (included as Tab 1 of the FOBT Review Request Document Book) pursuant to Rule 25 of the Ontario Land Tribunal Rules of Practice and Procedure.
3. I reside in the Olde Berlin Town Neighbourhood, a neighbourhood north of Kitchener’s downtown core. I was serving on the Olde Berlin Town Neighbourhood Development Committee prior to 2019. As the Decision states, the Subject Lands (22 Weber St W) are within the boundaries of the Civic Centre Neighbourhood Heritage Conservation District Heritage District (designated under Part V of the Ontario Heritage Act in 2007).
4. I was the neighbourhood’s liaison to the City of Kitchener (“the City”)’s “[Neighbourhood Planning Review](#)”, a municipal planning exercise initiated in December 2018 in preparation of updating designations and zoning in the Central Neighbourhoods of Kitchener, led by Senior Planner Malone-Wright.

## **2019**

5. On June 6, 2019, Bill 108, the More Homes, More Choice Act, 2019, reduced the timelines for municipal decision-making on OPA and ZBLA applications (included as Tab 11 of the FOBT Review Request Document Book).
6. On November 14, 2019, according to the Municipal Record, the Applicant-Appellant attended a Pre-Submission Consultation with the City led by Senior Planner von Westerholt (Joint Document Book, p. 94-121). The Pre-Submission Consultation concluded that

*“The developer is encouraged to submit a design for the site that conforms with the OP with respect to the height and density permissions moving forward, namely with a maximum FSR of four and building height with a maximum of eight stories or 26 meters.”* (Joint Document Book, p. 96)

This information was conveyed to the Tribunal during cross-examination of the Applicant-Appellant's Expert Witness Sinclair on the morning of April 24, 2025.

7. On December 6, 2019, according to the Neighbourhood Planning Review Staff Report DSD - 2021- 92 (Joint Document Book, p. 3384), the Applicant-Appellant submitted a request to the "Neighbourhood Planning Review". The Applicant-Appellant asked that the Subject Lands be designated and zoned to permit a maximum FSR of 6.0 with a maximum height of 15 storeys. The Applicant-Appellant received the following reply:

*"The submission indicates that current planning permissions do not restrict building height. However, the height is limited by the maximum permitted FSR of four. The fact that the zones existing and proposed do not have a maximum building height is being put forward in the submissions by both the development industry and the community. That this means the zone has unlimited height, it does not, the development's, maximum building height in any zone would be limited by the amount of building floor area. That would be permitted by the lot area and the arrangement of this building floor area on the lot based on the zone setback requirements from lot lines, including the setbacks from low rise residential zones." (Joint Document Book, p. 3388)*

This information was conveyed to the Tribunal during cross-examination of the Applicant-Appellant's Expert Witness Sinclair on the morning of April 24, 2025.

## **2020**

8. On March 17, 2020, Covid-19 was declared a pandemic and new remote work practices came into effect.
9. On July 21, 2020, according to the Municipal Record, the OPA and ZBLA Application for a 15-storey build with FSR 6.16 was submitted for municipal review (Joint Document Book, p. 9-377).
10. On August 7, 2020, a letter was shared with the neighbours surrounding the Subject Lands stating that OPA and ZBA applications were seeking to raise the FSR from 4.0 to 6.2 to enable the construction of a 15-storey multiple residential building. A copy of this letter is attached as **Exhibit A** to my affidavit.
11. I was assigned the 22 Weber St W file by the Olde Berlin Town Neighbourhood Development Committee. I have since retained all publicly-available correspondence regarding the Application and Appeals and have attended all related City of Kitchener Committee Meetings

and Council Meetings. I was informed by Senior Planner von Westerholt, the Planner-on-file for the City, that the City was preparing a Neighbourhood Information Meeting, one of the very first virtual meetings instituted under Covid restrictions on in-person gatherings.

12. On February 17, 2021, I was informed by von Westerholt that the Applicant was no longer working with the City toward a Neighbourhood Information Meeting and would be pursuing an appeal at the Local Planning Appeal Tribunal (LPAT). A copy of this email is attached as **Exhibit B** to my affidavit.

## **2021**

13. On January 26, 2021, according to the Municipal Record, the Applicant-Appellant filed notice of appeal with the City (Joint Document Book, p. 729).

14. On May 25, 2021, a Notice of CMC was issued. The Notice advised of an appeal to the Local Planning Appeal Tribunal (LPAT) on the basis of a non-decision by the City. A copy of this letter is attached as **Exhibit C** to my affidavit.

15. On June 6, 2021, Friends of Olde Berlin Town ("FOBT") was formed as an unincorporated neighbourhood group to participate in the appeal process. I took on a role as a representative of FOBT. I have attended all CMCs and the Hearing.

16. On June 23, 2021, the 1<sup>st</sup> CMC was heard. The ensuing Decision of Member H. Wilkins (included as Tab 5A of the FOBT Review Request Document Book) identified Parties and Participants to the proceeding, and established that the Notice of CMC was not distributed as required. I was assigned Party status, alongside my co-representative, as a stand-in for Friends of Olde Berlin Town which was, at the time, not-yet-incorporated. The Decision also ordered the Parties to file a draft Procedural Order and Issues List by October 4, 2021 and that a further CMC be held on October 5, 2021.

17. On October 5, 2021, the 2<sup>nd</sup> CMC was heard. The Tribunal heard that the Parties had prepared a draft Issues List and that the Applicant-Appellant had not filed the Issues List with the Tribunal. The Applicant-Appellant asked that a hearing date be set. The ensuing Decision of Member H. Wilkins (included as Tab 5B of the FOBT Review Request Document Book) identified additional Participants, established the hearing date of August 29, 2022 for

a 20-day hearing, and ordered a further CMC.

18. On December 3, 2021, the 3<sup>rd</sup> CMC was heard. The draft PO was considered. The Applicant-Appellant declared their intention to revise the Applications to enable the construction of a 19-storey multiple residential building, whereas a 15-storey build was proposed under the original Applications. The Applicant-Appellant proposed to make a re-submission by the end of the year, after finalizing the PO. The Tribunal rejected the Applicant-Appellant's proposal, transferred Party Status from me to the now-incorporated FOBT, identified an additional Participant, and ordered that a) the draft PO be held in abeyance, b) the Applicant-Appellant make a fulsome formal resubmission to the City by December 31, 2021, c) the City utilize its normal protocol and process for the resubmission and d) a CMC be set for April 4, 2022. The ensuing Decision of Member B. Taylor is included as Tab 5C of the FOBT Review Request Document Book.

19. On December 31, 2021, the Applicant-Appellant delivered a revised Application to the City. The Supporting Documents in the Applicant-Appellant's revised December 2021 submission are found in Tabs 11-14 of the Joint Document Book.

## **2022**

20. On March 1, 2022, the Revised HIA was presented to Heritage Kitchener (the municipal heritage committee) for comments (Joint Document Book, Tab 96, P. 4454). Heritage Planner Dan Currie, who was retained by the Applicant to serve as an Expert Witness at the Tribunal, presented his HIA. When questioned on his interpretation of the HDP guidelines in s. 6.9.4 of the HDP, Currie was cut off by Counsel for the Applicant-Appellant Meader, who stated that the matter was before the Tribunal. Heritage Planner Robert Martindale, who was retained by FOBT to serve as an Expert Witness at the Tribunal, delivered a written submission and presented a review of the HIA. Martindale concluded that

*the proposed zoning and development at 22 Weber St W are not a) consistent with the Provincial Policy Statement, b) in conformity with the Growth Plan and the regional and municipal Official Plans, c) in compliance with zoning by-laws nor d) consistent with the policies and guidelines of the Civic Centre Heritage District Plan (HDP). I furthermore do not believe that the proposed zoning and development would constitute good planning.*

When asked about the interplay of the PPS' call for intensification and the HDP, Martindale answered that the PPS does not promote maximizing intensification at the expense of preserving heritage.

21. On March 3, 2022, the City convened a Neighbourhood Information Meeting to clarify the means of delivering comments on the revised Applications.
22. On March 29, 2022, the Applicant-Appellant submitted a Heritage Permit Application to Heritage Kitchener, according to the date on the submission (Joint Document Book, Tab 51, p.2632).
23. On April 4, 2022, a 4<sup>th</sup> CMC was heard. The Applicant-Appellant requested that their requested hearing date of August 29, 2022 be re-scheduled for 2023 so that the Applicant-Appellant could seek a Heritage Permit Application. The ensuing Decision of Member B. Taylor (included as Tab 5D of the FOBT Review Request Document Book) set a revised hearing date of March 13, 2023 and ordered a further CMC.
24. On August 2, 2022, Heritage Kitchener considered the Applicant-Appellant's revised HIA and HPA prepared by Dan Currie. Heritage Planner Robert Martindale submitted a revised review of the HIA on behalf of FOBT. His conclusions were unchanged from those shared above. Heritage Kitchener voted in support of the City Staff Report recommendation to refuse the 22 Weber St W Heritage Permit Application on the basis of a lack of information (Joint Document Book, Tab 54, p. 2641).
25. On August 22, 2022, City Council considered the HPA at a statutory public meeting. Community members delivered comments. Heritage Planner Robert Martindale submitted and presented his review of the revised HIA on behalf of FOBT (Joint Document Book, Tab 77, p.3072). Land-Use Planner Michael Barton, who was retained by FOBT to serve as an Expert Witness at the Tribunal, submitted and presented an analysis of the Applications (Joint Document Book, Tab 78, p. 3099). The Applicant-Appellant did not delegate before Council. City Council upheld the Staff Recommendation and refused the HPA. (Joint Document Book, Tab 59, p. 2877)
26. On October 26, 2022, a 5<sup>th</sup> CMC was heard. The ensuing Decision of Member D. Chipman (included as Tab 5E of the FOBT Review Request Document Book) a) consolidated the

OPA/ZBA appeal (OLT-22-002377) and the HPA appeal (OLT-22-004383), b) identified an additional Participant and c) finalized the PO.

27. On December 16, 2022, the Applicant-Appellant failed to abide by the Procedural Order, in not participating in Expert Witness meetings. FOBT had delivered comments in writing from FOBT witnesses, made progress inquiries and had its Expert Witness on standby to attend the Meetings. A copy of this correspondence is attached as **Exhibit D** to my affidavit.

## **2023**

28. On January 4, 2023, the Applicant-Appellant delayed the disposition of the Appeals for the third time by requesting an adjournment *sine die* so as to consider the implications of the recent changes to legislation. The unspecified but ostensible major recent change was the introduction of Bill 23, the 'More Homes Built Faster Act', in October 2022. A copy of their request to the Tribunal is attached as **Exhibit E** to my affidavit.

29. On January 6, 2023, the Tribunal adjourned the proceedings *sine die*, against the wishes of FOBT, without requiring the submission of a Motion by the Applicant-Appellant, contrary to OLT Rules of Practice and Procedure 17.3 (see Tab 2, FOBT Review Request Document Book). A copy of the message from the Tribunal is attached as **Exhibit F** to my affidavit.

30. On March 3, 2023, the City launched 'Growing Together', an exercise to update the designations and zoning on the lands throughout the Major Transit Station Area (MTSA) surrounding the Subject Property and six other MTSA's in Kitchener. Growing Together replaced the Neighbourhood Planning Review and broadened its mandate to address the requirement of the 'More Homes Built Faster Act' to update zoning within MTSA's within one year of the Act's passage (see Tab 4, FOBT Review Request Document Book).

31. On August 1, 2023, after the Applicant-Appellant requested that the Appeals continue to be held in abeyance and FOBT again asked that the appeal be dismissed under OLT Rules of Practice and Procedure 17.5.h. (see Tab 2, FOBT Review Request Document Book), the Tribunal placed the Appeals into a closed file status. A copy of the email exchange between the Parties and the Tribunal is attached as **Exhibit G** to my affidavit.

## 2024

32. On March 18, 2024, the City passed OPA 49 and ZBLA 2024-065, updating the designations and zoning on the lands throughout the MTSA surrounding the Subject Property and six other MTSAs in Kitchener. A copy of the Council meeting minutes is attached as **Exhibit H** to my affidavit. The Subject Lands were not included in OPA 49 and ZBLA 2024-065 because of the Appeals before the OLT.
33. The City's ZBLA 2024-065 was deemed to have come into force on March 18, 2024 by the April 8, 2025 Order of the Tribunal (included as Tab 9 of the FOBT Review Request Document Book).
34. On May 7, 2024, the Applicant-Appellant requested that the proceedings be re-initiated. A copy of their request to the Tribunal is attached as **Exhibit I** to my affidavit. The Tribunal set a CMC for August 27, 2024. A copy of the message from the Tribunal is attached as **Exhibit J** to my affidavit.
35. Following the resumption of proceedings, FOBT requested remedies to the out-of-date Procedural Order established prior to the adjournment at the upcoming CMC. In particular, FOBT asked to discuss "The right of each Party to update Issues and substitute references to reflect the latest in-effect legislation, policies, bylaws and guidelines". A copy of FOBT's request to the Tribunal is attached as **Exhibit K** to my affidavit.
36. On August 27, 2024, a 6<sup>th</sup> CMC was heard. Counsel for the Applicant-Appellant submitted that the Subject Property was exempt from the City's OPA 49 and ZBLA 2024-065 because the Applications were under appeal. The Parties agreed to update the Issues List and then finalize the revised Issues List and Procedural Order at a future CMC. The ensuing Decision of Members Y. Faghani and G. Ingram (included as Tab 5F of the FOBT Review Request Document Book) identified additional Participants, set a 15-day hearing for April 14, 2025, and set a CMC for October 30, 2024. The Decision also found that a neighbour to the rear, Participant R. Brohman, was "in support of the Proposed Development". The finding is incorrect and may have contributed to the Decision on the Hearing. The initial August 2024 Participant Statement of R. Brohman is attached as **Exhibit L** to my affidavit. The revised

March 2025 Participant Statement of R. Brohman is attached as **Exhibit M** to my affidavit.

37. On October 30, 2024, a 7<sup>th</sup> CMC was heard. The Tribunal considered the proposed revisions to the PO and Issues List. FOBT requested that the Issue of the Applications' conformity to the newly enacted OPA 49 and ZBLA 2024-065 be added to the Issues List on the basis that they constitute the required local instantiation of the More Homes Built Faster Act. FOBT argued that "Testing against the City's new OPA [49] and ZBLA [2024-065] will help the Tribunal ensure appropriate transitions and fairness." The City acknowledged that the Subject Lands were specifically exempt from OPA 49 and ZBLA 2024-065 because the matter was before the Tribunal. The ensuing Decision of Members Y. Faghani and G. Ingram (included as Tab 5G of the FOBT Review Request Document Book) a) noted that "Counsel for the Appellant submitted that this is not a case where the Clergy Principle is in question as that Policy and Regulation [OPA 49 and ZBLA 2024-065] simply do not apply to the Subject Property" and b) found that the Subject Lands are specifically exempt from OPA 49 and ZBLA 2024-065. The Tribunal, therefore, struck the proposed issues related to OPA 49 and ZBLA 2024-065 from the Issues List and otherwise approved the Issues List and PO.

38. While the Decision made clear that the Subject Lands were not subject to OPA 49 and ZBLA 2024-065, the Decision made no mention of the admissibility of evidence on the in-effect designations and zoning on the surrounding lands.

39. On December 9, 2024, the appeal on ZBLA 2024-065 was partially dismissed and scoped to a few, individual properties, none of them in near proximity of the Subject Lands. The decision of Member G. Croser is included as Tab 12 of the FOBT Review Request Document Book and can also be found as Tab 82 of the Joint Document Book).

40. On December 24, 2024, after the Procedural Order and Issues List were established, the Applicant-Appellant advised the Tribunal and the other Parties that they had revised their Application again. A copy of their message to Tribunal is attached as **Exhibit N** to my affidavit. The Applicant-Appellant claimed it was "a result of discussions with the parties", but FOBT asserts that it was not consulted in any manner and that FOBT regards the proposal to reduce the separating distance between the tower and the rear property line as

contrary to FOBT's interests.

## 2025

41. On February 12, 2025, after being advised of the omission by FOBT, the Applicant-Appellant notified the Participants of the revisions to the Applications of December 24, 2024. A copy of their message is attached as **Exhibit O** to my affidavit. The late notice required further re-negotiations on the PO, in this instance, over Filing Dates. A copy of the email from the Tribunal is attached as **Exhibit P** to my affidavit.
42. On February 19, 2025, the Applicant-Appellant notified the Participants of the revised deadline for delivery of Participant Statements. A copy of their message is attached as **Exhibit Q** to my affidavit.
43. On February 26, 2025, FOBT submitted Expert Witness Barton's Witness Statement on Land-Use to the Tribunal, copying all the Parties. A copy of FOBT's message to the Tribunal is attached as **Exhibit R** to my affidavit. In his Witness Statement, Barton addressed the surrounding lands in terms of their in-effect designations and zoning. Barton evaluated the compatibility of the Applications against the surrounding lands based on their in-effect designations and zoning.
44. On March 19, 2025 and March 26, 2025, FOBT re-submitted Expert Witness Barton's Witness Statement on Land-Use to the Tribunal, copying all the Parties. In both cases, minor revisions were made in reply to concerns expressed by Counsel to the Applicant-Appellant. Copies of both of FOBT's messages to the Tribunal are attached together as **Exhibit S** to my affidavit.
45. On April 8, 2025, a decision was issued by the Tribunal that the City's new Growing Together Zoning Bylaw ZBA 2024-065 was now deemed to be in force and effect as of March 18, 2024, with the exception of the particular properties subject to the appeal. The decision of Member A. Sauve is included as Tab 9 of the FOBT Review Request Document Book.
46. On April 9, 2025, FOBT secured permission to record the hearing. A copy of the message from the Tribunal is attached as **Exhibit T** to my affidavit. Reviewing the recording allowed FOBT to make detailed and accurate notes.

47. On April 17, 2025, Neil Baarda was added as Co-Representative of FOBT. A copy of FOBT's message to the Tribunal is attached as **Exhibit U** to my affidavit.

## Hearing

48. The hearing was held from April 22 to May 2, 2025. The following were made exhibits and are available in the Tribunal's and all Parties' possession:

- A. Joint Document Book
- B. Supplemental Document Book
- C. Witness Statement Compendium
- D. Visual Evidence 30 Duke
- E. Visual Evidence FOBT
- F. Visual Evidence City of Kitchener
- G. Supplemental Visual Evidence 30 Duke
- H. Urban Design Manual - Part C (City Cross-Examination)
- I. Angular Plane Analysis - 50-56 Weber St W (City Cross-Examination)
- J. Special Regulation 806 (Appellant Cross-Examination)
- K. Special Regulation 803 (Appellant Cross-Examination)
- L. Images of Duke and King. St. (Appellant Cross-Examination)
- M. Google Maps Image - 900 King. St. (Appellant Cross-Examination)
- N. Google Maps Image - 27 Roy St. (Appellant Cross-Examination)

49. I was in attendance throughout the Preliminary Matters, Opening Statements, Closing Arguments and all administrative decision-making throughout the hearing.

50. I was in attendance throughout Expert Witness (on Land Use and Urban Design) Andrea Sinclair's examination and cross examination.

51. I was in attendance throughout Expert Witness (on Land Use) Michael Barton's examination and cross examination.

52. I was in attendance throughout Expert Witness (on Land Use) Eric Schneider's examination and cross examination.

53. I was in attendance throughout Expert Witness (on Urban Design) Pegah Fahimian's examination and cross examination.

54. I was in attendance but not on camera for the majority of Expert Witnesses (on Cultural Heritage) Dan Currie's and Deeksha Choudhry's examination and cross-examinations. FOBT Co-Representative Neil Baarda was on camera throughout the examination and cross examination of Currie and Choudhry.

55. On April 22, 2025, during Preliminary Matters, Counsel for the City attempted to address the question of how to address the in-effect designations and zoning on the surrounding properties. No ruling was issued. FOBT was given permission to raise its concerns on the same matter in the course of its Opening Statement. When FOBT also proposed that the in-effect designations and zoning on the surrounding properties be considered and began providing rationale, the Tribunal ruled that argumentation could not be delivered in the course of an Opening Statement. In supporting the consolidation of FOBT's Preliminary Matters with its Opening Statement and then denying the opportunity to address the Preliminary Matters when raised during the Opening Statement, the Tribunal eliminated FOBT's opportunity to raise its concerns and ensure that clarity of the process was achieved. Again, no ruling was issued on the admissibility of evidence on the in-effect designations and zoning on the surrounding properties.

56. On the afternoon of April 23, 2025, I began my cross-examination of Expert Witness Sinclair. When I attempted to secure Sinclair's opinions on the in-effect designations and zoning on the surrounding properties, Counsel for the Applicant-Appellant objected and argued that Sinclair had prepared her evidence on the basis of the Clergy Principle and that the Decision on the CMC of October 30, 2024 determined that the in-effect designations and zoning on the surrounding properties were deemed irrelevant. FOBT suggested that, in the absence of a ruling from the Tribunal, the Tribunal "permit all Parties to submit evidence based on their differing approaches and to, likewise, permit cross-examination based on the differing approaches" and then establish the rules afterward. The Tribunal ruled that Sinclair had not referenced the new OP and ZBL and could not be questioned on those lines. Again, no ruling was issued on the admissibility of evidence on the in-effect designations and zoning on the surrounding properties.

57. On the morning of April 24, 2025, I continued the cross-examination of Sinclair. Sinclair confirmed that all the builds on the south side of Roy St are probably two and half storeys or less, with average lot coverage of about 31% and an average FSR of about 0.77.

58. Sinclair agreed that the zoning on the south and the north side of Roy St was the same, both

being R-5, a Low-Rise Residential zone with a height limit of 10.5 meters.

59. Sinclair clarified that a FSR limit of 4.0 influences the achievable height on the Subject Lands by stating "Absolutely, on this site, the FSR did restrict how much height we could get now. ... Under the current FSR, it's probably not an ideal building to build."
60. When posed the question under cross, "Do you agree that the rear yard setback regulation was likely for the benefit of the rear yard neighbors?" Sinclair replied, "It may have been. I certainly didn't write the bylaw. But that's a potential, for sure."
61. On April 25, 2025, in the afternoon, I began my examination of Expert Witness (on Land Use) Michael Barton.
62. As Barton was conveying the overview of his evidence, Counsel for the Applicant-Appellant objected and asserted that the Tribunal had already determined at the CMC of October 30, 2024 that the current designation and zoning on the surrounding properties would not be considered at the Hearing. I deny this to be the case; see Para. 55 and 56 of my affidavit above.
63. In response to the objection, the Tribunal ruled that "analyzing this subject property with respect to its impact within the context of the new OPA and ZBA creates a prejudicial situation for the Appellant."
64. Following its ruling, the Tribunal directed Expert Witness Barton to only deliver evidence from his Witness Statement while simultaneously removing all references to the in-effect designations and zoning on the surrounding properties under OPA 49 and ZBA 2024-065 even though Barton's evidence addressed compatibility relative to the in-effect designations.
65. On the morning of April 29, 2025, after the City examined its first Expert Witness, the Tribunal,
- a) declared FOBT to be a Party of common interest with the City,
  - b) barred FOBT from asking leading questions, and
  - c) limited FOBT's questions of the City's Expert Witnesses to questions of clarification.
66. Later, in the course of FOBT's examinations of the City's Expert Witnesses, the Tribunal further curtailed FOBT's examination. The Tribunal ruled that questions of clarification could

not include questions of expansion or exploration of the Expert Witness's foundations for their opinions.

67. The decision to so limit FOBT's examination of the City's witnesses was taken by the Tribunal entirely on its own initiative, without any request from a Party. Even Counsel for the Applicant-Appellant did not try to deny FOBT's examination; she just wanted to ensure that FOBT advanced no leading questions.

68. FOBT tried to present the Tribunal with a fair route to consider the key evidence in offering to examine the City's Expert Witnesses prior to the Applicant's cross-examination but was refused.

69. On April 29, 2025, in the afternoon, the City's Expert Witness on Urban Design Fahimian stated during examination-in-chief that "due to the height and to the mass proximity to the right of way, it [the proposed build] creates an enclosed streetscape that could hinder the sky view and also result in overwhelming scale in the public realm."

70. In contrast, Sinclair did not speak to the adverse impact from hindrance of sky views, an enclosed streetscape and overwhelming scale in the public realm.

71. On May 9, 2025, as ordered by the Tribunal, FOBT submitted a written version of its Closing Arguments (included as Tab 10 of the FOBT Review Request Document Book). Notable content not reflected in the Decision includes:

a) Para. 3:

*The adverse impacts to be considered with regard to an HDP can extend beyond the traditional concerns of shadow, wind, privacy, etc., applied in decisions on zoning of non-heritage resources. The adverse impacts to be considered with regard to this particular HDP include the visual and aesthetic impacts set out in the applicable policies and guidelines of the HDP. The visual impact of concern is primarily that seen from the public sphere; in other words, from the perspective of people walking along both sides of the surrounding public sidewalks, unless otherwise noted.*

b) Para. 11:

*Sinclair argued the Applications would provide for a transition in height from the unlimited height permitted on the south side of Weber Street to the lower-density uses internal to the Civic Centre Neighbourhood. Barton, [Expert Witness on Land-Use for the City] Schneider, [Expert Witness on Urban Design for the City] Fahimian and [Expert Witness on Cultural Heritage for the City] Choudhry denied that an appropriate transition would be delivered to the immediate neighbours within the HCD.*

c) Para. 19:

*Sinclair introduced a faulty argument in discussing the height permitted under the Commercial Residential Three (CR-3) Zoning on the Subject Property. Sinclair asserted that there was no height limit. Barton and Schneider disagreed, asserting that height limitations were established in two ways,*

- *via the combination of the Floor Space Ratio regulation, lot size and setback/stepback requirements and*
- *via the combination of the rear yard setback regulation and the distance from the rear of a build to the rear property line.*

*Under cross, Sinclair acknowledged that, “an FSR limit of four influences the achievable height on the Subject Lands” and that, using the proposed tower footprint and the FSR of 4.0, about 9 or 10 storeys could be built on the Subject Lands (Apr. 24, 10:27). The fault in the argument is that the relief sought on to the Floor Space Ratio limit and the rear yard setback regulation is predicated on the absence of a specific, non-derived height limit. As the Tribunal knows, there is no license to increase the limit on one zoning regulation until it aligns with the maximum provisions of another. The argument is all the more spurious as the very regulations from which the proposal seeks relief are specifically constructed so as to limit massing and control its placement on the lot.”*

d) Para. 35:

*Finally, Currie asserted that (5) the “where feasible” clause meant that the guideline need not be applied, if it rendered a development along Weber St. W. economically unfeasible. Currie contested the economic feasibility of complying with the angular plane guideline (as well as guideline 6.9.4, bullet #2) (Apr. 24, 16:02). A determination of economic feasibility is not within the scope of Currie’s expertise. Moreover, if the guidelines are to be repealed in the face of economic feasibility, the eventual outcome could well be the erosion and elimination of the HCD. This interpretation is logically inconsistent with the HDP’s goal of preserving the HCD.*

e) Para. 36:

*Returning to the rightful origin of the angular plane, Currie admitted that his interpretation does not hold up in the following exchange under cross (Apr. 25, 13:05):*

*Question: “The Angular plane guideline in the [HD] Plan says that you have to measure it from the rear property line, right?”*

*Currie: “It does.”*

*Question: “You’ve measured it here from across the street, right?”*

*Currie: “Correct.”*

*Question: “You’d agree with me, the policy does not say, measure it from a non-adjacent property across the street.”*

*Currie: “It does not. Sorry, I don’t mean to laugh. I’m just agreeing with you. I see the, anyways. Yeah, it does not.”*

*Ultimately, Currie acknowledged that “the proposed development does not meet the angular plane guideline when it’s measured from the rear property line” (Apr. 25, 11:49), as stipulated in the guideline.*

f) Para. 38:

*A lack of funds prevented FOBT from presenting a full complement of Expert Witnesses. FOBT engaged Expert Witness Martindale, who prepared a report on the Heritage Impact Assessment (HIA) and Heritage Permit Application (HPA) (JBD p. 3072), which was delivered before the Municipal Heritage Committee in March 2022 (JBD p. 4456) and City Council in August 2022 (JBD p. 2877). He remained available throughout the scheduled window for Expert Witness Meetings in December 2022. However, 30 Duke did not engage in the Expert Witness Meetings and then had these proceedings adjourned without the consent of FOBT in January 2023. Since the resumption of the proceedings, Martindale's wife fell ill, and he is now winding down his practice. We would have been pleased to have the City's Heritage Witness comment on Martindale's report, and, more generally, to provide evidence via the City's witnesses.*

g) Para 41:

*Barton underscored that, while the PPS and Region of Waterloo Official Plan Amendment 6 ("ROPA6") support and encourage exceeding growth, density, and/or intensification targets, they prohibit overriding other PPS policies in pursuit of further growth or intensification (Para 46, WSC p. 482; Apr. 28, 10:16). Barton established that the density target for the City Hall PMTSA was exceeded in 2019 (Apr. 25, 14:41) and that the City is monitoring its growth targets and "ensuring that the city continues to have the potential to accommodate its allocated population and employment growth within its urban area" (Apr. 25, 14:35). He argued that, as such, the City is within its rights to determine where additional density is to be allocated, as per the defined role of the PPS, "Municipal official plans are the most important vehicle for implementation of the Provincial Planning Statement and for achieving comprehensive, integrated and long-term planning. Official plans should coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial outcomes" (Para 41, WSC p. 481). Barton argued that when a municipality is achieving the minimum targets, then "the municipality is tasked with identifying appropriate type and scale of development within strategic growth area, as well as transition" (Apr. 25, 15:58). He argued that the City and Region both established Weber St. W. as a clear transition between the top order of intensification that is to be achieved in the Urban Growth Centre and the HCD (Apr. 25, 14:31-14:41). All the Land Use Witnesses agreed that a PMTSA need not be intensified uniformly throughout, and that the density needs to vary according to local context. The import, according to Barton is, "What we're talking about now is whether there is some benefit or planning policy ... that indicates [approving these Applications] on this property ... is contributing to a planning goal or something that, is desirable" (Apr. 25, 15:45).*

h) Para 42:

*Barton opined that the requested site-specific designation and zoning regulations will not provide appropriate spatial separation and transition to the existing and planned uses in the immediately adjacent low-rise residential neighbourhood nor to the flanking neighbours. He stated that the 4.0 FSI/FSR limit is intended to control massing and scale to ensure that there is a compatible built form built on the property and that the rear yard setback requirement ensures that "height is a function of how close you are to neighboring property" to the rear*

*(Apr. 25, 15:34). "So there's a clear intent here that if you site the building further away from the rear property line, that you can go higher. And that's intended to provide a level of compatibility with those single detached dwelling structures that exists on Roy Street" (Apr. 28, 12:08). He pointed to the Kitchener Official Plan Policy 3.C.2.9 which permits the City to impose requirements affecting the massing and placement of buildings" and Policy 4.C1.9. which states that "A high degree of sensitivity to surrounding context is important in considering compatibility" (Para 69, WSC p. 487), which he asserted indicates that "compatibility doesn't speak only to adverse impact. It's indicating here that a degree of sensitivity to the surrounding context is important in considering compatibility" (Apr. 28, 10:49). He stated that the height is not appropriate, the front and rear yard setbacks are inadequate, and the landscaped area is inadequate. Finally, he noted that it does not represent good planning to establish site-specific Official Plan and Zoning By-Law provisions that are significantly different than the surrounding existing and planned context (Para 115-121, WSC p. 501-503).*

**i) Para 43:**

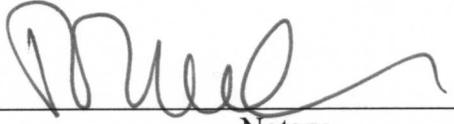
*Expert Witness Schneider spoke to Land Use on behalf of the City and concluded (Para 105-107, WSC p. 539) that the Applications fail the tests. He opined that "the site can be developed with a building of smaller scale, under the current land use designation and zoning regulations, with a more thoughtful placement to achieve compatible infill development that provides housing in this intensification area that is appropriate and compatible with the existing neighbourhood and the Civic Centre Neighbourhood Heritage Conservation District. It is also my opinion that the subject lands can achieve the planned function of the PMTSA without the proposed applications" (Para 106-107, WSC p. 539).*

**j) Para 48:**

*Fahimian asserted that the Applications do not conform with the planned function of the HCD and will impact the viewshed from Weber St. W. Fahimian opined that the Applications lack a proper transition to the adjacent low-rise HCD to the rear, making it incompatible with the existing and future built form along Weber St. W. and the existing built form in the HCD. She also opined that consideration needs to be given to the totality of the relief being sought from urban design Official Plan policies, zoning regulations, and the UDM. She asserted that the Applications do not adhere to the City's TBG, specifically that standards for tall building design are not met for tower placement, setbacks, and stepbacks. Fahimian acknowledged that zoning setbacks prevail for the first eight storeys and that, the requirements of the TBG prevail for floors nine and above (Apr. 29, 13:37). Fahimian asserted that the Subject Lands can be developed with a more compatible development within the current land use permissions that still provide additional housing in an intensification area that is appropriate and compatible with the planned function of Weber St. W. and the HCD.*

**72. I affirm this Affidavit in support of the Request for Review of the Decision and for no other improper purpose.**

**AFFIRMED BEFORE ME** at the City of Kitchener, in the Regional Municipality of Waterloo on the 15th of October, 2025



Notary



Hal Jaeger



This is **Exhibit A** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, appearing to be 'Muel', written over a horizontal line.

Notary





**Juliane von Westerholt, BES, MCIP, RPP**  
**Senior Planner**

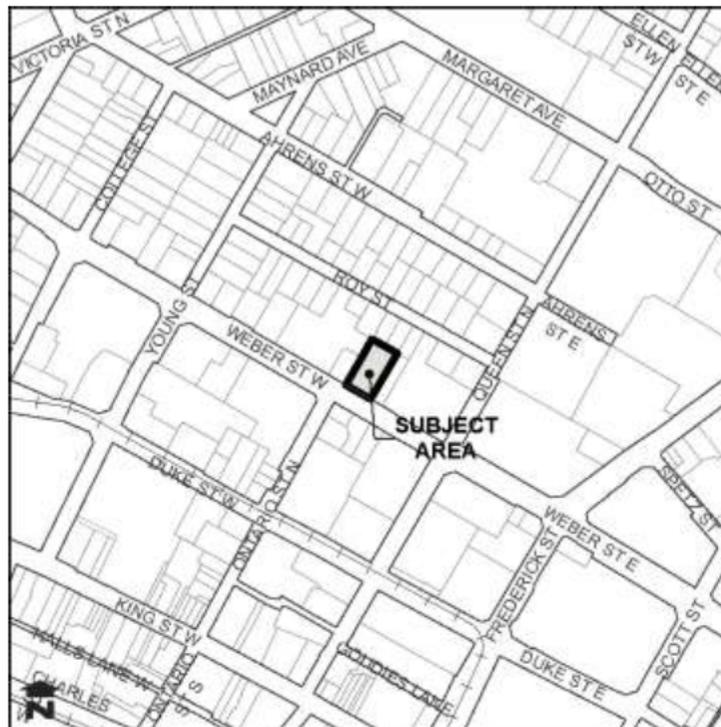
CSD - Planning Division  
Kitchener City Hall, 6<sup>th</sup> Floor  
200 King Street West, P.O. Box 1118  
Kitchener, ON, N2G 4G7  
Phone: 519-741-2200 x7157  
TTY: 1-866-969-9994  
Fax: 519-741-2624  
juliane.vonwesterholt@kitchener.ca

August 7th, 2020

Dear Property Owner:

## **We want your input!**

**30 Duke Street LTD. has made applications to the City of Kitchener for a Zoning By-law Amendment and an Official Plan Amendment for the lands shown below.**



The Owner is proposing to amend the land use designation and zoning of the subject lands to permit the construction of a 15 storey multiple residential building with 126 residential units, including 19 Barrier Free units with direct frontage and access off of Weber Street. The applicant is proposing that the majority of the parking will be provided partially underground with some surface parking spaces. The current High Density Commercial Residential designation would permit a maximum Floor Space Ratio (FSR) of 4.0 and the applicant is proposing an FSR of 6.2. Lands within this designation aim to recognize the proximity of the Civic Centre Neighbourhood to the higher intensity of uses of the Downtown and the location of the properties along primary roads, such as Weber Street.

### Planning and Public Input Process:

The Planning Act allows property owners to make applications to change a Zoning By-law and Official Plan. City staff reviews each request and makes a professional planning recommendation to City Council. City Council will make the decision to approve or refuse the applications.

Before staff prepares a report for City Council to consider, we are gathering input from nearby property owners. Your comments are important to the planning process and will be taken seriously. A copy of the comments you provide together with your address will be included in the staff report, however your name, email and phone number will be kept confidential. Staff will provide responses to your comments in the report as well.

You can submit comments by **September 7, 2020** to:

- Email to [juliane.vonwesterholt@kitchener.ca](mailto:juliane.vonwesterholt@kitchener.ca), or
- Mailing a letter to Juliane vonWesterholt, Planning Division, Kitchener City Hall, 6th Floor 200 King Street West, P.O. Box 1118 Kitchener, ON N2G 4G7

If you respond to this circulation, we will add you to our circulation list and will notify you by mail of the date and time of the future neighbourhood or public meetings where this application will be discussed.

### Legislative Information

Any person may attend the public meeting and make written and/or verbal representation either in support of, or in opposition to, the above noted proposal. If a person or public body would otherwise have an ability to appeal the decision of the City of Kitchener to the Local Planning Appeal Tribunal, but the person or public body does not make oral submissions at a public meeting or make written submission to the City of Kitchener prior to approval/refusal of the proposed Official Plan or Zoning By-law Amendment, the person or public body may not be entitled to appeal the decision.

If you wish to be notified of the decision of the City of Kitchener with respect to application, you must make a written request to Legislated Services, 200 King Street West, P.O. Box 1118, Kitchener, Ontario, N2G 4G7

If you have any questions or would like to discuss this proposal, please call or email me directly (my contact information is at the top of this letter).

Sincerely,

Juliane von Westerholt, BES, MCIP, RPP  
Senior Planner

cc: Councillor Sarah Marsh (Ward 10)

Attach.

Proposed Official Plan Amendment  
Proposed Zoning By-law Amendments



**CITY OF KITCHENER OFFICIAL PLAN  
AMENDMENT TO MAP 9  
CIVIC CENTRE  
NEIGHBOURHOOD  
PLAN FOR LAND USE**

-  Low Rise Residential Preservation
-  Low Rise Multiple Residential
-  Low Density Multiple Residential
-  Medium Density Multiple Residential
-  High Density Multiple Residential
-  Office Residential Conversion
-  Medium Density Commercial Residential
-  High Density Commercial Residential
-  Mixed Use Corridor
-  Community Institutional
-  Neighbourhood Park
-  Special Policy Area
-  Primary Arterial Road
-  Secondary Arterial Road
-  Major Collector Road
-  Minor Collector Road
-  Area of Amendment
-  From High Density Commercial Residential  
To High Density Commercial Residential  
With a Special Policy Area



**SCHEDULE 'A'**

APPLICANT: 30 DUKE STREET LIMITED

22 WEBER ST W



SCALE 1:4,000

DATE: JULY 31, 2020

REVISED:

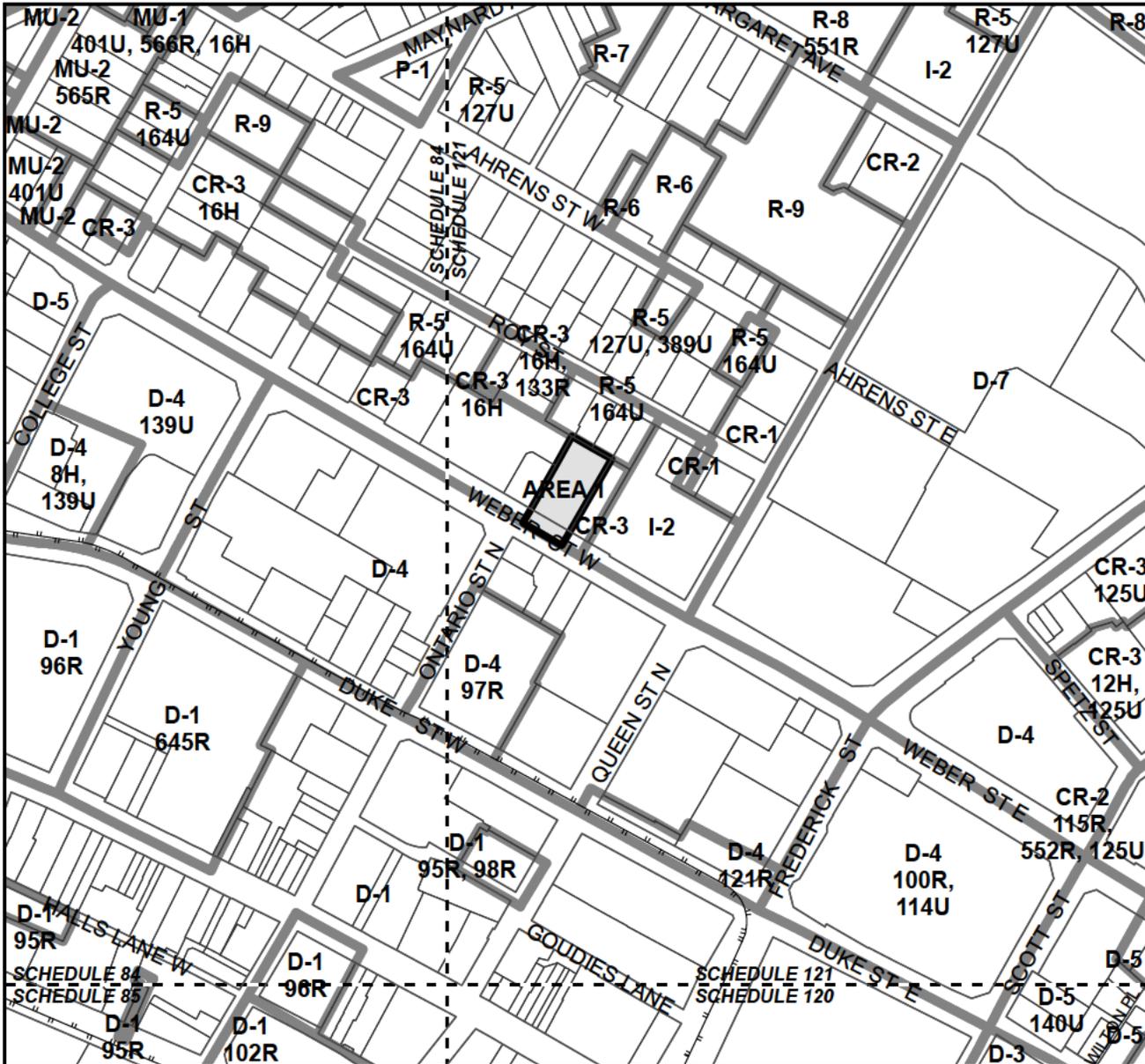
OFFICIAL PLAN AMENDMENT OPA 20/005/W/JVW

ZONING BY-LAW AMENDMENT ZBA 20/013/W/JVW

**City of Kitchener**

DEVELOPMENT SERVICES DEPARTMENT, PLANNING

FILE:  
OP20005WJVW\_MAP9  
.mxd



**SUBJECT AREA**



**AREA 1**  
 FROM COMMERCIAL RESIDENTIAL THREE ZONE (CR-3)  
 TO COMMERCIAL RESIDENTIAL THREE ZONE (CR-3)  
 WITH A NEW SPECIAL REGULATION PROVISION

ZONE GRID REFERENCE  
 SCHEDULE NO. 121  
 OF APPENDIX 'A'  
 KITCHENER ZONING BY-LAW 85-1

- CR-1 COMMERCIAL RESIDENTIAL ONE ZONE
- CR-2 COMMERCIAL RESIDENTIAL TWO ZONE
- CR-3 COMMERCIAL RESIDENTIAL THREE ZONE
- D-1 RETAIL CORE ZONE
- D-3 MARKET VILLAGE ZONE
- D-4 OFFICE DISTRICT ZONE
- D-5 COMMERCIAL RESIDENTIAL ZONE
- D-7 MACKENZIE KING SQUARE ZONE
- I-2 COMMUNITY INSTITUTIONAL ZONE
- MU-1 LOW INTENSITY MIXED USE CORRIDOR ZONE
- MU-2 MEDIUM INTENSITY MIXED USE CORRIDOR ZONE
- P-1 PUBLIC PARK ZONE
- R-5 RESIDENTIAL FIVE ZONE
- R-6 RESIDENTIAL SIX ZONE
- R-7 RESIDENTIAL SEVEN ZONE
- R-8 RESIDENTIAL EIGHT ZONE
- R-9 RESIDENTIAL NINE ZONE

— ZONE LIMITS

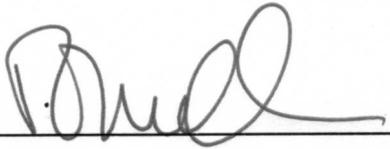


**MAP NO. 1**  
 30 DUKE STREET LIMITED  
 22 WEBER ST W

0 50 100  
 METRES  
 SCALE 1:4,000  
 DATE: JULY 31, 2020

ZONING BY-LAW AMENDMENT ZBA20/013/W/JVW  
 OFFICIAL PLAN AMENDMENT OPA20/005/W/JVW  
**City of Kitchener**  
 DEVELOPMENT SERVICES DEPARTMENT, PLANNING  
 FILE:  
 ZBA20013WJVW\_MAP1  
 .mxd

This is **Exhibit B** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025



A handwritten signature in black ink, appearing to be 'D. M. Bell', written over a horizontal line.

Notary



**From:** Juliane vonWesterholt  
**Sent:** 17 February 2021 16:22  
**To:** 'Hal Jaeger'  
**Subject:** RE: 22 Weber St W

Good Morning Hal,

Sorry for the delayed response to your question, it has been a very busy short week. No the application has not been withdrawn, but the file has been appealed to the LPAT.

Thank you for letting me know about the sign. I will contact the applicant about this.

Have a good day.

Juliane

---

**From:** Hal Jaeger <hzjaeger@gmail.com>  
**Sent:** Wednesday, February 10, 2021 3:51 PM  
**To:** Juliane vonWesterholt <Juliane.vonWesterholt@kitchener.ca>  
**Subject:** [EXTERNAL] 22 Weber St W

Good day, Juliane. Hope you are doing well.

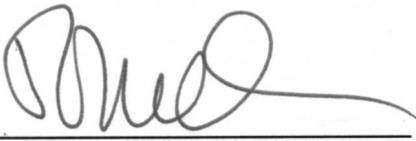
I passed by 22 Weber St W today and did not see the zone change notice posted. Has the application been withdrawn?

Thank you,

Hal

Hal Jaeger  
519-341-6007  
[hzjaeger@gmail.com](mailto:hzjaeger@gmail.com)

This is **Exhibit C** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025



A handwritten signature in cursive script, appearing to read "Robert Ross Wells", is written above a solid horizontal line.

Notary



# Turkstra Mazza

Hamilton London Toronto

May 25, 2021

Jennifer Meader  
Turkstra Mazza Associates  
15 Bold Street  
Hamilton Ontario Canada L8P 1T3  
Office: 905.529.3476 x2740  
[jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca)

To Whom it May Concern

**Re: NOTICE OF CASE MANAGEMENT CONFERENCE  
Local Planning Appeal Tribunal Case No. PL210104  
Appeals by 30 Duke Street Limited**

We are solicitors for 30 Duke Street Limited ("**30 Duke**") with respect to development applications submitted to the City of Kitchener ("**City**") for lands municipally known as 22 Weber Street West within the City of Kitchener ("**Subject Lands**").

30 Duke submitted an Official Plan Amendment application and Zoning By-law Amendment application (collectively, the "**Applications**") to the City to permit the construction of a 15-storey multiple residential building on the Subject Lands. On January 26, 2021, on behalf of 30 Duke, we appealed the City's failure to make a decision on the Applications to the Local Planning Appeal Tribunal ("**LPAT**"). The Notice of Appeal indicated that 30 Duke will be revising the Applications at the appropriate time in the appeal process to increase the maximum proposed height from 15-storey to 19-storeys. The Applications and the development proposal are described in the Explanatory Note attached to this correspondence.

The LPAT has scheduled a Case Management Conference in this matter for **June 23, 2021** for a duration of one day. We are required by the LPAT to circulate notice of this Case Management Conference to the proximate landowners and other interested parties.

As such we are enclosing the following materials:

1. Notice of Case Management Conference, June 23, 2021 for one day;
2. Rules 17.1 to 17.5 of the LPAT's *Rules of Practice and Procedure*; and
3. An Explanatory Note, setting out the purpose and effect of the Applications, along with a key map.

If you have any questions with respect to this notice, please contact the LPAT's Case Manager, Kimberly Livingstone at (437) 228-0679.

Yours truly,



Jennifer Meader

JENNIFER J MEADER PROFESSIONAL CORPORATION  
TURKSTRA MAZZA ASSOCIATES

**Ontario Land Tribunals**

Local Planning Appeal Tribunal

655 Bay Street, Suite 1500  
Toronto ON M5G 1E5  
Telephone: (416) 212-6349  
Toll Free: 1-866-448-2248  
Website: www.olt.gov.on.ca

**Tribunaux de l'aménagement du territoire Ontario**

Tribunal d'appel de l'aménagement local

655.rue Bay, suite 1500  
Toronto ON M5G 1E5  
Téléphone: (416) 212-6349  
Sans Frais: 1-866-448-2248  
Site Web: www.olt.gov.on.ca



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

Applicant and Appellant: 30 Duke Street Limited  
Subject: Failure of the City of Kitchener to announce a decision respecting Proposed Official Plan Amendment No. OPA 20/005W/JVW  
Municipality: City of Kitchener  
LPAT Case No.: PL210104  
LPAT File No.: PL210104  
LPAT Case Name: 30 Duke Street Limited vs. Kitchener (City)

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

Applicant and Appellant: 30 Duke Street Limited  
Subject: Application to amend Zoning By-law No. 85-1  
- Refusal or neglect of the City of Kitchener to make a decision  
Existing Zoning: Commercial Residential Three Zone  
Proposed Zoning: Site Specific (To be determined)  
Purpose: To permit a 15 storey residential building  
Property Address/Description: 22 Weber Street W.  
Municipality: City of Kitchener  
Municipality File No.: 20/013/W/JVW  
LPAT Case No.: PL210104  
LPAT File No.: PL210105

**NOTICE OF CASE MANAGEMENT CONFERENCE BY VIDEO**

The Local Planning Appeal Tribunal ("Tribunal") will conduct a Case Management Conference ("CMC") by video for this matter.

This CMC will be held:

**AT: 10:00 AM**

**ON: Wednesday June 23, 2021**

**AT: <https://global.gotomeeting.com/join/625806941>**

The Tribunal has set aside **1 day** for this CMC.

The event will be held using the GoToMeeting service. The appellant(s), applicant, municipality or approval authority, and those persons who intend to request party or participant status, are asked to log into the video hearing <https://global.gotomeeting.com/join/625806941> at least **15 minutes** before the start of the event to test their video and audio connections. All persons are expected to access and set-up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at GoToMeeting or a web application is available: <https://app.gotomeeting.com/home.html>. A compatible web browser for this service is Chrome.

Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: 1-888-455-1389. The access code is 625-806-941.

This event date is firm – adjournments will not be granted except in the most serious circumstances, and only in accordance with the Tribunal's *Rules of Practice and Procedure* ("Rules") on adjournments.

If you do not attend the event, the Tribunal may proceed in your absence and you will not be entitled to any further notice of these proceedings. The Tribunal may finalize the list of appellants, parties and/or participants at this CMC and may order that no additional appellants, parties and/or participants be added or included in this proceeding, without leave of the Tribunal.

This event is conducted under Rule 20 of the Tribunal's Rules. Rule 20.2 sets out how a party may object to the Tribunal conducting this event electronically. Any party, or any person who intends to seek party status, may object to the Tribunal holding this event by video by filing an objection with the Tribunal's Case Coordinator. The objection must be received by the Tribunal at least **20 days** before the date of the CMC and must be copied to the other parties. All contact information is included in Schedule A.

## **SUBMISSION REQUIREMENTS**

If a person intends to refer to a document at the CMC that is not in the Tribunal's case file, the document is expected to be pre-filed, where possible, in paper copy and electronically with the Tribunal at least **10 days** before the date of the CMC, unless another filing date is specified in the Tribunal's Rules. All pre-filed documents shall be served on the other parties electronically. All contact information is included in Schedule A.

Submissions **larger than 10MB** must be transferred to the Tribunal's Case Coordinator using an electronic file sharing link/service. Please see Schedule B for further submission requirements.

## **THE CASE MANAGEMENT CONFERENCE**

The purpose of the CMC is set out in Rule 19.1 (attached) of the Rules. The CMC will deal with preliminary issues, that include the following:

- **Identification of parties** - these persons have the right to participate throughout by presenting evidence, questioning witnesses, and making final arguments. In order for

the Tribunal to determine your status for the hearing, you or your representative should attend the CMC and ask to be added as a party. Groups, whether incorporated or not, who wish to become parties should name a representative. Parties do not need to be represented by lawyers or agents.

- **Identification of participants** - persons who do not wish to participate throughout the hearing may attend the hearing and provide a written statement to the Tribunal.
- **Identification of issues.**
- **Possibility of settlement and/or mediation of any or all of the issues** – the panel will explore with the parties whether the case before the Tribunal and the issues in dispute are matters that may benefit from mediation. Mediation is a voluntary process that encourages all sides in a dispute to get a better understanding of each other's positions and fully explore and negotiate options for a mutually acceptable settlement of all or some of the issues in dispute. The panel may direct, upon consent of the parties, that some or all of the issues in dispute proceed to mediation.
- **Start date of the hearing.**
- **Duration of the hearing.**
- **Directions for pre-filing of witness lists, expert witness statements and written evidence.**
- **The hearing of motions.**
- **Draft Procedural Order** – parties are expected to meet (remotely, if needed) before the CMC to consider a draft Procedural Order, as per Rule 19.2. An electronic version of a Sample Procedural Order for Video Hearings is available on the Tribunal's [website](#).
- **Such further matters as the Tribunal considers appropriate.**

Everyone should come prepared to consider specific dates for proceedings in this matter.

All persons who wish to participate in this matter are expected to be prepared should the Tribunal convert the CMC to a settlement conference, a motion for procedural directions, or a preliminary hearing, where evidence or formal statements or submissions may be heard. Even when no settlement is reached, the Tribunal may proceed to make a final decision on any evidence received during the conference.

#### **PARTY OR PARTICIPANT STATUS REQUEST:**

Persons other than the appellant(s), applicant, municipality or approval authority who wish to participate in the proceeding, either as a party or as a participant, are required to file a Party Status Request Form or Participant Status Request/Participant Statement Form with the assigned Tribunal Case Coordinator to outline their interest in the proceeding.

The Party Status Request Form and Participant Status Request/Participant Statement Form are available on the Tribunal's website (<https://olt.gov.on.ca/tribunals/lpat/forms/>) and are to be used to assist with the preparation of the request. If you are requesting status, this form must be provided **at least 10 days** in advance of the CMC to:

- The assigned Tribunal Case Coordinator Kimberly Livingstone at [Kimberly.Livingstone@ontario.ca](mailto:Kimberly.Livingstone@ontario.ca).
- The municipality and/or the approval authority on the same day as it is emailed to the Case Coordinator.
- The Applicant and the Appellant(s) on the same day as it is emailed to the Case Coordinator.

The contact information for the parties is included in Schedule A.

The written status request will be reviewed and considered by the presiding Member at the CMC. It will also assist the Tribunal in organizing the hearing event. **Attendance by the requestor, or their representative, at the CMC, is required for all status requests.**

Persons who are granted **party status** may participate fully in the proceeding (see Rule 8).

Persons who are granted **participant status** may only participate in writing by way of a participant statement. This statement is expected to be provided 10 days in advance of the CMC as part of the status request (see above) and sets out their position in the matter (see Rule 7.7).

Only persons who are granted party or participant status by the Tribunal at the CMC are permitted to participate in any further hearing event that is convened by the Tribunal for this appeal.

Please see Schedule C for relevant excerpts from the Tribunal's Rules.

## **FURTHER DIRECTIONS**

Tribunal proceedings, including the CMC, are open to the public and all documents filed in a proceeding will be included in the Tribunal's public file (except those documents that may be deemed confidential in accordance with section 33(3) of the *Local Planning Appeal Tribunal Act, 2017*, as amended).

The Tribunal shall issue a disposition following the event that will set out the directions of the Tribunal. A copy of this decision may be obtained from the Tribunal's website (<https://olt.gov.on.ca/tribunals/lpat/e-decisions/>) by referencing the above case number.

*Pour recevoir des services en français, veuillez communiquer avec le Tribunal au (416) 212-6349, au moins 20 jours civils avant la date fixée pour l'audience.*

We are committed to providing accessible services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible by emailing [ELTO@ontario.ca](mailto:ELTO@ontario.ca). If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance.

DATED at Toronto, this 10th day of May, 2021.

Becky Fong  
Registrar

## RULE 17

### ADJOURNMENTS

**17.1 Hearing Dates Fixed** Hearing events will take place on the date set unless the Tribunal agrees to an adjournment. Adjournments will not be allowed that may prevent the Tribunal from completing and disposing of its proceedings within any applicable prescribed time period.

**17.2 Requests for Adjournment if All Parties Consent** If all of the parties agree, they may make a written request to adjourn a hearing event. The request must include the reasons, a suggested new date, and the written consents of all parties. However, the Tribunal may require that the parties attend in person or convene an electronic hearing to request an adjournment, even if all of the parties consent. The consenting parties are expected to present submissions to the Tribunal on the application of any prescribed time period to dispose of the proceeding.

**17.3 Requests for Adjournment without Consent** If a party objects to an adjournment request, the party requesting the adjournment must bring a motion at least 15 days before the date set for the hearing event. If the reason for an adjournment arises less than 15 days before the date set for the hearing event, the party must give notice of the request to the Tribunal and to the other parties and serve their motion materials as soon as possible. If the Tribunal refuses to consider a late request, any motion for adjournment must be made in person, at the beginning of the hearing event.

**17.4 Emergencies Only** The Tribunal will grant last minute adjournments only for unavoidable emergencies, such as illnesses so close to the hearing date that another representative or witness cannot be obtained. The Tribunal must be informed of these emergencies as soon as possible.

**17.5 Powers of the Tribunal upon Adjournment Request** The Tribunal may,

- (a) grant the request;
- (b) grant the request and fix a new date or, where appropriate, the Tribunal will schedule a case management conference on the status of the matter;
- (c) grant a shorter adjournment than requested;
- (d) deny the request, even if all parties have consented;
- (e) direct that the hearing proceed as scheduled but with a different witness, or evidence on another issue;
- (f) grant an indefinite adjournment, if the Tribunal finds no substantial prejudice to the other parties or to the Tribunal's schedule and the Tribunal concludes the request is reasonable for the determination of the issues in dispute. In this case a party must make a request, or the Tribunal on its own initiative may direct, that the hearing be rescheduled or resumed as the case may be;
- (g) convert the scheduled date to a mediation or case management conference;
- (h) issue a Notice of Postponement, in the event the proceeding is an appeal of a Planning Act matter subject to O. Reg. 102/18 under LPATA; or
- (i) make any other appropriate order.

## PURPOSE OF PROPOSAL | 22 WEBER STREET WEST, KITCHENER

### OFFICIAL PLAN AMENDMENT 20/005/W/JVW ZONING BY-LAW AMENDMENT 20/013/JVW

#### DESCRIPTION OF SUBJECT LANDS AND DEVELOPMENT PROPOSAL

The subject lands are comprised of a single parcel of land located at 22 Weber Street West, Kitchener. The subject lands are located just outside the boundary of the Urban Growth Centre (Downtown Kitchener) on the north side of Weber Street West (a Regional Road). The subject lands are an interior lot located between Young Street and Queen Street North. The subject lands are approximately 0.14 hectares in area, are vacant of any buildings and are presently being used as a commercial parking lot. The subject lands are located within a Major Transit Station Area and are designated 'High Density Commercial Residential'.

The applicant is proposing an Official Plan Amendment and Zoning By-law Amendment for the subject lands to facilitate the development of a 19 storey multiple residential building. The application was originally submitted with a proposed maximum height of 15 storeys and is being amended to allow for a maximum height of 19 storeys.



Location of subject lands.

The Urban Growth Centre boundary is located immediately south of Weber Street.

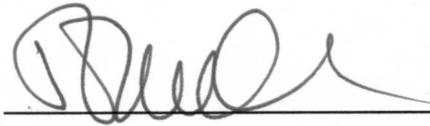
### **PURPOSE AND EFFECT OF OFFICIAL PLAN AMENDMENT**

The purpose of the Official Plan Amendment is to amend the existing Civic Centre Secondary Plan by establishing a Special Policy Area for the Subject Lands. The effect of the Special Policy Area would be to permit a Floor Space Ratio (FSR) of 7.8 whereas the 'High Density Commercial' designation permits a maximum FSR of 4.0.

### **PURPOSE AND EFFECT OF ZONING BY-LAW AMENDMENT**

The purpose of the Zoning By-law Amendment is to establish new site-specific zoning provisions for the existing "Commercial Residential Three Zone (CR-3)" applicable to the Subject Lands in order to implement the proposed development concept. The effect of the Zoning By-law Amendment is to increase the maximum permitted density (FSR), decrease the required parking and visitor parking rates, decrease the required front and rear yard setbacks and decrease the required landscape area. The Zoning By-law Amendment also seeks to establish a minimum ground floor height.

This is **Exhibit D** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Notary



**From:** Hal Jaeger  
**Sent:** 16 December 2022 23:55  
**To:** Jennifer Meader  
**Cc:** Fiona M. McCrea; 'Katherine Hughes'; Lesley McDonald  
**Subject:** RE: 22 Weber Street w. OPA/ZBLA (OLT-22-002377)

I will consult with FOBT, Jennifer.

My preliminary concerns with an adjournment, and particularly an open-ended one, include the availability of FOBT's witnesses for an unscheduled hearing date and reasonable use of FOBT's resources. Might a revision of the Filing Dates as outlined in the table and accompanying notes below suffice? I expect FOBT could easily accommodate such an extension and, with your help, we can all get back on track.

SUMMARY OF FILING DATES

EVENT	DATE
List of Witnesses	November 21, 2022
Expert Witness Meetings	<del>December 16, 2022</del> Jan. 6, 2023 (Dec. 23, 2022 preferred)
Hearing Plan	January 6, 2023 <sup>1</sup>
Agreed Statement of Facts & Remaining Issues	January 13, 2023 <sup>2</sup>
Participant Statements	January 27, 2023
Witness and Expert Witness Statements	January 27, 2023
Reply Witness Statements	February 17, 2023
Visual Evidence	February 24, 2023
Joint Document Book	March 3, 2023
OLT Hearing Commences	March 13, 2023

Notes:

1. Jennifer to distribute a Hearing Plan proposal to all parties by December 23, 2022.
2. Jennifer to distribute a draft Agreed Statement of Facts & Remaining Issues to all parties by 10am, January 9, 2023.

I can also share that FOBT has drafted a settlement offer that we anticipated sharing as early as Monday, December 19<sup>th</sup>, after adjusting for any developments during the Expert Witnesses Meetings.

None of the above should be understood to suggest that I condone a last-minute deviation from today's deadline for the Expert Witness Meetings from the Procedural Order to which we agreed and as ordered by the Tribunal.

Respectfully,

Hal

Hal Jaeger  
519-341-6007  
[hzaeger@gmail.com](mailto:hzaeger@gmail.com)

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[Redacted text block containing multiple lines of blacked-out content]

This is **Exhibit E** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal tail, positioned above a solid horizontal line.

Notary



## Hal Jaeger

---

**From:** Jennifer Meader <jmeader@tmalaw.ca>  
**Sent:** January 4, 2023 4:36 PM  
**To:** Bath, Ben (MAG)  
**Cc:** Katherine Hughes; Fiona M. McCrea (fmccrea@regionofwaterloo.ca); Hal Jaeger  
**Subject:** OLT Case No. OLT-22-002377 - Request for Adjournment

**Importance:** High

Dear Mr. Bath,

I am writing on behalf of 30 Duke Street Limited, the Applicant/Appellant in these proceedings, to request that the hearing scheduled to commence on March 13<sup>th</sup> be adjourned *sine die* and the Procedural Order be suspended. Given the recent, significant changes to governing legislation, and the significant policy changes that are anticipated as a result of the legislative changes, my client would like to hold the application in abeyance to consider the implications all the changes may have for the subject lands and the development proposal.

I have confirmed that both the City and the Region consent to the requested adjournment. However, I understand that Friends of Olde Berlin Town would like to push the parties forward to the hearing. I will leave it to Mr. Jaeger to elaborate on his position. But because this is my client's application and appeal, and because both municipalities (as the representatives of the public interest) consent to the adjournment, I respectfully submit that it would be unfair to allow the third-party resident group to control the destiny of my client's applications in these circumstances.

Should the Tribunal have any questions or concerns regarding this request, please contact me at your earliest convenience. Otherwise, I look forward to receiving the Tribunal's response.

Thank you.

**Jennifer Meader**  
**Turkstra Mazza Associates**  
15 Bold Street  
Hamilton, Ontario  
**T (905) 529-3476 Ext. 2740**  
**C (416) 605-0508**  
**F (905) 529-3663**  
[jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca)

This is **Exhibit F** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Notary



## Hal Jaeger

---

**From:** Bath, Ben (MAG) <Ben.Bath@ontario.ca>  
**Sent:** January 6, 2023 1:19 PM  
**To:** jmeader@tmalaw.ca; lesley.macdonald@kitchener.ca; Andy Gazzola; obtfriends@gmail.com  
**Cc:** The Clerk (Kitchener); dariza347@gmail.com; neil.baarda@gmail.com; synergistic\_solutions@sympatico.ca; richard@crbucklaw.com; taijwant@gmail.com; drcathrynharris@gmail.com; bob.janzen46@gmail.com; adamjoncas@hotmail.com; gail.richard.pool@gmail.com; rowell01@sympatico.ca; adeline@sympatico.ca; peglin@wlu.ca; twagner29@live.ca; stonehouserent@gmail.com; sgunz@uwaterloo.ca; cameron@uwaterloo.ca; monicaweber10@gmail.com; sdcwr@waterlooregion.org; jryrie\_04@sympatico.ca; kathrynforler@gmail.com; masselbergs@sentex.ca; neil.jensen@outlook.com; Kae Elgie; Katherine Hughes; Fiona McCrea  
**Subject:** OLT-22-002377 (30 Duke Street Limited v. Kitchener (City)) - Adjournment Request  
**Importance:** High

Good afternoon,

The request for an adjournment *sine die* is approved and the Hearing set to commence on March 13, 2023 has been cancelled. Counsel to the Applicant is directed to provide a written status update to the Tribunal and parties by no later than 6-months from today's date.

Regards,

**Ben Bath**

*Case Coordinator-Planner*

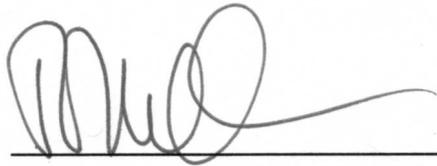
Ontario Land Tribunal

655 Bay Street, Suite 1500

Toronto, ON M5G 1E5

(437)-238-9862 | [ben.bath@ontario.ca](mailto:ben.bath@ontario.ca)

This is **Exhibit G** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Notary



## Neil Jensen

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**From:** Hal Jaeger <hzjaeger@gmail.com>  
**Sent:** July 7, 2023 7:28 AM  
**To:** 'Jennifer Meader'; 'Bath, Ben (MAG)'; lesley.macdonald@kitchener.ca; 'Andy Gazzola'; obtfriends@gmail.com; 'Katherine Hughes'; 'Fiona McCrea'  
**Cc:** 'The Clerk (Kitchener)'; dariza347@gmail.com; neil.baarda@gmail.com; synergistic\_solutions@sympatico.ca; richard@crbucklaw.com; taijwant@gmail.com; drcathrynharris@gmail.com; bob.janzen46@gmail.com; adamjoncas@hotmail.com; gail.richard.pool@gmail.com; rowell01@sympatico.ca; adeline@sympatico.ca; peglin@wlu.ca; twagner29@live.ca; stonehouserent@gmail.com; sgunz@uwaterloo.ca; cameron@uwaterloo.ca; monicaweber10@gmail.com; sdcwr@waterlooregion.org; jryrie\_04@sympatico.ca; kathrynforler@gmail.com; masselbergs@sentex.ca; neil.jensen@outlook.com; 'Kae Elgie'  
**Subject:** RE: OLT-22-002377 (30 Duke Street Limited v. Kitchener (City)) - Adjournment Request  
**Attachments:** PL210104-DEC-10-2021.pdf; Decision PL210104-Apr-4-2022.pdf; OLT Case No. OLT-22-002377 - Request for Adjournment; OLT-22-002377-DEC-02-2022.pdf

Greetings, Ben Bath.

In response to the Applicant-Appellant's report, Friends of Olde Berlin Town (FOBT) asks that the Tribunal please dismiss OLT appeals OLT-22-002377 and OLT-22-004383, regarding 22 Weber St W.

In accordance with [Rule of Practice and Procedure 17.5 \(h\)](#), please find that

- a) The file is dormant, and
- b) The application is stale and a hearing unwarranted.

FOBT has not received any communications from the Applicant-Appellant since the adjournment until the report to the Tribunal dated July 6, 2023.

Since January 2021, when the Applicant-Appellant appealed for a decision, the Province tabled and enacted multiple changes to the Planning Act, Provincial Policy Statement and Growth Plan; the Region of Waterloo updated its Regional Official Plan; and the City of Kitchener tabled and enacted multiple changes to its Official Plan and Zoning Bylaw. In particular, [Bill 23](#) requires that

*"No later than one year after the official plan policies described in paragraph 1 or 2 of subsection (21) come into effect, the council of the local municipality shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the policies",* including those pertaining to a higher order transit station. –

The City has a schedule to implement updated designations and zoning for the Secondary Plan area that includes the subject lands by the end of 2023.

FOBT further submits that

- a) the Applicant-Appellant *"contributed to undue delay of the proceeding"*, as per Bill 23, The More Homes, Built Faster Act's amendment of the Land Tribunal Act ([Schedule 7 s. 2](#)); and
- b) The Applicant-Appellant *"failed to comply with an order of the Tribunal"*, as per Bill 23, The More Homes, Built Faster Act's amendment of the Land Tribunal Act ([Schedule 7 s. 2](#)).

The Applicant-Appellant appealed to the Tribunal on January 26, 2021, citing the City's failure to issue a decision on its application for official plan and zoning bylaw amendments regarding the property located at 22 Weber Street West. FOBT submits that the Applicant-Appellant has since actively delayed the disposition of the cases by:

- revising the application under appeal *after* municipal review (December 10, 2021 CMC decision attached);
- requesting a delay of the hearing date at the April 4, 2022 CMC (decision attached); and
- requesting an adjournment *sine die* via email on January 4, 2023 (attached).

The Procedural Order (from the December 2, 2022 OLT decision, attached), required that the Expert Witness meetings be concluded by December 16, 2022. Rather than engaging in the required meetings (despite receiving comments in writing from FOBT witnesses and progress inquiries), the Applicant-Appellant proposed on the morning of December 16, 2022 to extend the deadline to January 9, 2023.

Respectfully,

Hal Jaeger  
519-341-6007  
hzjaeger@gmail.com

---

**From:** Jennifer Meader <jmeader@tmalaw.ca>

**Sent:** July 6, 2023 9:57 PM

**To:** Bath, Ben (MAG) <Ben.Bath@ontario.ca>; lesley.macdonald@kitchener.ca; Andy Gazzola <AGazzola@regionofwaterloo.ca>; obtfriends@gmail.com

**Cc:** The Clerk (Kitchener) <clerks@kitchener.ca>; dariza347@gmail.com; neil.baarda@gmail.com; synergistic\_solutions@sympatico.ca; richard@crbucklaw.com; taijwant@gmail.com; drcathryn.harris@gmail.com; bob.janzen46@gmail.com; adamjoncas@hotmail.com; gail.richard.pool@gmail.com; rowell01@sympatico.ca; adeline@sympatico.ca; peglin@wlu.ca; twagner29@live.ca; stonehouse.ment@gmail.com; sgunz@uwaterloo.ca; cameron@uwaterloo.ca; monicaweber10@gmail.com; sdcwr@waterlooregion.org; jryrie\_04@sympatico.ca; kathrynforler@gmail.com; masselbergs@sentex.ca; neil.jensen@outlook.com; Kae Elgie <kaeelgie@yahoo.com>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Fiona McCrea <fmccrea@regionofwaterloo.ca>

**Subject:** RE: OLT-22-002377 (30 Duke Street Limited v. Kitchener (City)) - Adjournment Request

Dear Mr. Bath,

Further to the directions below, the Applicant would like to continue to hold the appeal in abeyance at this time. I request that a further update be provided six months from now. Should the Tribunal require any additional information, please let me know.

Thank you.

**Jennifer Meader**  
**Turkstra Mazza Associates**  
**416.605.0508**

---

**From:** Bath, Ben (MAG) <Ben.Bath@ontario.ca>

**Sent:** Friday, 6 January, 2023 1:19 PM

**To:** Jennifer Meader <jmeader@tmalaw.ca>; Lesley.MacDonald@kitchener.ca; Andy Gazzola <AGazzola@regionofwaterloo.ca>; obtfriends@gmail.com

**Cc:** The Clerk (Kitchener) <clerks@kitchener.ca>; dariza347@gmail.com; neil.baarda@gmail.com;

[synergistic\\_solutions@sympatico.ca](mailto:synergistic_solutions@sympatico.ca); [richard@crbucklaw.com](mailto:richard@crbucklaw.com); [taijwant@gmail.com](mailto:taijwant@gmail.com); [drcathryn.harris@gmail.com](mailto:drcathryn.harris@gmail.com); [bob.janzen46@gmail.com](mailto:bob.janzen46@gmail.com); [adamjoncas@hotmail.com](mailto:adamjoncas@hotmail.com); [gail.richard.pool@gmail.com](mailto:gail.richard.pool@gmail.com); [rowell01@sympatico.ca](mailto:rowell01@sympatico.ca); [adeline@sympatico.ca](mailto:adeline@sympatico.ca); [peglin@wlu.ca](mailto:peglin@wlu.ca); [twagner29@live.ca](mailto:twagner29@live.ca); [stonehouse.ment@gmail.com](mailto:stonehouse.ment@gmail.com); [sgunz@uwaterloo.ca](mailto:sgunz@uwaterloo.ca); [cameron@uwaterloo.ca](mailto:cameron@uwaterloo.ca); [monicaweber10@gmail.com](mailto:monicaweber10@gmail.com); [sdcw@waterlooregion.org](mailto:sdcw@waterlooregion.org); [jryrie\\_04@sympatico.ca](mailto:jryrie_04@sympatico.ca); [kathrynforler@gmail.com](mailto:kathrynforler@gmail.com); [masselbergs@sentex.ca](mailto:masselbergs@sentex.ca); [neil.jensen@outlook.com](mailto:neil.jensen@outlook.com); Kae Elgie <[kaeelgie@yahoo.com](mailto:kaeelgie@yahoo.com)>; Katherine Hughes <[Katherine.Hughes@kitchener.ca](mailto:Katherine.Hughes@kitchener.ca)>; Fiona McCrea <[fmccrea@regionofwaterloo.ca](mailto:fmccrea@regionofwaterloo.ca)>

**Subject:** OLT-22-002377 (30 Duke Street Limited v. Kitchener (City)) - Adjournment Request

**Importance:** High

Good afternoon,

The request for an adjournment *sine die* is approved and the Hearing set to commence on March 13, 2023 has been cancelled. Counsel to the Applicant is directed to provide a written status update to the Tribunal and parties by no later than 6-months from today's date.

Regards,

**Ben Bath**

*Case Coordinator-Planner*

Ontario Land Tribunal

655 Bay Street, Suite 1500

Toronto, ON M5G 1E5

(437)-238-9862 | [ben.bath@ontario.ca](mailto:ben.bath@ontario.ca)



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**Ontario Land Tribunal**

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Toll Free: 1-866-448-2248  
Website: olt.gov.on.ca

**Tribunal ontarien de  
l'aménagement du territoire**

655 rue Bay, suite 1500  
Toronto ON M5G 1E5  
Téléphone: (416) 212-6349  
Sans Frais: 1-866-448-2248  
Site Web: olt.gov.on.ca



**Date:** August 1, 2023

Jennifer Meader  
[jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca)

**Re:** OLT Case Number(s): OLT-22-002377, OLT-22-002378 & OLT-22-004383  
OLT Lead Case Number: OLT-22-002377  
Municipality/Upper Tier: City of Kitchener  
Subject Property Address: 22 Weber Street W.  
Reference Number(s): OPA 20/005W/JVW

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This letter is to confirm that given the length of time that has lapsed since the last activity in this case, the Tribunal will now place this case into a closed file status. The Tribunal will not be requesting updates from you or any of the parties on their efforts given the inactive status of this case.

The parties are directed to contact the Tribunal once they are ready to proceed to request the re-opening of this file from its closed status. Administrative staff will re-open the file after they are advised that the parties are ready to proceed. A request for re-opening should be directed to the Tribunal Registrar. Further direction from the Tribunal caseworker may be provided to the parties.

Administrative staff will also re-open this closed file at the request of a party who seeks the assistance of the Tribunal should there be difficulties that arise.

If the Parties require any further assistance from the Tribunal or have updates to share, please contact the Case Coordinator/Planner assigned to this case, Ben Bath at [ben.bath@ontario.ca](mailto:ben.bath@ontario.ca).

Yours truly,

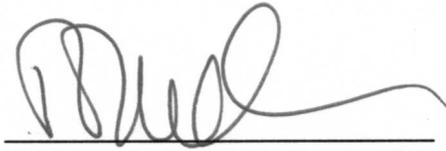
Ben Bath  
Case Coordinator, Planner  
437-238-9862

c.c.

City of Kitchener, Leslie MacDonald, [Lesley.MacDonald@kitchener.ca](mailto:Lesley.MacDonald@kitchener.ca)

Region of Waterloo, Andy Gazzola, [AGazzola@regionofwaterloo.ca](mailto:AGazzola@regionofwaterloo.ca)  
Hal Jaeger, [obtfriends@gmail.com](mailto:obtfriends@gmail.com)

This is **Exhibit H** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in cursive script, appearing to read "Robert Ross Wells", is written above a solid horizontal line.

Notary





## **Council Meeting Minutes**

**March 18, 2024, 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  
Councillor P. Singh  
Councillor B. Ioannidis  
Councillor M. Johnston  
Councillor S. Stretch  
Councillor D. Chapman

**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  
B. Rowland, Director, Corporate Communications and Marketing  
A. Fusco, Director Legislated Services / City Clerk  
K. Hughes, Assistant City Solicitor  
R. Bustamante, Director Planning & Housing Policy (virtually)  
G. Stevenson, Director, Development & Housing Approvals  
N. Goss, Manager, Policy & Research  
T. Donegani, Senior Planner  
A. Clark, Senior Urban Designer  
J. Zunic, Senior Planner  
D. Saunderson, Deputy Clerk

## **1. COMMENCEMENT**

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

### **1.1 Acknowledgement Recognition - Ramadan - March 11, 2024**

Mayor B. Vrbanovic acknowledged Ramadan and extended heartfelt wishes to the Islamic community in Kitchener and everywhere. Mayor Vrbanovic provided remarks on how the month is celebrated and encouraged residents to take the opportunity to learn more about Ramadan.

### **1.2 International Day for the Elimination of Racial Discrimination - March 21, 2024**

Mayor B. Vrbanovic noted on March 21st, the City of Kitchener joins cities around the world in marking the International Day for the Elimination of Racial Discrimination, standing united in our commitment to eradicate all forms of racism from our community, and everywhere.

## **2. MINUTES FOR APPROVAL**

On motion by Councillor D. Schnider the minutes of the regular meeting held February 12, 2024, and special meetings held February 12 and February 26, 2024, as mailed to the Mayor and Councillors, were accepted.

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

### **3.1 Councillor P. Singh - Bramm Street Parking User Rate Changes**

Councillor P. Singh declared a conflict with regards to the delegation presentation on the Bramm Street Parking User Rate Changes, as he has family that owns property within the vicinity, and he did not participate in any voting or discussion on the matter.

### **3.2 Councillor P. Singh - Growing Together - Protected Major Transit Station Area Land Use and Zoning Framework, DSD-2024-005 and Follow-up Report DSD-2024-128**

Councillor P. Singh declared a conflict with regards to Growing Together - Protected Major Transit Station Area Land Use and Zoning Framework, including the associated By-laws included on the agenda for three readings, as he has family that owns property within the vicinity, and he did not participate in any voting or discussion on the matter.

**3.3 Councillor C. Michaud - Growing Together - Protected Major Transit Station Area Land Use and Zoning Framework, DSD-2024-005 and Follow-up Report DSD-2024-128**

Councillor C. Michaud declared a conflict with regards to the properties municipally addressed as 84 Frederick Street and 79 and 87 Weber Street East outlined in Growing Together - Protected Major Transit Station Area Land Use and Zoning Framework, including the associated By-laws included on the agenda for three readings, due to her place of employment, and she did not participate in any voting or discussion on the matter.

**3.4 Councillor P. Singh - Inclusionary Zoning - Official Plan Amendment and Zoning By-law Amendment, DSD-2024-029 and Follow-up Report DSD-2024-111**

Councillor P. Singh declared a conflict with regards to Inclusionary Zoning - Official Plan Amendment and Zoning By-law Amendment, including the associated By-laws included on the agenda for three readings, as he has family that owns property within the vicinity, and he did not participate in any voting or discussion on the matter.

**3.5 Councillor P. Singh - Notice of Intention to Designate - 72 Victoria Street South under Part IV of the Ontario Heritage Act, DSD-2024-091**

Councillor P. Singh declared a conflict with regards the Notice of Intention to Designate - 72 Victoria Street South under Part IV of the Ontario Heritage Act, as he has family that owns property within the vicinity, and he did not participate in any voting or discussion on the matter.

**3.6 Councillor P. Singh - Notice of Motion - D. Chapman - Ontario Heritage Act**

Councillor P. Singh declared a conflict with regards to the Notice of Motion being brought forward by Councillor D. Chapman related to the Ontario Heritage Act, as he has family that owns property on the Municipal Heritage Registrar, and he did not participate in any voting or discussion on the matter.

**4. COMMUNICATIONS REFERRED TO FILE**

**4.1 Flag Request under Policy MUN-FAC-442**

4.1.a Albanian Community Association in Waterloo Region – Feb 17-20, 2024

4.1.b Copropcanada – Feb 27, 2024

4.1.c Irish Real Life Festival – Mar 9-16, 2024

4.1.d Canadian Polish Congress Kitchener District - May 2 - 9, 2024

4.1.e The Ontario Federation of Anglers & Hunters - Sept 20-23, 2024

**5. PRESENTATIONS - NIL**

**6. DELEGATIONS**

**6.1 Motion to Add Delegation - Homelessness in Kitchener**

**Moved by Councillor C. Michaud**

**Seconded by Councillor P. Singh**

"That pursuant to section 5.7 (b) of Chapter 25 (Procedure) of the City of Kitchener Municipal Code that Joseph Wennechuk be added as a delegation to the Council agenda this date to discuss homelessness in Kitchener, which is not a matter on the agenda this date."

**Carried**

**6.1.a Delegation - J. Wennechuk - Homeless in Kitchener**

J. Wennechuk delegated regarding the state of the shelter system and his experiences with recent temporary accommodations at 125 Water St. The lack of accountability of the accommodation, safety and security procedures, and disciplinary procedures were highlighted. J. Wennechuk expressed concern with the operation of House of Friendship, operated by the Working Centre, where he was staying noting that he has been banned from the premises due to a claim of arson from his use of a religious altar in the room, a time during which he was unable to access his personal belongings for an extended period of time.

**6.2 Objection to Notice of Intention to Designate - 70 Francis Street North, DSD-2024-064, listed as Item 12.1.d**

Councillor M. Johnston left the meeting at this time.

Council considered Development Services Department report DSD-2024-064, entitled Consideration of Objection to Notice of Intention to Designate 70 Francis Street North, dated February 8, 2024, recommending despite a Notice of Objection being received, that the City proceed with the Notice of Intention to designate the property municipally addressed as 70 Francis Street North. In addition, Council was in receipt of a written submission from S. Stickel related to the subject matter.

Shane Stickel delegated to Council regarding the proposed designation of the property he recently purchased at 70 Francis Street North noting that the property has undergone significant transformation, noting concerns with the

designation potentially adversely impacting their abilities to continue to maintain the property in a low cost and efficient manner. S. Stickel reported that his property has faced incidents including vandalism, security measures, an expensive fence regarding the rear of the property and outdoor lights and noted that the architectural features of the property are insignificant and have been repaired or replaced over the years. The property is in a low-income area and the neighbourhood used as investment incomes and has been proposed to be designated, as it was built by the Krug family. S. Stickel expressed concern with increasing insurance premiums arising from the designation, inability to make repairs by the owner, and impacts to resale abilities.

Members of Council asked questions regarding the ownership of the property, and the property being listed on the Heritage Registrar and received responses from the delegate.

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

The Mayor noted due to time constraints, this matter would be set aside for consideration until later this date to allow an opportunity to hear from the balance of the delegations who were in attendance this date.

### **6.3 Bramm Street Parking User Rate Changes**

Councillor P. Singh declared a conflict on this item. (Councillor P. Singh declared a conflict with regards to the delegation presentation on the Bramm Street Parking User Rate Changes, as he has family that owns property within the vicinity, and he did not participate in any voting or discussion on the matter.)

Terry Sturtevant and Kaylee Perez delegated to Council regarding Bramm Street Parking User Rate Changes requesting that parking remain free at the Bramm Street lot on evening and weekends, consistent with other city parking lots in the downtown adjacent to residential properties. T. Sturtevant highlighted discussions with City staff regarding the classification of the lot, the impacts of the Bramm Street parking changes on limiting family and friend visits, the short notice and lack of procedural fairness when implementing the changes, and limiting economic revitalization.

In response to questions from Council, T. Sturtevant noted there is no free parking at the Market. J. Readman, General Manager, Development Services Department, noted that there has been no data collected during the pandemic regarding parking at the Bramm Street lot and highlighted that the parking lot's use as a temporary measure. Members of Council asked questions regarding parking rates, revenues achieved from the lot, changes arising from commercial businesses in the area, and received responses from J. Readman. J. Readman

noted that the parking enterprise deficit is currently \$1.5million and J. Lautenbach, Chief Financial Officer, advised that the parking dividend was adjusted this year to account for the deficit and any changes will impact the tax base. The history of the downtown BIA free parking evenings and Saturdays subsidy program was noted by J. Readman.

**Moved by Councillor S. Stretch**

**Seconded by Councillor A. Owodunni**

"That the delegation request related to the parking user rates for the Bramm Street Parking lot **be deferred to the next Council meeting**, to allow an opportunity for Council to dialogue with staff further related to the delegation's presentation."

**Carried**

**6.4 Official Plan Amendment Application OPA22/012/H/CD, Zoning By-law Amendment Application ZBA22/019/H/CD, 490 Huron Road, 2517293 Ontario Inc., DSD-2024-060**

Council considered Official Plan Amendment Application OPA22/012/H/CD, Zoning By-law Amendment Application ZBA22/019/H/CD, 490 Huron Road, 2517293 Ontario Inc., Development Services Department report DSD-2024-060, listed on the agenda as item 9.2.g.

Councillor S. Davey left the meeting at this time.

Andrea Sinclair, MHBC Planning delegated in support of the application. A. Sinclair highlighted the proposed application including staying with Floor Space Ration (FSR) requirements, parking requirements, moving the location of the towers closer to Huron Road and away from the rear lot lines, and reducing the amount of commercial activity on the site.

Bonnie Bender-Vargas delegated in opposition of the proposed application noting that the postcards for the application were not received by many in the area. The timing and format of a December Public Information Centre (PIC) regarding the revised application for up to 24 storeys was noted and B. Bender-Vargas expressed concern with the proposed density, traffic and safety of the subject application. Members of Council asked questions of the delegate and received responses from the delegate.

Councillor S. Davey returned to the meeting at this time.

Raymond Angod delegated regarding the proposed development and its ability to assist with the housing crisis, and expressed concern with the engagement and

consultation practices with the Fire Department, the Waterloo Region District School Board, and Public Health. R. Angod requested that Council defer the application until a public meeting can be held with the community to discuss gaps in processes. Members of Council asked question of the delegate and received responses from the delegate.

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

Stephanie Attard, delegated on behalf of Sheri Wonder, expressing concern with the proposed development and requested that Council hold another public meeting due to the adequate notice that was provided to the neighbourhood.

The Mayor noted that further consideration of this matter would be set aside until later in the meeting to allow final consideration of Growing Together - Protected Major Transit Station Area Land Use and Zoning Framework, DSD-2024-005 and Follow-up Report DSD-2024-128 and Inclusionary Zoning - Official Plan Amendment and Zoning By-law Amendment, DSD-2024-029 and Follow-up Report DSD-2024-111, which were referred to the Council agenda from the Special Council agenda earlier this date.

**Moved by Councillor P. Singh**

**Seconded by Councillor D. Chapman**

"That Official Plan Amendment Application OPA/22/012/H/CD for the property municipally addressed as 490 Huron Road for 2517293 Ontario Inc. requesting to amend the text of Site-Specific Policy 15.D.12.40 to increase the maximum permitted height to 24 storeys 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-2024-060 as Attachment 'A', and accordingly forwarded to the Region of Waterloo for approval; and further,

That Zoning By-law Amendment Application ZBA22/019/H/CD for 2517293 Ontario Inc. be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Development Services Department report DSD-2023-299 as Attachment 'B'."

**Carried**

## **7. UNFINISHED BUSINESS**

### **7.1 Growing Together - Protected Major Transit Station Area Land Use and Zoning Framework, DSD-2024-005 and Follow-up Report DSD-2024-128**

Councillor P. Singh declared a conflict on this item. (Councillor P. Singh declared a conflict with regards to Growing Together - Protected Major Transit Station Area Land Use and Zoning Framework, including the associated By-laws included on the agenda for three readings, as he has family that owns property within the vicinity, and he did not participate in any voting or discussion on the matter.)

Councillor C. Michaud declared a conflict on this item. (Councillor C. Michaud declared a conflict with regards to the properties municipally addressed as 84 Frederick Street and 79 and 87 Weber Street East outlined in Growing Together - Protected Major Transit Station Area Land Use and Zoning Framework, including the associated By-laws included on the agenda for three readings, due to her place of employment, and she did not participate in any voting or discussion on the matter.)

Council considered Growing Together - Protected Major Transit Station Area Land Use and Zoning Framework, DSD-2024-005 and Follow-up Report DSD-2024-128, which was referred to the Council meeting from the Special Council meeting earlier this date to concluded consideration on the matter. Due to time constraints and the number of delegations, Council was not able to dispense with the meeting during Special Council.

Members of Council asked questions regarding requests filed by the delegates to amend zoning of certain properties with site specific zoning, Light Rail Transit (LRT) implementation and development of transit station areas, and received responses from N. Goss, Manager Policy & Research, and J. Readman, General Manager, Development Services Department.

Councillor A. Owodunni and Councillor P. Singh left the meeting at this time.

Councillor A. Owodunni returned to the meeting at this time.

Members of Council asked questions regarding properties at 189 Queen St S and Joseph St area and whether they are exempt from the Heritage Conservation District. In response J. Vieira, Heritage Planner, reported that there are no SGA4 properties currently existing in the Victoria Park Heritage Conservation District. In response to questions from Council N. Goss noted that properties can be split zoned but highlighted that 60 Schneider Street is contained within the Disaster Mitigation Adaptation Fund (DMAF) project and therefore has been excluded.

Members of Council asked questions regarding the height cap of 25 storeys determination and storey increases through variances to the zoning by-law to obtain relief from the by-law and received responses from G. Stevenson,

Director, Development & Housing Approvals, A. Clark, Senior Urban Designer and J. Readman.

In response to a question from Council, A. Clark noted that approval would generate 100,000 new homes, using 50% capacity of zoning permissions, within the 7 Major Transit Station Areas (MTSA).

Questions were raised regarding separation of built forms, concerns with privacy and setbacks, flexibility of built forms, point-tower construction methods, relief from zoning regulations and compensation to property owners arising from changes, current applications with the Development Approvals division that may be impacted by the approval of Growing Together, proximity of SG4 zones and purpose of SG1 and SG2 zones to fulfill a flexible housing stock and missing middle for smaller development firms, and received responses from A. Clark, J. Readman and G. Stevenson.

In response to a question from Council, A. Clark reported that staff still anticipate working well with developers on site-specific zoning for unique parcels of land.

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

## **7.2 COUNCIL PROCEEDINGS TO GO BEYOND 11:00 p.m.**

**Moved by Councillor S. Stretch**

**Seconded by Councillor A. Owodunni**

“That pursuant to Section 25.4.11 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**

## **7.3 Growing Together - Protected Major Transit Station Area Land Use and Zoning Framework, DSD-2024-005 and Follow-up Report DSD-2024-128 (Cont'd)**

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

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

Councillor S. Stretch and Councillor J. Deneault brought forward a motion to approve the recommendation as outlined in Development Service Department report DSD-2024-128, entitled Supplemental Report to DSD-2024-005: Growing Together - Protected Major Transit Station Area Land Use and Zoning Framework.

Councillor S. Davey brought forward an amendment, which was seconded by Councillor B. Ioannidis "That the SGA3 storey limit be increased from 25 to 28 storeys", and "That OPA OPA23/016/K/JZ be amended by amending proposed Official Plan policy 15.D.271 be amended to state that no building will exceed 28 storeys in height. The implementing zoning may permit maximum building heights of less than 28 storeys"; and further, "That the increased tower setback/separation requirements for towers 37 storeys and taller, be removed.

It was requested to vote on the change in building height and tower separation be voted on separately.

Councillor S. Davey's amendment related to increasing the building height from 25 to 28 storeys, save and except for the properties municipally addressed as 84 Frederick Street and 79 and 87 Weber Street East, was then voted on and was **Carried on a recorded vote**, with Councillors B. Ioannidis, M. Johnston, J. Deneault, S. Davey, D. Schnider and A. Owodunni voting in favour; and, Mayor B. Vrbanovic and Councillors S. Stretch, C. Michaud and D. Chapman voting in opposition.

Councillor S. Davey's amendment related to increasing the building height from 25 to 28 storeys, for the properties municipally addressed as 84 Frederick Street and 79 and 87 Weber Street East, was then voted on and was **Carried on a recorded vote**, with Councillors B. Ioannidis, M. Johnston, J. Deneault, S. Davey, D. Schnider and A. Owodunni voting in favour; and, Mayor B. Vrbanovic and Councillors S. Stretch and D. Chapman voting in opposition. Due to her previously declared conflict, Councillor C. Michaud did not vote.

Councillor S. Davey's amendment related to increasing the tower setback/separation requirements for towers 37 storeys and taller, be removed" which was then voted on and **LOST on a tied recorded vote**, with Councillors B. Ioannidis, S. Davey, S. Stretch, D. Schnider voting in favour; and, Mayor B. Vrbanovic and Councillors C. Michaud, M. Johnston, J. Deneault and D. Chapman voting in opposition.

Councillor B. Ioannidis brought forward an amendment which was seconded by Councillor J. Deneault "That the proposed zoning for 15 Linden Avenue and 35 Linden Avenue be amended from SGA1 to SGA3" and "That the Official Plan Amendment be revised to designate the properties as SGA-B rather than the proposed SGA-A land use designation as recommended by staff".

Councillor B. Ioannidis's amendment was then voted on and was **Carried on a recorded vote**, with Councillors C. Michaud, B. Ioannidis, M. Johnston, J.

Deneault, S. Davey, D. Schnider and A. Owodunni voting in favour; and, Mayor B. Vrbanovic and Councillors D. Chapman and S. Stretch voting in opposition.

Councillor D. Chapman brought forward the following amendments, which were seconded by Councillor C. Michaud:

1. Insert into the PMTSA Official Plan, after Section 15.D.2.8 “Zoning permissions do not necessarily reflect heritage preservation requirements”.

2. Replace item a) in 2019-051 Zoning Bylaw Section 4.14.8.1 “Patios, deck, and outdoor recreation associated with a restaurant may project into a required yard provided that: a) They are located a minimum of 30 metres from any *residential zone*”

With

“Patios, decks, and outdoor recreation associated with a restaurant may project into a required yard provided that: a) They are located a minimum of 30 metres from any *residential zone* and a minimum of 20 metres from the lot line of any proximate SGA-1 property”

3. Where SGA-4 is adjacent to an SGA-1 property, change the SGA-4 zoning to SGA-2.

4. Remove SGA-2 and SGA-3 zoning within Heritage Districts and replace them with SGA-1 zoning.

5. Remove up-zoning from all City of Kitchener properties in the PMTSA areas except for Bramm Street.

6. Zone the following properties to reflect the existing built forms found on the properties as they are up for heritage designation:

1. 72 Victoria Street S (Peer Group) – Should be SGA-2

2. 60 Victoria Street N (Rumpel Felt) – Should be SGA-1

3. 825 King Street W (St. Mark’s Place) – Should be SGA-1

4. 33 Eby St – Should be SGA-1

5. Victoria School - Should be SGA-1

7. Remove non-PMTSA properties and commercial uses in residential areas from Growing Together and include them in the official plan review process.

8. (If #7 fails) Zone the follow properties to reflect the existing built forms found on the properties as they currently provide affordable housing:

1. 155 Cherry Street (Asgard Green Cooperative) – Should be Res 5
2. 318, 332, 352 Patricia Street – Should be Res 5
3. 185-177 Mill Street – Should be Res 5
4. 5 Heiman – Should be Res 5
5. 317, 343 Mill Street – Should be Res 5

Clause 1 of Councillor D. Chapman's amendments was then voted on and was **LOST on a recorded vote**, with Councillors D. Chapman and A. Owodunni voting in favour; and, Mayor B. Vrbanovic and Councillors S. Davey, C. Michaud, B. Ioannidis, M. Johnston, J Deneault, S. Stretch, D. Schnider.

Clause 2 of Councillor D. Chapman's amendments was then voted on and was **LOST on a recorded vote**, with Councillor D. Chapman voting in favour; and, Mayor B. Vrbanovic and Councillors S. Davey, C. Michaud, S. Davey, M. Johnston, B. Ioannidis, J. Deneault, S. Stretch, D. Schnider and A. Owodunni voting in opposition.

Clause 3 of Councillor D. Chapman's amendment was then voted on and was **LOST on a recorded vote**, with Councillors D. Chapman and C. Michaud voting in favour; and, Mayor B. Vrbanovic and Councillors S. Davey, B. Ioannidis, M. Johnston, J. Deneault, S. Stretch, D. Schnider and A. Owodunni voting in opposition.

Clause 4 of Councillor D. Chapman's amendment was then then voted on and was **LOST on a recorded vote**, with Councillors D. Chapman and C. Michaud voting in favour; and, Mayor B. Vrbanovic and Councillors S. Davey, B. Ioannidis, M. Johnston, J. Deneault, S. Stretch, D. Schnider and A. Owodunni voting in opposition.

Clause 5 of Councillor D. Chapman's amendment was then then voted on and was **LOST on a recorded vote**, with Councillor D. Chapman voting in favour; and, Mayor B. Vrbanovic and Councillors S. Davey, B. Ioannidis, M. Johnston, J. Deneault, S. Stretch, D. Schnider, C. Michaud and A. Owodunni voting in opposition.

Clause 6 of Councillor D. Chapman's amendment was then then voted on and was **LOST on a recorded vote**, with Councillors D. Chapman and C. Michaud voting in favour; and, Mayor B. Vrbanovic and Councillors S. Davey, B. Ioannidis,

M. Johnston, J. Deneault, S. Stretch, D. Schnider and A. Owodunni voting in opposition.

Clause 7 of Councillor D. Chapman's amendment was then then voted on and was **LOST on a recorded vote**, with Councillors D. Chapman and A. Owodunni voting in favour; and, Mayor B. Vrbanovic and Councillors S. Davey, B. Ioannidis, M. Johnston, J. Deneault, S. Stretch, D. Schnider and C. Michaud voting in opposition.

Clause 8 of Councillor D. Chapman's amendment was then then voted on and was **LOST on a recorded vote**, with Councillors D. Chapman, J. Deneault and A. Owodunni voting in favour; and, Mayor B. Vrbanovic and Councillors S. Davey, B. Ioannidis, M. Johnston, S. Stretch, D. Schnider and C. Michaud voting in opposition.

An amendment was then moved by Councillor D. Schnider seconded by Councillor M. Johnston, "That lands addressed as 178, 188, 196 and 202 Queen Street South and 15 Joseph Street be zoned as SGA-4".

Councillor D. Schnider's amendment was then voted on and was **Carried on a recorded vote**, with Councillors C. Michaud, B. Ioannidis, M. Johnston, S. Davey, D. Schnider and A. Owodunni voting in favour; and, Mayor B. Vrbanovic and Councillors J. Deneault and S. Stretch and D. Chapman voting in opposition.

Councillor B. Ioannidis brought forward an amendment, which was seconded by Councillor J. Deneault "That staff be directed to bring back a housekeeping review and update on Growing Together with the completion of the Official Plan".

Councillor B. Ioannidis's amendment was then voted on and was **Carried unanimously on a recorded vote**.

The following motion was then voted on, specifically related to the properties municipally addressed as 84 Frederick Street and 79 and 87 Weber Street East, which had a previously declared conflict by Councillor Michaud, which was voted on and was **Carried unanimously on a recorded vote**.

The following motion was then voted on, save and except for the properties municipally addressed as 84 Frederick Street and 79 and 87 Weber Street East, which had a previously declared conflict by Councillor Michaud, which was voted on and was **Carried unanimously on a recorded vote**.

**Moved by Councillor S. Stretch**  
**Seconded by Councillor J. Deneault**

"That City Initiated Official Plan Amendment OPA23/016/K/JZ, for the purpose of implementing a land use planning framework for seven of the City's Protected Major Transit Station Areas, including amendments to the Urban Structure, Land Use, Specific Policy Areas, and Cultural Heritage Resources mapping and text amendments, be adopted, in the form shown in the Official Plan Amendment attached to Development Services Department report DSD-2024-128 as Attachment 'A' and as amended at the Council meeting on March 18, 2024, and accordingly forwarded to the Region of Waterloo for approval; and,

That City Initiated Official Plan Amendment OPA23/017/K/JZ, for the purpose of adding lands into the 2014 Official Plan and updating the land use planning framework for specific lands currently within Secondary Plans within the 1994 Official Plan, including amendments to the Urban Structure, Land Use, and Specific Policy Areas, inclusive of mapping and text amendments, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2024-128 as Attachment 'B', and accordingly forwarded to the Region of Waterloo for approval; and,

That City Initiated Official Plan Amendment OPA23/022/K/JZ, for the purpose of deleting existing secondary plan policies and mapping from the 1994 Official Plan, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD2024-128 as Attachment 'C', and accordingly forwarded to the Region of Waterloo for approval; and,

That City Initiated Zoning By-law Amendment Application ZBA23/028/K/JZ to amend Zoning By-law 2019-051 for lands within seven of the City's Protected Major Transit Station Areas, be approved in the form shown in the "Proposed By-law" attached to Report DSD-2024-128 as Attachment 'D' and as amended at the Council meeting on March 18, 2024; and,

That City Initiated Zoning By-law Amendment Application ZBA23/029/K/JZ to amend Zoning By-law 2019-051, for lands recommended to be removed from existing Secondary Plans be approved in the form shown in the "Proposed By-law" attached to Report DSD-2024-128 as Attachment 'E'; and,

Pursuant to Section 35(17) of the Planning Act, R.S.O. C P.13, as amended further notice is not required to be given in respect to the City initiated Zoning By-law Amendments; and further,

That staff be directed to bring back a housekeeping review and update on Growing Together with the completion of the Official Plan".

**Carried, unanimously on a recorded vote**

**8. DELEGATIONS (CONT'D)**

**8.1 Objection to Notice of Intention to Designate - 70 Francis Street North, DSD-2024-064, listed as Item 12.1.d (Cont'd)**

Council further considered Development Services Department report DSD-2024-064. It was noted the matter was considered earlier in the meeting to hear from a delegation, but due to time constraints was set aside until later in the meeting for further discussion to occur.

Councillor P. Singh returned to the meeting at this time.

In response to questions from Council, J. Viera, Heritage Planner, advised of the key heritage attributes of the subject property.

**Moved by Councillor M. Johnston**

**Seconded by Councillor S. Davey**

"That the Notice of Objection for the intention to designate the property municipally addressed as 70 Francis Street North, as outlined in Development Services Department report DSD-2024-064, be sustained and the Notice of Intention to Designate be withdrawn."

**Carried**

**9. UNFINISHED BUSINESS (CONT'D)**

**9.1 Suspend the Rules - Extend the Proceedings Beyond Midnight**

**Moved by Councillor D. Schnider**

**Seconded by Councillor S. Davey**

"That in accordance with Chapter 25 (Procedure) of the City of Kitchener Municipal Code, Section 25.2.2. (Suspend the Rules), that approval of this meeting be permitted to extend beyond midnight."

**Carried with the required 2/3 of the Whole of Council.**

**9.2 Proceedings to Extend for an Additional Hour**

**Moved by Councillor M. Johnston**

**Seconded by Councillor B. Ioannidis**

"That pursuant to Chapter 25 (Council Procedure) of the Municipal Code, the Council proceedings this date shall be allowed to continue beyond midnight for one additional hour, to conclude matters as listed on the agenda."

**Carried**

### **9.3 Inclusionary Zoning - Official Plan Amendment and Zoning By-law Amendment, DSD-2024-029 and Follow-up Report DSD-2024-111**

Councillor P. Singh declared a conflict on this item. (Councillor P. Singh declared a conflict with regards to Inclusionary Zoning - Official Plan Amendment and Zoning By-law Amendment, including the associated By-laws included on the agenda for three readings, as he has family that owns property within the vicinity, and he did not participate in any voting or discussion on the matter.)

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

Council considered Inclusionary Zoning - Official Plan Amendment and Zoning By-law Amendment, DSD-2024-029 and Follow-up Report DSD-2024-111, which was referred to the Council meeting from the Special Council meeting earlier this date to concluded consideration on the matter. Due to time constraints and the number of delegations, Council was not able to dispense with the meeting during Special Council.

Members of Council asked questions regarding existing applications, transition clauses, previous council commitments for affordable housing, affordable rates of 80% of market value, possibility of deferring a specific property and received responses from T. Donegani, Senior Planner.

Councillor S. Davey brought forward a motion to approve the recommendation as outlined in Development Services Department report DSD-2024-111, seconded by Councillor S. Stretch, including an additional clause "That 97-101 Park Street and 186-194 Victoria Street South, Kitchener be deferred for consideration in the Official Plan Amendment and Zone Change Application to implement inclusionary zoning until Special Council on Monday, March 25, 2024."

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

**Moved by Councillor S. Stretch**  
**Seconded by Councillor S. Davey**

"That the City-initiated Official Plan Amendment OPA23/015/K/TD for the purposes of introducing Inclusionary Zoning within Protected Major Transit

Station Areas be adopted, in the form shown in the Revised Official Plan Amendment attached to Development Services Department report DSD-2024-111 as Attachment 'A' as amended and accordingly forwarded to the Region of Waterloo for approval; and,

That the City-initiated Zoning By-law Amendment ZBA23/027/K/TD to amend Zoning By-law 2019-051 and Zoning By-law 85-1, be approved in the form shown in the "Revised Proposed By-law Amendment" attached to Report DSD-2024-111 as Attachment 'B' and Attachment 'C' respectively as amended; and,

That staff be directed to enter into a memorandum of understanding with the Region of Waterloo outlining roles and responsibilities in administration of Inclusionary Zoning, to the satisfaction of the Director of Planning and Housing Policy; and,

That staff be directed to monitor local market conditions and engage with community and industry, and report back to Council no later than the end of 2024, 2026, 2028 and 2030, with recommendations on whether inclusionary zoning requirements should continue to be advanced in the timeframe, with the Market Area categorizations, and in manner outlined in this report; and,

That pursuant to Section 35(17) of the Planning Act, R.S.O. C P.13, as amended further notice is not required to be given in respect of the Zoning By-law Amendment; and further;

That the properties municipally addressed as 97-101 Park Street and 186-194 Victoria Street South, Kitchener **be deferred for consideration in the Official Plan Amendment and Zone Change Application to implement inclusionary zoning until Special Council on Monday, March 25, 2024.**

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

## **10. DELEGATIONS (CONT'D)**

### **10.1 Official Plan Amendment Application OPA22/012/H/CD, Zoning By-law Amendment Application ZBA22/019/H/CD, 490 Huron Road, 2517293 Ontario Inc., DSD-2024-060 (Cont'd)**

Council resumed consideration of Official Plan Amendment Application OPA22/012/H/CD, Zoning By-law Amendment Application ZBA22/019/H/CD, 490 Huron Road, 2517293 Ontario Inc., DSD-2024-060, which was delegated to earlier in the meeting and set aside due to time constraints.

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

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

**Moved by Councillor P. Singh**

**Seconded by Councillor D. Chapman**

"That Official Plan Amendment Application OPA/22/012/H/CD for the property municipally addressed as 490 Huron Road for 2517293 Ontario Inc. requesting to amend the text of Site-Specific Policy 15.D.12.40 to increase the maximum permitted height to 24 storeys 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-2024-060 as Attachment 'A', and accordingly forwarded to the Region of Waterloo for approval; and further,

That Zoning By-law Amendment Application ZBA22/019/H/CD for 2517293 Ontario Inc. be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Development Services Department report DSD-2023-299 as Attachment 'B'."

**Carried**

## **11. REPORTS OF COMMITTEES**

### **11.1 HERITAGE KITCHENER - MARCH 5, 2024**

**Moved by Councillor D. Chapman**

**Seconded by Councillor C. Michaud**

"That the report of Heritage Kitchener, dated March 5, 2024, listed as items 7.1.a to 7.1.c on the agenda this date, be adopted."

**Carried**

#### **11.1.a Notice of Intention to Designate - 60 Victoria Street North under Part IV of the Ontario Heritage Act, DSD-2024-089**

"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 60 Victoria Street North as being of cultural heritage value or interest, as outlined in Development Services Department report DSD-2024-089."

**Carried**

11.1.b Notice of Intention to Designate - 72 Victoria Street South under Part IV of the Ontario Heritage Act, DSD-2024-091

Councillor P. Singh declared a conflict on this item. (Councillor P. Singh declared a conflict with regards the Notice of Intention to Designate - 72 Victoria Street South under Part IV of the Ontario Heritage Act, as he has family that owns property within the vicinity, and he did not participate in any voting or discussion on the matter.)

"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 72 Victoria Street South as being of cultural heritage value or interest, as outlined in Development Services Department report DSD-2024-091."

**Carried**

11.1.c Notice of Intention to Designate - 33 Eby Street South under Part IV of the Ontario Heritage Act, DSD-2024-094

"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 33 Eby Street South as being of cultural heritage value or interest, as outlined in Development Services Department report DSD-2024-094."

**Carried**

**11.2 PLANNING AND STRATEGIC INITIATIVES COMMITTEE - FEBRUARY 26, 2024**

**Moved by Councillor P. Singh**

**Seconded by Councillor D. Chapman**

"That the report of the Planning and Strategic Initiatives Committee, dated February 26, 2024, listed as items 7.4.a to 7.4.h on the agenda this date, be adopted."

**Carried**

11.2.a Kitchener Becoming a Bird Friendly City, DSD-2024-081

"That staff be directed to investigate the benefits and feasibility of Kitchener becoming a 'Bird Friendly City' including any resource and budgetary considerations as outlined in Development Services Department report DSD-2024-081."

**Carried**

11.2.b Private Street Naming, 628 New Dundee Road, DSD-2024-059

"That the City of Kitchener acknowledge that Fusion Homes intends to name a private street: "Jet Avenue", "Graphite Drive", and "Shale Avenue" within a multiple residential development located at 628 New Dundee Road; and further,

That the City's Legal Services division be directed to proceed with the required advertising, preparation, and registration of the necessary By-law for the naming of "Jet Avenue", "Graphite Drive", and "Shale Avenue" as outlined in Development Services Department report DSD-2024-059."

**Carried**

11.2.c Uncollectable Miscellaneous Receivable Accounts Write-Off, FIN-2024-043

"That uncollectable Miscellaneous Receivable Accounts amounting to \$6,946 be written off against the Allowance for Doubtful Receivables as outlined in Financial Services Department report FIN-2024-043."

**Carried**

11.2.d Uncollectable Utility Receivable Account Write-Off, FIN-2024-042

"That uncollectable utility accounts amounting to \$82,552 be written off against the allowance for doubtful utility receivables as outlined in Financial Services Department report FIN-2024-042."

**Carried**

11.2.e Provincial Funding Extension for Waterloo Region, Small Business Centre, DSD-2024-062

"That the Mayor and Clerk be authorized to sign a one-year extension to the funding agreement with the Province of Ontario for the Waterloo Region Small Business Centre to deliver the core business information services, Summer Company and Starter Company Plus programs, said agreement to be to the satisfaction of the City Solicitor; and,

That the General Manager, Development Services be authorized to execute on behalf of the City of Kitchener any amendments to the funding

agreement provided such amendments are to the satisfaction of the City Solicitor; and further,

That the Manager, Waterloo Region Small Business Centre, and the Executive Director, Economic Development, be delegated authority to execute recipient grant agreements to the satisfaction of the City Solicitor for the Starter Company Plus and Summer Company programs as outlined in Development Services Department report DSD-2024-062."

**Carried**

11.2.f Public Art Policy Review and Revisions, DSD-2024-026

"That the proposed revisions to public art policy GOV-COR-816 be accepted; and further,

That five artworks displayed at two City-run cultural facilities be incorporated into the public art collection as outlined in Development Services Department report DSD-2024-026."

**Carried**

11.2.g Official Plan Amendment Application OPA22/012/H/CD, Zoning By-law Amendment Application ZBA22/019/H/CD, 490 Huron Road, 2517293 Ontario Inc., DSD-2024-060

**Carried, under Delegations**

11.2.h Official Plan Amendment Application OPA23/010/H/BB, Zoning By-law Amendment Application ZBA23/006/H/BB, Draft Plan of Condominium Application 30CDM-23204, 980 and 1018 Hidden Valley Road, DSD-2024-011

"That Official Plan Amendment OPA23/010/H/BB for the property municipally addressed as 980 and 1018 Hidden Valley Road for Evaya Developments Inc. requesting a site specific amendment be added to Hidden Valley Policy 15D.12.2 and be adopted in the form shown in the attached Official Plan Amendment attached to Development Services Department report DSD-2024-011 as Attachment 'A', and accordingly be forwarded to the Region of Waterloo for approval; and,

That Zoning By-law Amendment Application ZBA23/006/H/BB for Evaya Developments Inc. be approved as amended in the form shown in the

'Proposed By-law' and 'Map No. 1', attached to Development Services Department report DSD-2024-011 as Attachment 'B'; and further,

That the City of Kitchener, pursuant to Section 51(31) of the Planning Act R.S.O. 1990, c.P.13, as amended, and By-law 2005-170 as amended by By-law 2007-042, hereby grants draft approval to Draft Plan of Condominium Application 30CDM-23204, in the City of Kitchener, subject to the conditions shown in Attachment 'C'."

**Carried**

**12. UNFINISHED BUSINESS - NIL**

**13. NEW BUSINESS**

**13.1 MAYORAL BUSINESS AND UPDATES - MAYOR B. VRBANOVIC**

None.

**13.2 Notice of Motion - D. Chapman - Ontario Heritage Act**

Councillor P. Singh declared a conflict on this item. (Councillor P. Singh declared a conflict with regards to the Notice of Motion being brought forward by Councillor D. Chapman related to the Ontario Heritage Act, as he has family that owns property on the Municipal Heritage Registrar, and he did not participate in any voting or discussion on the matter.)

**Moved by Councillor D. Chapman**

**Seconded by Councillor C. Michaud**

"WHEREAS The More Homes Built Faster Act, 2022 (Bill 23) received Royal Assent on November 28, 2022. As part of this omnibus Bill, several changes were implemented to various pieces of legislation, including but not limited to, The Planning Act, The Development Charges Act, The Conservation Authorities Act, and The Ontario Heritage Act; and,

WHEREAS subsection 27(16) of the Ontario Heritage Act stipulates that any non-designated heritage property listed on the municipal heritage register of properties as of December 31, 2022 shall be removed from the municipal register on or before January 1, 2025, if the council of the municipality does not give a notice of intention to designate the property under subsection 29(1) of the Ontario Heritage Act on or before January 1, 2025; and,

WHEREAS since January 1, 2023, municipal heritage planning staff and members of the municipal heritage committee (Heritage Kitchener) in this municipality have been diligently working to: review the municipal heritage register; research the heritage value and interest of listed (non-designated) properties; review and research the heritage value and interest of non-designated properties; contact owners of such properties; determine which properties should potentially be designated in accordance with the provisions of Section 29 of the Ontario Heritage Act; and take all required steps to designate such properties; and,

WHEREAS the above-noted work involving approximately 228 properties listed properties in this municipality is extremely time-consuming and cannot be completed by December 31, 2024 with the current resources available given other competing interests including reviewing and supporting new housing development proposals; and,

WHEREAS given the volume of work required, on February 7, 2023 the Kitchener Heritage Committee Work Plan 2022-2014 was endorsed with an objective of reviewing and designating only 80 properties by January 1, 2025 given the time constraint imposed; and,

THEREFORE BE IT RESOLVED that the City of Kitchener call on the Province to amend Subsection 27(16) of the Ontario Heritage Act to extend the above-noted deadline for five years from January 1, 2025 to January 1, 2030, and that a copy of this resolution be circulated to the Honourable Doug Ford, Premier of Ontario, the Honourable Michael Ford, Minister of Citizenship and Multiculturalism, the Honorable Peter Bethlenfalvy, Minister of Finance; and John Ecker, Chair, Ontario Heritage Trust. That is also be circulated to the Association of Municipalities of Ontario, Provincial MPPs, Municipal councils across the province, the Architectural Conservatory of Ontario (ACO), as well as the Waterloo Region branch of the ACO.”

**Carried**

**14. QUESTIONS AND ANSWERS**

None.

**15. 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 associated with the Official Plan Amendments and Zoning By-laws for Growing Together and Inclusionary Zoning were being included on the agenda as amended earlier this date and the By-law for the Notice of Intention for 70 Francis Street North was being removed from the agenda as Council opted not to pursue designation.

## **15.1 1ST AND 2ND READING**

Due to the previously declared conflicts by Councillors P. Singh and C. Michaud, the By-laws related to Growing Together and Inclusionary Zoning were dealt with separately and they did not participate in any voting or discussion related to the By-laws.

**Moved by Councillor A. Owodunni**  
**Seconded by Councillor D. Schnider**

"That leave be given the Mover and Seconder to introduce the following by-laws, namely:

- 15.1.a Being a by-law to amend Chapter 101 of The City of Kitchener Municipal Code with respect to Appointment of Staff.
- 15.1.b Being a by-law to amend Chapter 599 of The City of Kitchener Municipal Code with respect to Licensing and Regulation of Businesses.
- 15.1.c Being a by-law to designate the property municipally addressed as 40 Chapel Hill Drive, in the City of Kitchener as being of historic and cultural heritage value or interest.
- 15.1.d Being a by-law to amend Chapter 110 of The City of Kitchener Municipal Code regarding By-law Enforcement.
- 15.1.e To further amend By-law No. 88-171, being a by-law to designate private roadways as fire routes and to prohibit parking thereon.
- 15.1.f 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.
- 15.1.g To further amend By-law No. 2010-190, being a by-law to prohibit unauthorized parking of motor vehicles on private property.
- 15.1.h Being a by-law to adopt Amendment No. 45 to the Official Plan - 490 Huron Road.

- 15.1.i Being a by-law to amend By-law 2019-051, as amended known as the Zoning By-law for the City of Kitchener – 2517293 Ontario Inc. – 490 Huron Road.
- 15.1.j Being a by-law to adopt Amendment No. 46 to the Official Plan - 980 & 1018 Hidden Valley Road.
- 15.1.k Being a by-law to amend By-law 85-1, as amended and By-law 2019-051, as amended, known as the Zoning By-laws for the City of Kitchener – Evaya Development Inc. – 980 and 1018 Hidden Valley Road.
- 15.1.l Being a by-law to adopt Amendment No. 49 to the Official Plan - Growing Together - PMTSA Lands.
- 15.1.m Being a by-law to adopt Amendment No. 50 to the Official Plan - Growing Together - Non PMTSA Lands.
- 15.1.n Being a by-law to adopt OPA No. 133 to the 1994 Official Plan - Growing Together - Removal of Existing Secondary Plan Policies and Mapping.
- 15.1.o Being a by-law to amend By-law 2019-051, as amended, known as the Zoning By-law for the City of Kitchener - Growing Together (PMTSA Lands).
- 15.1.p Being a by-law to amend By-law 2019-051, as amended, known as the Zoning By-law for the City of Kitchener - Growing Together (Non-PMTSA Lands).
- 15.1.q Being a by-law to adopt Amendment No. 48 to the 2014 Official Plan – Inclusionary Zoning.
- 15.1.r Being a by-law to amend By-law 2019-051 known as the Zoning By-law for the City of Kitchener – Inclusionary Zoning.
- 15.1.s Being a by-law to amend By-law 85-1 known as the Zoning By-law for the City of Kitchener – Inclusionary Zoning.
- 15.1.t To confirm all actions and proceedings of the Council for March 18, 2024.

**Carried.**

**16. COMMITTEE OF THE WHOLE**

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

**16.1 ADMINISTRATIVE REPORTS**

16.1.a 2024 Enova Power Corp - Board Appointments, COR-2024-087

**Moved by Councillor J. Deneault**

**it was resolved that:**

"That Councillor M. Johnston be appointed to the Enova Power Corp. board effective June 1, 2024 for a term not exceeding 1-year; and further,

That Councillor D. Schnider & Councillor B. Ioannidis be appointed to the Enova Energy Corporation board effective June 1, 2024 for a term not exceeding 1-year, as outlined in Corporate Services Department report COR-2024-087."

**Carried**

16.1.b COR-2024-096 - Dangerous Dog Designation Appeal - Tran, COR-2024-096

**Moved by Mayor B. Vrbanovic**

**it was resolved that:**

"That the decision of the Dog Designation Appeal Committee regarding an appeal filed by H. Tran, wherein the Committee affirms the Dangerous Dog Designation applied to the dog 'Teddy' by the Humane Society of Kitchener-Waterloo and Stratford Perth, be ratified and confirmed with modified conditions, as outlined in Corporate Services Department report COR-2024-096."

**Carried**

16.1.c 2024 Committee Member Appointments – Arts and Culture Advisory Committee, COR-2024-135

**Moved by Mayor B. Vrbanovic**

**it was resolved that:**

"That effective immediately Olufunmilayo Ajibade be appointed as the one (1) Arts Educator for the Arts and Culture Advisory Committee for a term ending November 14, 2024; and further

That effective immediately Julie Hall be appointed as one (1) Arts Organization for the Arts and Culture Advisory Committee for a term ending November 14, 2024."

**Carried**

16.1.d Objection to Notice of Intention to Designate - 70 Francis Street North, DSD-2024-064

**Carried, as amended, under Delegations**

## **16.2 FOR INFORMATION**

16.2.a 2023 Statement of Remuneration and Expenses, FIN-2024-103

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

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

"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."

## **18. BY-LAWS**

### **18.1 Proceedings to extend for an Additional Hour**

**Moved by Councillor M. Johnston**

**Seconded by Councillor D. Schnider**

"That pursuant to Chapter 25 (Council Procedure) of the Municipal Code, the Council proceedings this date shall be allowed to continue beyond 1:00 a.m. for one additional hour, to conclude matters as listed on the agenda."

**Carried, unanimously**

### **18.2 3RD READING**

Due to the previously declared conflicts by Councillors P. Singh and C. Michaud, the By-laws related to Growing Together and Inclusionary Zoning were dealt with separately and they did not participate in any voting or discussion related to the By-laws.

**Moved by Councillor M. Johnston**

**Seconded by Councillor D. Schnider**

"That the by-laws be given third reading, namely:

18.2.a Being a by-law to amend Chapter 101 of The City of Kitchener Municipal Code with respect to Appointment of Staff.

(By-law 2024-050)

18.2.b Being a by-law to amend Chapter 599 of The City of Kitchener Municipal Code with respect to Licensing and Regulation of Businesses.

(By-law 2024-051)

18.2.c Being a by-law to designate the property municipally addressed as 40 Chapel Hill Drive, in the City of Kitchener as being of historic and cultural heritage value or interest.

(By-law 2024-052)

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

(By-law 2024-053)

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

(By-law 2024-054)

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

(By-law 2024-055)

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

(By-law 2024-056)

18.2.h Being a by-law to adopt Amendment No. 45 to the Official Plan - 490 Huron Road.

(By-law 2024-057)

18.2.i Being a by-law to amend By-law 2019-051, as amended known as the Zoning By-law for the City of Kitchener – 2517293 Ontario Inc. – 490 Huron Road.

(By-law 2024-058)

18.2.j Being a by-law to adopt Amendment No. 46 to the Official Plan - 980 & 1018 Hidden Valley Road.

(By-law 2024-059)

18.2.k Being a by-law to amend By-law 85-1, as amended and By-law 2019-051, as amended, known as the Zoning By-laws for the City of Kitchener – Evaya Development Inc. – 980 and 1018 Hidden Valley Road.

(By-law 2024-060)

18.2.l Being a by-law to adopt Amendment No. 49 to the Official Plan - Growing Together - PMTSA Lands.

(By-law 2024-062)

18.2.m Being a by-law to adopt Amendment No. 50 to the Official Plan - Growing Together - Non PMTSA Lands.

(By-law 2024-063)

18.2.n Being a by-law to adopt OPA No. 133 to the 1994 Official Plan - Growing Together - Removal of Existing Secondary Plan Policies and Mapping.

(By-law 2024-064)

18.2.o Being a by-law to amend By-law 2019-051, as amended, known as the Zoning By-law for the City of Kitchener - Growing Together (PMTSA Lands).

(By-law 2024-065)

18.2.p Being a by-law to amend By-law 2019-051, as amended, known as the Zoning By-law for the City of Kitchener - Growing Together (Non-PMTSA Lands).

(By-law 2024-066)

18.2.q Being a by-law to adopt Amendment No. 48 to the 2014 Official Plan – Inclusionary Zoning.

(By-law 2024-067)

18.2.r Being a by-law to amend By-law 2019-051 known as the Zoning By-law for the City of Kitchener – Inclusionary Zoning.

(By-law 2024-068)

18.2.s Being a by-law to amend By-law 85-1 known as the Zoning By-law for the City of Kitchener – Inclusionary Zoning.

(By-law 2024-069)

18.2.t To confirm all actions and proceedings of the Council for March 18, 2024.

(By-law 2024-070)

**Carried.**

**19. ADJOURNMENT**

On motion, the meeting adjourned at 12:57 a.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

This is **Exhibit I** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Notary



## Hal Jaeger

---

**From:** Jennifer Meader <jmeader@tmalaw.ca>  
**Sent:** May 7, 2024 10:05 PM  
**To:** Bath, Ben (MAG)  
**Cc:** Fiona M. McCrea; 'Katherine Hughes'; Lesley McDonald; Hal Jaeger  
**Subject:** OLT Case No. OLT-22-002377 - Request for CMC

Dear Mr. Bath,

I'm writing further to the email below, which requested an adjournment of these proceeding *sine die*, while further policy changes were considered by the Province, Region, and City.

My client is now prepared to revive its appeal and proceed to have the application determined by the OLT. As such, I am writing, with the consent of the City, to request that a Case Management Conference be scheduled for some time in August.

Should the Tribunal require any additional information or have any questions in considering this request, please do not hesitate to contact me.

Thank you.



**Jennifer Meader**  
25 Main Street West, Suite 2010  
Hamilton, ON L8P 1H1  
T : 416.605.0508  
[www.tmalaw.ca](http://www.tmalaw.ca)

*This email is intended only for the individual or entity named in the message. Please let us know if you have received this email in error. If you did receive this email in error, the information in this email may be confidential and must not be disclosed to anyone.*

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**From:** Jennifer Meader <jmeader@tmalaw.ca>  
**Sent:** January 4, 2023 4:36 PM  
**To:** Bath, Ben (MAG) <ben.bath@ontario.ca>  
**Cc:** Katherine Hughes <Katherine.Hughes@kitchener.ca>; Fiona M. McCrea (<fmccrea@regionofwaterloo.ca> <fmccrea@regionofwaterloo.ca>); Hal Jaeger <hzjaeger@gmail.com>  
**Subject:** OLT Case No. OLT-22-002377 - Request for Adjournment  
**Importance:** High

Dear Mr. Bath,

I am writing on behalf of 30 Duke Street Limited, the Applicant/Appellant in these proceedings, to request that the hearing scheduled to commence on March 13<sup>th</sup> be adjourned *sine die* and the Procedural Order be suspended. Given the recent, significant changes to governing legislation, and the significant policy changes that are anticipated as a result of the legislative changes, my client would like to hold the application in abeyance to consider the implications all the changes may have for the subject lands and the development proposal.

I have confirmed that both the City and the Region consent to the requested adjournment. However, I understand that Friends of Olde Berlin Town would like to push the parties forward to the hearing. I will leave it to Mr. Jaeger to elaborate on his position. But because this is my client's application and appeal, and because both municipalities (as the

representatives of the public interest) consent to the adjournment, I respectfully submit that it would be unfair to allow the third-party resident group to control the destiny of my client's applications in these circumstances.

Should the Tribunal have any questions or concerns regarding this request, please contact me at your earliest convenience. Otherwise, I look forward to receiving the Tribunal's response.

Thank you.

**Jennifer Meader**

**Turkstra Mazza Associates**

15 Bold Street

Hamilton, Ontario

T (905) 529-3476 Ext. 2740

C (416) 605-0508

F (905) 529-3663

[jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca)



Virus-free. [www.avq.com](http://www.avq.com)

This is **Exhibit J** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal tail, positioned above a solid horizontal line.

Notary



## Hal Jaeger

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**From:** Bath, Ben (MAG) <Ben.Bath@ontario.ca>  
**Sent:** June 27, 2024 12:33 PM  
**To:** jmeader@tmalaw.ca; lesley.macdonald@kitchener.ca; Katherine Hughes; Fiona McCrea; Andy Gazzola; hzjaeger@gmail.com  
**Cc:** dariza347@gmail.com; neil.baarda@gmail.com; synergistic\_solutions@sympatico.ca; richard@crbucklaw.com; taijwant@gmail.com; drcathryn.harris@gmail.com; bob.janzen46@gmail.com; adamjoncas@hotmail.com; gail.richard.pool@gmail.com; rowell01@sympatico.ca; adeline@sympatico.ca; peglin@wlu.ca; twagner29@live.ca; stonehouserent@gmail.com; sgunz@uwaterloo.ca; cameron@uwaterloo.ca; monicaweber10@gmail.com; Social Development Centre WR; jryrie\_04@sympatico.ca; kathrynforler@gmail.com; masselbergs@sentex.ca; neil.jensen@outlook.com; Kae Elgie  
**Subject:** OLT-22-002377 (30 Duke Street Limited v. Kitchener (City)) - Notice of CMC  
**Attachments:** OLT-22-002377 - Notice of CMC.pdf

Good afternoon,

Please find attached a Notice of CMC regarding OLT File OLT-22-002377, being held on August 27, 2024.

Regards,

**Ben Bath**  
Senior Planner  
Ontario Land Tribunal  
655 Bay Street, Suite 1500  
Toronto, ON M5G 1E5  
(437)-238-9862 | [ben.bath@ontario.ca](mailto:ben.bath@ontario.ca)

This is **Exhibit K** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

Notary



## Hal Jaeger

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**From:** Hal Jaeger <hzjaeger@gmail.com>  
**Sent:** August 20, 2024 3:27 PM  
**To:** 'Bath, Ben (MAG)'  
**Cc:** jmeader@tmalaw.ca; lesley.macdonald@kitchener.ca; 'Katherine Hughes'; 'Fiona McCrea'; 'Andy Gazzola'  
**Subject:** RE: OLT-22-002377 (30 Duke Street Limited v. Kitchener (City)) - Notice of CMC

Thank you, Ben Bath.

Should the Tribunal re-open OLT File OLT-22-002377, Friends of Olde Berlin Town asks that the Tribunal reconsider the handling of

- a) the Issues List and
- b) additional Participant requests.

After the three pauses to the process introduced by the Applicant-Appellant, the Issues List now references legislation, policies, bylaws and guidelines that have, in many relevant manners, been superseded or are flagged for updates. Furthermore, the full implications of the “significant changes to governing legislation, and the significant policy changes that are anticipated as a result of the legislative changes” that the Applicant-Appellant identified as the reason for the requested *sine die* adjournment are not yet available. Kitchener’s Official Plan Amendment 49 and Zoning Bylaw Amendment 2024-065 of March 2024, which respond to Bill 23, are under appeal and in need of modification to secure sign-off from the Region of Waterloo. The City’s account of the project can be seen at <https://www.engagewr.ca/growingtogetherwest>. For your convenience, I am sharing links to the new [land designation](#) and [zoning](#) maps that can be found in the Supporting Documents section, in the March 2024 Materials folder. (The Firefox web browser may not display the zoning map in colour.)

In light of the above, Friends of Olde Berlin Town offers the following possible remedies:

1. A further adjournment until after Official Plan Amendment 49 is updated to accord with Regional direction and appeals of the SGA zoning (Zoning Bylaw amendment 2024-065) have been resolved, to complete the instantiation of Bill 23.
2. Should the Applicant wish, a(n interim) decision of a) Strategic Growth Area A designation and b) Strategic Growth Area 2 zoning, in alignment with flanking properties.
3. The right of each Party to update Issues and substitute references to reflect the latest in-effect legislation, policies, bylaws and guidelines. I understand that Parties would incur additional expense to update the Issues Lists.

Regarding additional Participant requests, now that the designations and zoning of the surrounding properties are set to be updated and a new, clear context against which the Application/Appeal can be understood, Friends of Olde Berlin Town asks that the Tribunal consider additional Participant applications that may come forward at a future CMC.

Thank you,

Hal

Hal Jaeger  
Friends of Olde Berlin Town  
[obtfriends@gmail.com](mailto:obtfriends@gmail.com)  
519-341-6007

---

**From:** Bath, Ben (MAG) <Ben.Bath@ontario.ca>  
**Sent:** August 12, 2024 11:58 AM  
**To:** [jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca); [lesley.macdonald@kitchener.ca](mailto:lesley.macdonald@kitchener.ca); Katherine Hughes <Katherine.Hughes@kitchener.ca>; Fiona McCrea <[fmccrea@regionofwaterloo.ca](mailto:fmccrea@regionofwaterloo.ca)>; Andy Gazzola <[AGazzola@regionofwaterloo.ca](mailto:AGazzola@regionofwaterloo.ca)>; [hzaeger@gmail.com](mailto:hzaeger@gmail.com)  
**Cc:** [dariza347@gmail.com](mailto:dariza347@gmail.com); [neil.baarda@gmail.com](mailto:neil.baarda@gmail.com); [synergistic\\_solutions@sympatico.ca](mailto:synergistic_solutions@sympatico.ca); [richard@crbucklaw.com](mailto:richard@crbucklaw.com); [taijwant@gmail.com](mailto:taijwant@gmail.com); [drcathrynarris@gmail.com](mailto:drcathrynarris@gmail.com); [bob.janzen46@gmail.com](mailto:bob.janzen46@gmail.com); [adamjoncas@hotmail.com](mailto:adamjoncas@hotmail.com); [gail.richard.pool@gmail.com](mailto:gail.richard.pool@gmail.com); [rowell01@sympatico.ca](mailto:rowell01@sympatico.ca); [adeline@sympatico.ca](mailto:adeline@sympatico.ca); [peglin@wlu.ca](mailto:peglin@wlu.ca); [twagner29@live.ca](mailto:twagner29@live.ca); [stonehouseerent@gmail.com](mailto:stonehouseerent@gmail.com); [sgunz@uwaterloo.ca](mailto:sgunz@uwaterloo.ca); [cameron@uwaterloo.ca](mailto:cameron@uwaterloo.ca); [monicaweber10@gmail.com](mailto:monicaweber10@gmail.com); Social Development Centre WR <[sdcwr@waterlooregion.org](mailto:sdcwr@waterlooregion.org)>; [jryrie\\_04@sympatico.ca](mailto:jryrie_04@sympatico.ca); [kathrynforler@gmail.com](mailto:kathrynforler@gmail.com); [masselbergs@sentex.ca](mailto:masselbergs@sentex.ca); [neil.jensen@outlook.com](mailto:neil.jensen@outlook.com); Kae Elgie <[kaeelgie@yahoo.com](mailto:kaeelgie@yahoo.com)>  
**Subject:** RE: OLT-22-002377 (30 Duke Street Limited v. Kitchener (City)) - Notice of CMC

Good morning counsel,

Kindly provide any updates or materials to be relied upon at the CMC to my attention no later than Wednesday, August 21, 2024.

With thanks,

**Ben Bath**  
Senior Planner  
[Ontario Land Tribunal](mailto:ben.bath@ontario.ca)  
655 Bay Street, Suite 1500, Toronto, ON M5G 1E5  
(437)-238-9862 | [ben.bath@ontario.ca](mailto:ben.bath@ontario.ca)

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**From:** Bath, Ben (MAG)  
**Sent:** Thursday, June 27, 2024 12:33 PM  
**To:** [jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca); [Lesley.MacDonald@kitchener.ca](mailto:Lesley.MacDonald@kitchener.ca); Katherine Hughes <[Katherine.Hughes@kitchener.ca](mailto:Katherine.Hughes@kitchener.ca)>; Fiona McCrea <[fmccrea@regionofwaterloo.ca](mailto:fmccrea@regionofwaterloo.ca)>; Andy Gazzola <[AGazzola@regionofwaterloo.ca](mailto:AGazzola@regionofwaterloo.ca)>; [hzaeger@gmail.com](mailto:hzaeger@gmail.com)  
**Cc:** [dariza347@gmail.com](mailto:dariza347@gmail.com); [neil.baarda@gmail.com](mailto:neil.baarda@gmail.com); [synergistic\\_solutions@sympatico.ca](mailto:synergistic_solutions@sympatico.ca); [richard@crbucklaw.com](mailto:richard@crbucklaw.com); [taijwant@gmail.com](mailto:taijwant@gmail.com); [drcathrynarris@gmail.com](mailto:drcathrynarris@gmail.com); [bob.janzen46@gmail.com](mailto:bob.janzen46@gmail.com); [adamjoncas@hotmail.com](mailto:adamjoncas@hotmail.com); [gail.richard.pool@gmail.com](mailto:gail.richard.pool@gmail.com); [rowell01@sympatico.ca](mailto:rowell01@sympatico.ca); [adeline@sympatico.ca](mailto:adeline@sympatico.ca); [peglin@wlu.ca](mailto:peglin@wlu.ca); [twagner29@live.ca](mailto:twagner29@live.ca); [stonehouseerent@gmail.com](mailto:stonehouseerent@gmail.com); [sgunz@uwaterloo.ca](mailto:sgunz@uwaterloo.ca); [cameron@uwaterloo.ca](mailto:cameron@uwaterloo.ca); [monicaweber10@gmail.com](mailto:monicaweber10@gmail.com); Social Development Centre WR <[sdcwr@waterlooregion.org](mailto:sdcwr@waterlooregion.org)>; [jryrie\\_04@sympatico.ca](mailto:jryrie_04@sympatico.ca); [kathrynforler@gmail.com](mailto:kathrynforler@gmail.com); [masselbergs@sentex.ca](mailto:masselbergs@sentex.ca); [neil.jensen@outlook.com](mailto:neil.jensen@outlook.com); Kae Elgie <[kaeelgie@yahoo.com](mailto:kaeelgie@yahoo.com)>  
**Subject:** OLT-22-002377 (30 Duke Street Limited v. Kitchener (City)) - Notice of CMC

Good afternoon,

Please find attached a Notice of CMC regarding OLT File OLT-22-002377, being held on August 27, 2024.

Regards,

**Ben Bath**

Senior Planner

Ontario Land Tribunal

655 Bay Street, Suite 1500

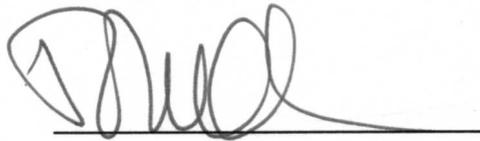
Toronto, ON M5G 1E5

(437)-238-9862 | [ben.bath@ontario.ca](mailto:ben.bath@ontario.ca)



Virus-free [www.avg.com](http://www.avg.com)

This is **Exhibit L** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal tail, positioned above a solid horizontal line.

Notary





## **Ontario Land Tribunal**

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

Tel: 416-212-6349 | 1-866-448-2248

Web Site: olt.gov.on.ca

### **Participant Status Request Form and Participant Statement Form**

This form is expected to be provided at least 10 days in advance of the first hearing event to the Tribunal and all parties. Please contact the assigned Tribunal Case Coordinator to verify the relevant contact information for the parties. A paper copy of this form must also be provided to the Tribunal Member at the first hearing event.

**Important:** This form includes your written request for participant status and your participant statement. The presiding Tribunal Member will consider your request and the participant statement provided below at the hearing event prior to determining whether to grant you participant status and accept your participant statement.

Date:

#### **Case Information**

Tribunal Case No.:

Date of Case Management Conference/Hearing:

#### **Contact Information**

Last Name:

First Name:

Company Name:

Telephone Number:

Email Address:

### Representative Contact Information (if applicable)

Last Name:

First Name:

Company Name:

Telephone Number:

Email Address:

- I certify that I have written authorization to act as a representative and I understand that I may be asked to produce this authorization at any time.

### Status Request Details and Participant Statement

A person who wishes to participate in a proceeding as a participant (and not a party) may only make a submission to the Tribunal in writing in accordance with section 17 of the Ontario Land Tribunal Act and Rule 7.7 of the OLT's [Rules of Practice and Procedure](#).

In the space below, describe your interest in the case, your position on the issues and an explanation of your reasons in support of your position. You may also provide documentation or attachments to support your request. The information you provide will be your participant statement.

### Participant Statement

I am the owner of 27 Roy which is directly behind 22 Weber Street. I understand that the parking lot on 22 Weber Street is being proposed to be developed.

I generally support development that is within the guide lines established by City of Kitchener Planning and I would support a development project that is respectfully planned and designed within the City of Kitchener's Growing Together Strategic Plan.

I understand there is a need for additional housing in Kitchener and that 22 Weber Street is a great re-development site.

Both my property and 22 Weber Street are in a heritage district. Our building located on 27 Roy Street has been thoughtfully re-developed into a mix-use commercial residential building which has added more housing density all while preserving the heritage features of the building. That said, 22 Weber is currently a parking lot and I would agree no heritage buildings will be ruined as a result of the Weber Street development.

**Notes:**

1. Please refer to Rule 7.7 of the OLT's *Rules of Practice and Procedure* and section 17 of the *Ontario Land Tribunal Act* regarding the requirements for preparing a participant statement.
2. The OLT issues all correspondence to parties and participants electronically.
3. Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced.
4. All information collected is included in the OLT case file and the public record in this proceeding.
5. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

This is **Exhibit M** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal tail, positioned above a solid horizontal line.

Notary



## Neil Jensen

---

**From:** Ron Brohman <ron@rfbdevelopment.com>  
**Sent:** March 5, 2025 10:43 AM  
**To:** Ben.Bath@ontario.ca  
**Cc:** AGazzola@regionofwaterloo.ca; fmccrea@regionofwaterloo.ca;  
Katherine.Hughes@kitchener.ca; aciccone@garrodpickfield.ca;  
atoumanians@tmalaw.ca; jmeader@tmalaw.ca; obtfriends@gmail.com  
**Subject:** RE: OLT-22-002377 - 22 Weber Street West

Dear [Tribunal Members],

I am Ron Brohman, the owner of the property at 27 Roy Street, which directly borders 22 Weber Street. I am writing to express my continued support for development, while providing my perspective and insight into the matter.

As the owner of a thoughtfully redeveloped property in a heritage district, I have a strong appreciation for the balance between new development and heritage preservation. My building at 27 Roy Street has been transformed into a mixed-use commercial-residential property that adds housing density while respecting the heritage features of the structure. I recognize the importance of continuing this type of thoughtful development in the City of Kitchener.

The 22 Weber Street site, currently a parking lot, presents an excellent opportunity for redevelopment. I understand the need for additional housing in Kitchener, and this location seems well-suited to meet this demand. Given its current lack of heritage significance and its position within a heritage district, I support a development project, provided that the development is designed with sensitivity to the surrounding context and in accordance with the City's planning guidelines.

Kind Regards,

Ron Brohman

This is **Exhibit N** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in cursive script, appearing to be "Ross Wells", written over a horizontal line.

Notary



## Hal Jaeger

---

**From:** Jennifer Meader <jmeader@tmalaw.ca>  
**Sent:** December 24, 2024 6:01 PM  
**To:** Bath, Ben (MAG); Katherine Hughes; Alex Ciccone; Fiona M. McCrea (fmccrea@regionofwaterloo.ca); Andy Gazzola; hzjaeger@gmail.com  
**Cc:** Anna Toumanians  
**Subject:** OLT-22-002377 - 22 Weber Street West - Revisions to Application  
**Attachments:** 1961A\_CoverLetter\_ModifiedSitePlan\_DraftPlanningInstruments\_16December2024.pdf; 22Weber-Plans-Dec 12 24 SITE PL. (1).pdf; REDLINE\_DRAFT\_OPA\_22WeberStreetWest.pdf; CLEAN COPY\_DRAFT\_OPA\_22WeberStreetWest\_December2024.pdf; REDLINE\_Draft Zoning By-law\_December2024.pdf; CLEAN COPY\_DraftZoningBy-law\_December2024.pdf; 20241204 RWDI 2002752 PedestrianWindUpdatedAddendumLetter 22WeberStreetWest.pdf

**Importance:** High

Hello all,

As you know, we are counsel to 30 Duke Street Limited (Applicant) in respect of appeals of an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for the property municipally known as 22 Weber Street, within the City of Kitchener, having OLT Case No. OLT-22-002377.

As a result of discussions with the parties, and in an effort to address some of the concerns that have been raised, the Applicant has made minor revisions to the applications. The revisions are implemented through the following attached documents:

1. A cover letter from Andrea Sinclair of MHBC, summarizing the changes.
2. A revised concept plan.
3. A revised OPA in both clean and tracked versions.
4. A revised ZBA in both clean and tracked versions.
5. An Addendum to the Wind Study.

As noted above, the changes to both the concept plan and the planning instruments are summarized in Ms. Sinclair's attached letter. These are the versions of the planning instruments that the Applicant will be asking the Tribunal to approve at the hearing.

Should you have any questions, please do not hesitate to contact me. Otherwise, I wish you all happy holidays and all the best for the new year.

Thank you.



**Jennifer Meader**  
25 Main Street West, Suite 2010  
Hamilton, ON L8P 1H1  
T : 416.605.0508  
[www.tmalaw.ca](http://www.tmalaw.ca)

*This email is intended only for the individual or entity named in the message. Please let us know if you have received this email in error. If you did receive this email in error, the information in this email may be confidential and must not be disclosed to anyone.*



This is **Exhibit O** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Notary



## Hal Jaeger

---

**From:** Anna Toumanians <atoumanians@tmalaw.ca>  
**Sent:** February 12, 2025 2:23 PM  
**To:** dariza347@gmail.com; neil.baarda@gmail.com; synergistic\_solutions@sympatico.ca; richard@crbucklaw.com; taijwant@gmail.com; drcathrynharris@gmail.com; bob.janzen46@gmail.com; adamjoncas@hotmail.com; gail.richard.pool@gmail.com; rowell01@sympatico.ca; adeline@sympatico.ca; peglin@wlu.ca; twagner29@live.ca; stonehouseerent@gmail.com; sgunz@uwaterloo.ca; cameron@uwaterloo.ca; monicaweber10@gmail.com; sdcwr@waterlooregion.org; jryrie\_04@sympatico.ca; kathrynforler@gmail.com; masselbergs@sentex.ca; mica@sadlerrealty.ca; r.f.brohman@gmail.com; kaeelgie@yahoo.com; neil.jensen@outlook.com  
**Cc:** Jennifer Meader; Bath, Ben (MAG); Alex Ciccone; Katherine Hughes; Fiona McCrea; Andy Gazzola; Hal Jaeger; obtfriends@gmail.com; Stephanie Stretch (Kitchener.ca)  
**Subject:** Re: OLT-22-002377 - 22 Weber Street West - Revisions to Application  
**Attachments:** 1961A\_CoverLetter\_ModifiedSitePlan\_DraftPlanningInstruments\_16December2024.pdf; 22Weber-Plans-Dec 12 24 SITE PL. (1).pdf; REDLINE\_DRAFT\_OPA\_22WeberStreetWest.pdf; CLEAN COPY\_DRAFT\_OPA\_22WeberStreetWest\_December2024.pdf; REDLINE\_Draft Zoning By-law\_December2024.pdf; CLEAN COPY\_DraftZoningBy-law\_December2024.pdf; 20241204 RWDI 2002752 PedestrianWindUpdatedAddendumLetter 22WeberStreetWest.pdf

Hi all,

As you know, we are counsel to 30 Duke Street Limited (Applicant) in respect of appeals of an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for the property municipally known as 22 Weber Street, within the City of Kitchener, having OLT Case No. OLT-22-002377.

As a result of discussions with some of the Parties, and in an effort to address some of the concerns that have been raised, the Applicant has made minor revisions to the applications. The revisions are implemented through the following attached documents:

1. A cover letter from Andrea Sinclair of MHBC, summarizing the changes.
2. A revised concept plan.
3. A revised OPA in both clean and tracked versions.
4. A revised ZBA in both clean and tracked versions.
5. An Addendum to the Wind Study.

As noted above, the changes to both the concept plan and the planning instruments are summarized in Ms. Sinclair's attached letter. These are the versions of the planning instruments that the Applicant will be asking the Tribunal to approve at the hearing. While the City maintains its opposition to the proposed development, it has consented to the Tribunal assessing the attached version of the proposed development.

We can also advise that the Parties are in the process of making a request to the Tribunal to release some hearing days at the beginning of the hearing, and to revise some of the exchange dates in the Procedural Order, including the exchange date for Witness and Participant Statements. However, until the request is approved by the Tribunal the deadline remains the same on February 21. We will update you as soon as we can.

Kind regards,

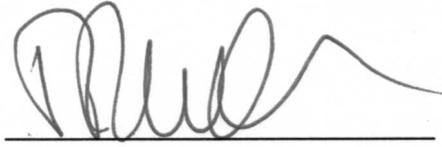


**Anna Toumanians**

25 Main Street West, Suite 2010  
Hamilton, ON L8P 1H1  
T : 289-674-0276  
[www.tmalaw.ca](http://www.tmalaw.ca)

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This is **Exhibit P** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Notary



## Hal Jaeger

---

**From:** Bath, Ben (MAG) <Ben.Bath@ontario.ca>  
**Sent:** February 19, 2025 12:47 PM  
**To:** Anna Toumanians  
**Cc:** 'Katherine Hughes'; 'Andy Gazzola'; Jennifer Meader; Hal Jaeger; 'Fiona M. McCrea'; Stephanie Stretch (Kitchener.ca); obtfriends@gmail.com; Alex Ciccone  
**Subject:** RE: OLT-22-002377 - 22 Weber Street West - Revised Procedural Order  
**Attachments:** OLT-22-002377-FEB-19-2025-ORD.pdf

Good afternoon Counsel,

Please find attached an Amending Procedural Order for the above noted matter.

Regards,

**Ben Bath**

Senior Planner

[Ontario Land Tribunal](#)

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

(437)-238-9862 | [ben.bath@ontario.ca](mailto:ben.bath@ontario.ca)

---

**From:** Anna Toumanians <atoumanians@tmalaw.ca>  
**Sent:** Friday, February 14, 2025 2:50 PM  
**To:** Bath, Ben (MAG) <Ben.Bath@ontario.ca>  
**Cc:** 'Katherine Hughes' <Katherine.Hughes@kitchener.ca>; 'Andy Gazzola' <AGazzola@regionofwaterloo.ca>; Jennifer Meader <jmeader@tmalaw.ca>; Hal Jaeger <hzjaeger@gmail.com>; 'Fiona M. McCrea' <fmccrea@regionofwaterloo.ca>; Stephanie Stretch (Kitchener.ca) <Stephanie.Stretch@kitchener.ca>; obtfriends@gmail.com; Alex Ciccone <aciccone@garrodpickfield.ca>  
**Subject:** RE: OLT-22-002377 - 22 Weber Street West - Revised Procedural Order

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Mr. Bath,

We are writing on consent of the Parties to request that the Procedural Order in this matter be revised in accordance with the attached.

The attached Procedural Order includes the following revisions:

- Releases the first week of the hearing, with a new hearing start date of April 22, 2025 (total hearing length of 9 days);
- Revises the Procedural Order exchange deadlines;
- Adds a participant, Neil Jensen, that was inadvertently excluded; and
- Refines the Issues List to implement the Agreed Statements of Facts.

We are also advising the Tribunal that we have a settlement in principle with the Region. We will provide the Tribunal with an update on the status of the settlement as soon as we can.

Should the Tribunal require anything from us in connection with this request, please let us know.

Kind regards,



**Anna Toumanians**  
25 Main Street West, Suite 2010  
Hamilton, ON L8P 1H1  
T : 289-674-0276  
[www.tmalaw.ca](http://www.tmalaw.ca)

*This email is intended only for the individual or entity named in the message. Please let us know if you have received this email in error. If you did receive this email in error, the information in this email may be confidential and must not be disclosed to anyone.*

---

**From:** Alex Ciccone <[aciccone@garrodpickfield.ca](mailto:aciccone@garrodpickfield.ca)>  
**Sent:** February 12, 2025 11:18 AM  
**To:** 'Bath, Ben (MAG)' <[Ben.Bath@ontario.ca](mailto:Ben.Bath@ontario.ca)>  
**Cc:** 'Katherine Hughes' <[Katherine.Hughes@kitchener.ca](mailto:Katherine.Hughes@kitchener.ca)>; 'Andy Gazzola' <[AGazzola@regionofwaterloo.ca](mailto:AGazzola@regionofwaterloo.ca)>; Anna Toumanians <[atoumanians@tmalaw.ca](mailto:atoumanians@tmalaw.ca)>; Jennifer Meader <[jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca)>; Hal Jaeger <[hzaeger@gmail.com](mailto:hzaeger@gmail.com)>; 'Fiona M. McCrea' <[fmccrea@regionofwaterloo.ca](mailto:fmccrea@regionofwaterloo.ca)>; Stephanie Stretch (Kitchener.ca) <[Stephanie.Stretch@kitchener.ca](mailto:Stephanie.Stretch@kitchener.ca)>; [obtfriends@gmail.com](mailto:obtfriends@gmail.com)  
**Subject:** Re: OLT-22-002377 - 22 Weber Street West - Revisions to Application

Good morning,

In response to the below email from Mr. Jaeger, I can confirm the City has reviewed the revisions and do not believe they are sufficient to warrant formal reconsideration, and consents to the Tribunal assessing this version of the proposed development. I want to reiterate that the City remains opposed to the development, however.

In addition, we have spoken to the Appellant's counsel who have indicated that they will circulate the revised application to the participants.

Lastly, the parties have been able to scope some of the issues following expert meetings, and will be making a request to the Tribunal to release some hearing days at the beginning of the hearing, and to revise some of the dates in the procedural order. That request will be forthcoming once the parties have had a chance to consider the changes so hopefully the request is on consent.

This request will include a request to slightly push back the participant statement submission deadline.

Sincerely,  
Alex

**Garrod Pickfield LLP**  
Environmental, Municipal and Planning Law

Alex Ciccone, Associate  
Cell: 519.778.4247  
T: 519.837.0500 // F: 519.763.2204 // [aciccone@garrodpickfield.ca](mailto:aciccone@garrodpickfield.ca)  
9 Norwich Street W., Guelph, ON N1H 2G8  
[www.garrodpickfield.ca](http://www.garrodpickfield.ca)

---

**From:** Hal Jaeger <[hzaeger@gmail.com](mailto:hzaeger@gmail.com)>  
**Date:** Friday, February 7, 2025 at 11:10 AM

**To:** Ben Bath <[Ben.Bath@ontario.ca](mailto:Ben.Bath@ontario.ca)>

**Cc:** 'Katherine Hughes' <[Katherine.Hughes@kitchener.ca](mailto:Katherine.Hughes@kitchener.ca)>, Alex Ciccone <[aciccone@garrodpickfield.ca](mailto:aciccone@garrodpickfield.ca)>, 'Andy Gazzola' <[AGazzola@regionofwaterloo.ca](mailto:AGazzola@regionofwaterloo.ca)>, Anna Toumanians <[atoumanians@tmalaw.ca](mailto:atoumanians@tmalaw.ca)>, Jennifer Meader <[jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca)>, Fiona McCrea <[fmccrea@regionofwaterloo.ca](mailto:fmccrea@regionofwaterloo.ca)>, "Stephanie Stretch (Kitchener.ca)" <[Stephanie.Stretch@kitchener.ca](mailto:Stephanie.Stretch@kitchener.ca)>, "[obtfriends@gmail.com](mailto:obtfriends@gmail.com)" <[obtfriends@gmail.com](mailto:obtfriends@gmail.com)>

**Subject:** FW: OLT-22-002377 - 22 Weber Street West - Revisions to Application

Greetings, Ben Bath.

Friends of Olde Berlin Town re-iterates our previous request, below, that the Tribunal deny the Applicant-Appellant permission to revise its application *so as to increase their ask* on any front.

If the Tribunal will not accommodate this request, we ask that the Tribunal at least

1. require that the revised application be first formally re-submitted to the City and
2. ensure that the Participants are immediately advised of
  - a. the Applicant-Appellant's December 24, 2024 proposed revisions to the application, including all the updated documents
  - b. the means of submitting updated Participant Statements and
  - c. a revised deadline for submission of Participant Statements.

We suggest a Participant Statement deadline of March 21, 2025 so as to permit Participants time to digest the proposed revisions without requiring adjustments to the balance of the Filing Dates or the hearing date.

The Applicant-Appellant's December 24, 2024 proposed revision seeks to reduce the rear yard setback from their already revised application of December 2021. As the Tribunal is aware, the City has already reviewed the original and December 2021 submissions, the public has been consulted, and the set of Parties and Participants, the Issues List and Procedural Order have already been determined. The List of Witnesses has already been submitted.

The Tribunal has already determined that the Applicant-Appellant may not proceed or revise their application (to increase their ask) without first notifying the surrounding neighbours of the application (H. Wilkins, Paragraph 16, [Memorandum of Oral Decision, June 23, 2021](#)) and making "a fulsome formal resubmission to the City" (B. S. Taylor, Paragraph 18, [Memorandum of Oral Decision, December 3, 2021](#)).

We ask that, to provide for a fairer and internally-consistent process, the Tribunal kindly keep to its established procedures, so that the time and expense invested in this decision are less susceptible to review.

Respectfully,

Hal Jaeger  
Friends of Olde Berlin Town  
[obtfriends@gmail.com](mailto:obtfriends@gmail.com)  
519-341-6007

---

**From:** Hal Jaeger <[hzaeger@gmail.com](mailto:hzaeger@gmail.com)>

**Sent:** January 6, 2025 10:16 AM

**To:** 'Bath, Ben (MAG)' <[Ben.Bath@ontario.ca](mailto:Ben.Bath@ontario.ca)>; 'Katherine Hughes' <[Katherine.Hughes@kitchener.ca](mailto:Katherine.Hughes@kitchener.ca)>; 'Alex Ciccone' <[aciccone@garrodpickfield.ca](mailto:aciccone@garrodpickfield.ca)>; 'Andy Gazzola' <[AGazzola@regionofwaterloo.ca](mailto:AGazzola@regionofwaterloo.ca)>; 'Anna Toumanians' <[atoumanians@tmalaw.ca](mailto:atoumanians@tmalaw.ca)>; 'Jennifer Meader' <[jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca)>; Fiona M. McCrea <[fmccrea@regionofwaterloo.ca](mailto:fmccrea@regionofwaterloo.ca)>

**Subject:** FW: OLT-22-002377 - 22 Weber Street West - Revisions to Application

**Importance:** High

Greetings, Ben Bath.

With regard to Jennifer Meader's email below, FOBT requests that the Tribunal promptly make clear in writing, to all parties that, given that the Procedural Order is set, the Applicant-Appellant is not permitted to request modification of their application – without the consent of all parties.

Contrary to Jennifer Meader's claim that she is submitting revisions "As a result of discussions with the parties...", there has been no communication from the Applicant-Appellant to Friends of Olde Berlin Town on these matters. Friends of Olde Berlin Town has informed the Applicant-Appellant that we are interested in being part of any discussions. Any suggestion that there have been discussions with all the parties is inaccurate.

FOBT does not see all the requested revisions as minor. Most notably, the Applicant-Appellant seeks to reduce the rear yard setback from their revised application of December 2021. To be clear, FOBT does not consent.

FOBT maintains that it would be prejudicial to permit the Applicant-Appellant to increase their ask at this time, after the establishment of the Procedural Order, beyond the limits of the previously requested maximum building envelope – without the consent of all parties. The Applicant-Appellant has had opportunity to revise their application at the Tribunal. They availed themselves of the opportunity to increase their ask from 15 to 19 storeys.

Moreover, the Applicant-Appellant's latest request is already impeding the possibility of settlement discussions and may compromise the possibility of productive Expert Witness Meetings, as the starting points of discussions are no longer clear.

Respectfully,

Hal Jaeger  
Friends of Olde Berlin Town  
[obtfriends@gmail.com](mailto:obtfriends@gmail.com)  
519-341-6007

---

**From:** Jennifer Meader <[jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca)>

**Sent:** December 24, 2024 6:01 PM

**To:** Bath, Ben (MAG) <[Ben.Bath@ontario.ca](mailto:Ben.Bath@ontario.ca)>; Katherine Hughes <[Katherine.Hughes@kitchener.ca](mailto:Katherine.Hughes@kitchener.ca)>;

Alex Ciccone <[aciccone@garrodpickfield.ca](mailto:aciccone@garrodpickfield.ca)>; Fiona M. McCrea ([fmccrea@regionofwaterloo.ca](mailto:fmccrea@regionofwaterloo.ca)) <[fmccrea@regionofwaterloo.ca](mailto:fmccrea@regionofwaterloo.ca)>; Andy Gazzola <[AGazzola@regionofwaterloo.ca](mailto:AGazzola@regionofwaterloo.ca)>; [hzaeger@gmail.com](mailto:hzaeger@gmail.com)

**Cc:** Anna Toumanians <[atoumanians@tmalaw.ca](mailto:atoumanians@tmalaw.ca)>

**Subject:** OLT-22-002377 - 22 Weber Street West - Revisions to Application

**Importance:** High

Hello all,

As you know, we are counsel to 30 Duke Street Limited (Applicant) in respect of appeals of an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for the property municipally known as 22 Weber Street, within the City of Kitchener, having OLT Case No. OLT-22-002377.

As a result of discussions with the parties, and in an effort to address some of the concerns that have been raised, the Applicant has made minor revisions to the applications. The revisions are implemented through the following attached documents:

1. A cover letter from Andrea Sinclair of MHBC, summarizing the changes.
2. A revised concept plan.
3. A revised OPA in both clean and tracked versions.
4. A revised ZBA in both clean and tracked versions.
5. An Addendum to the Wind Study.

As noted above, the changes to both the concept plan and the planning instruments are summarized in Ms. Sinclair's attached letter. These are the versions of the planning instruments that the Applicant will be asking the Tribunal to approve at the hearing.

Should you have any questions, please do not hesitate to contact me. Otherwise, I wish you all happy holidays and all the best for the new year.

Thank you.



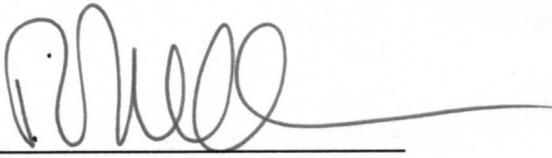
Jennifer Meader  
25 Main Street West, Suite 2010  
Hamilton, ON L8P 1H1  
T : 416.605.0508  
[www.tmalaw.ca](http://www.tmalaw.ca)

*This email is intended only for the individual or entity named in the message. Please let us know if you have received this email in error. If you did receive this email in error, the information in this email may be confidential and must not be disclosed to anyone.*



Virus-free [www.avq.com](http://www.avq.com)

This is **Exhibit Q** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in cursive script, consisting of several loops and a long horizontal tail, positioned above a solid horizontal line.

Notary



## Hal Jaeger

---

**From:** Anna Toumanians <atoumanians@tmalaw.ca>  
**Sent:** February 19, 2025 12:51 PM  
**To:** dariza347@gmail.com; neil.baarda@gmail.com; synergistic\_solutions@sympatico.ca; richard@crbucklaw.com; taijwant@gmail.com; drcathryn.harris@gmail.com; bob.janzen46@gmail.com; adamjoncas@hotmail.com; gail.richard.pool@gmail.com; rowell01@sympatico.ca; adeline@sympatico.ca; peglin@wlu.ca; twagner29@live.ca; stonehouserent@gmail.com; sgunz@uwaterloo.ca; cameron@uwaterloo.ca; monicaweber10@gmail.com; sdcwr@waterlooregion.org; jryrie\_04@sympatico.ca; kathrynforler@gmail.com; masselbergs@sentex.ca; mica@sadlerrealty.ca; r.f.brohman@gmail.com; kaeelgie@yahoo.com; neil.jensen@outlook.com  
**Cc:** Jennifer Meader; Bath, Ben (MAG); Alex Ciccone; Katherine Hughes; Fiona McCrea; Andy Gazzola; Hal Jaeger; obtfriends@gmail.com; Stephanie Stretch (Kitchener.ca)  
**Subject:** RE: Re: OLT-22-002377 - 22 Weber Street West - Revisions to Application  
**Attachments:** OLT-22-002377-FEB-19-2025-ORD.pdf

Hi all,

Further to our email communication below, we can now confirm that the deadline for Participant Statements has been extended to March 5 in accordance with the attached.

Thank you.



**Anna Toumanians**  
25 Main Street West, Suite 2010  
Hamilton, ON L8P 1H1  
T : 289-674-0276  
[www.tmalaw.ca](http://www.tmalaw.ca)

*This email is intended only for the individual or entity named in the message. Please let us know if you have received this email in error. If you did receive this email in error, the information in this email may be confidential and must not be disclosed to anyone.*

---

**From:** Anna Toumanians <atoumanians@tmalaw.ca>  
**Sent:** February 12, 2025 2:23 PM  
**To:** dariza347@gmail.com; neil.baarda@gmail.com; synergistic\_solutions@sympatico.ca; richard@crbucklaw.com; taijwant@gmail.com; drcathryn.harris@gmail.com; bob.janzen46@gmail.com; adamjoncas@hotmail.com; gail.richard.pool@gmail.com; rowell01@sympatico.ca; adeline@sympatico.ca; peglin@wlu.ca; twagner29@live.ca; stonehouserent@gmail.com; sgunz@uwaterloo.ca; cameron@uwaterloo.ca; monicaweber10@gmail.com; sdcwr@waterlooregion.org; jryrie\_04@sympatico.ca; kathrynforler@gmail.com; masselbergs@sentex.ca; mica@sadlerrealty.ca; r.f.brohman@gmail.com; kaeelgie@yahoo.com; neil.jensen@outlook.com  
**Cc:** Jennifer Meader <jmeader@tmalaw.ca>; Bath, Ben (MAG) <Ben.Bath@ontario.ca>; Alex Ciccone <aciccone@garrodpickfield.ca>; Katherine Hughes <katherine.hughes@kitchener.ca>; Fiona McCrea <fmcrcree@regionofwaterloo.ca>; Andy Gazzola <AGazzola@regionofwaterloo.ca>; Hal Jaeger <hzjaeger@gmail.com>; obtfriends@gmail.com; Stephanie Stretch (Kitchener.ca) <Stephanie.Stretch@kitchener.ca>  
**Subject:** Re: OLT-22-002377 - 22 Weber Street West - Revisions to Application

Hi all,

As you know, we are counsel to 30 Duke Street Limited (Applicant) in respect of appeals of an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for the property municipally known as 22 Weber Street, within the City of Kitchener, having OLT Case No. OLT-22-002377.

As a result of discussions with some of the Parties, and in an effort to address some of the concerns that have been raised, the Applicant has made minor revisions to the applications. The revisions are implemented through the following attached documents:

1. A cover letter from Andrea Sinclair of MHBC, summarizing the changes.
2. A revised concept plan.
3. A revised OPA in both clean and tracked versions.
4. A revised ZBA in both clean and tracked versions.
5. An Addendum to the Wind Study.

As noted above, the changes to both the concept plan and the planning instruments are summarized in Ms. Sinclair's attached letter. These are the versions of the planning instruments that the Applicant will be asking the Tribunal to approve at the hearing. While the City maintains its opposition to the proposed development, it has consented to the Tribunal assessing the attached version of the proposed development.

We can also advise that the Parties are in the process of making a request to the Tribunal to release some hearing days at the beginning of the hearing, and to revise some of the exchange dates in the Procedural Order, including the exchange date for Witness and Participant Statements. However, until the request is approved by the Tribunal the deadline remains the same on February 21. We will update you as soon as we can.

Kind regards,



**Anna Toumanians**  
25 Main Street West, Suite 2010  
Hamilton, ON L8P 1H1  
T : 289-674-0276  
[www.tmalaw.ca](http://www.tmalaw.ca)

*This email is intended only for the individual or entity named in the message. Please let us know if you have received this email in error. If you did receive this email in error, the information in this email may be confidential and must not be disclosed to anyone.*

This is **Exhibit R** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Notary



## Hal Jaeger

---

**From:** Hal Jaeger <hzjaeger@gmail.com>  
**Sent:** February 26, 2025 4:20 PM  
**To:** 'Bath, Ben (MAG)'; 'Katherine Hughes'; 'Alex Ciccone'; obtfriends@gmail.com; 'Fiona M. McCrea'; 'Andy Gazzola'; 'Jennifer Meader'; 'Anna Toumanians'  
**Subject:** OLT-22-002377 - 22 Weber Street West - Witness Statement- FOBT  
**Attachments:** OLT 22-002377 30 Duke Street Limited v Kitchener Expert Witness Statement of Michael Barton.pdf

Mr. Bath and Counsel,

Please find attached the Witness Statement of Michael Barton prepared on behalf of Friends of Olde Berlin Town.

Thank you,

Hal Jaeger  
Friends of Olde Berlin Town  
[obtfriends@gmail.com](mailto:obtfriends@gmail.com)  
519-341-6007



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This is **Exhibit S** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

Notary



## Hal Jaeger

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**From:** Hal Jaeger <hzjaeger@gmail.com>  
**Sent:** March 19, 2025 1:01 PM  
**To:** 'Bath, Ben (MAG)'; 'Katherine Hughes'; 'Alex Ciccone'; obtfriends@gmail.com; 'Fiona M. McCrea'; 'Andy Gazzola'; 'Jennifer Meader'; 'Anna Toumanians'  
**Subject:** OLT-22-002377 - 22 Weber Street West - Revised Witness Statement- FOBT  
**Attachments:** OLT 22-002377 30 Duke Street Limited v Kitchener Expert Witness Statement of Michael Barton - rev 20250319.pdf

Mr. Bath and Counsel,

Please find attached the Revised Witness Statement of Michael Barton prepared on behalf of Friends of Olde Berlin Town. The minor revisions have been undertaken in reply to concerns expressed by counsel to the Applicant-Appellant. Mr Barton presents his response as a Revised Statement as opposed to companion document, to facilitate legibility.

Thank you,

Hal Jaeger  
Friends of Olde Berlin Town  
[obtfriends@gmail.com](mailto:obtfriends@gmail.com)  
519-341-6007



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## Hal Jaeger

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**From:** Hal Jaeger <hzjaeger@gmail.com>  
**Sent:** March 26, 2025 1:49 PM  
**To:** 'Bath, Ben (MAG)'; 'Katherine Hughes'; 'Alex Ciccone'; obtfriends@gmail.com; 'Fiona M. McCrea'; 'Andy Gazzola'; 'Jennifer Meader'; 'Anna Toumanians'; 'Jessica De Marinis'  
**Subject:** OLT-22-002377 - 22 Weber Street West - Revised Witness Statement- FOBT  
**Attachments:** OLT 22-002377 30 Duke Street Limited v Kitchener Expert Witness Statement of Michael Barton - rev 20250326.pdf

Mr. Bath and Counsel,

Please find attached the further Revised Witness Statement of Michael Barton prepared on behalf of Friends of Olde Berlin Town. The minor revision consist of the removal of two paragraphs in reply to concerns expressed by counsel to the Applicant-Appellant on March 24, 2025. Mr Barton presents his response as a Revised Statement as opposed to companion document, to facilitate legibility.

Thank you,

Hal Jaeger  
Friends of Olde Berlin Town  
[obtfriends@gmail.com](mailto:obtfriends@gmail.com)  
519-341-6007



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This is **Exhibit T** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

Notary



## Hal Jaeger

---

**From:** Bath, Ben (MAG) <Ben.Bath@ontario.ca>  
**Sent:** April 9, 2025 11:03 AM  
**To:** Hal Jaeger  
**Cc:** 'Katherine Hughes'; aciccone@garrodpickfield.ca; 'Jennifer Meader'; 'Fiona McCrea'; 'Andy Gazzola'; obtfriends@gmail.com; 'Jessica De Marinis'; 'Anna Toumanians'  
**Subject:** RE: Recording the Hearing re: OLT case # OLT-22-002377, 22 Weber St West

Good Morning,

The Tribunal has considered the submissions from the Parties regarding the FOBT's request for permission to record the upcoming hearing, and can advise that FOBT will be permitted to record this proceeding, subject to the conditions contained below:

FOBT **MUST** commit to not:

- a) delay or interrupt the meeting with the recording,
  - b) distribute the recording beyond the FOBT team participating in the hearing, or
  - c) use the recording as a record in any subsequent legal or municipal proceeding
- In Addition:
- d) The recording is permitted solely for the purpose of note-taking;
  - e) The recording cannot delay or interrupt the proceeding;
  - f) The recording is not permitted to be distributed beyond the FOBT team in attendance at the hearing;
  - g) The recording must be destroyed within 2 days of the close of the proceeding; and
  - h) cannot be used as a record in any subsequent legal or municipal proceeding.

Please note that Tribunal Rule 22.7 permits the Tribunal to withdraw permission to record temporarily or permanently if the conditions in Rule 22.5 or as ordered by the Tribunal are not met, or if the Tribunal in the circumstances cannot conduct a full and fair hearing.

Thank you and enjoy your week.

### Ben Bath

Senior Planner

[Ontario Land Tribunal](#)

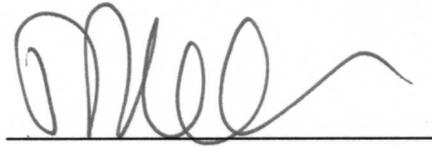
655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

(437)-238-9862 | [ben.bath@ontario.ca](mailto:ben.bath@ontario.ca)

---

**From:** Hal Jaeger <hzjaeger@gmail.com>  
**Sent:** Thursday, April 3, 2025 1:06 PM  
**To:** Bath, Ben (MAG) <Ben.Bath@ontario.ca>  
**Cc:** 'Katherine Hughes' <Katherine.Hughes@kitchener.ca>; aciccone@garrodpickfield.ca; 'Jennifer Meader' <jmeader@tmalaw.ca>; 'Fiona McCrea' <fmccrea@regionofwaterloo.ca>; 'Andy Gazzola' <AGazzola@regionofwaterloo.ca>; obtfriends@gmail.com; 'Jessica De Marinis' <jdemarinis@tmalaw.ca>; 'Anna Toumanians' <atoumanians@tmalaw.ca>  
**Subject:** Recording the Hearing re: OLT case # OLT-22-002377, 22 Weber St West

This is **Exhibit U** referred to in  
the Affidavit of Hal Jaeger  
Affirmed before me this 15th day of October, 2025

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Notary



## Hal Jaeger

---

**From:** Hal Jaeger <hzjaeger@gmail.com>  
**Sent:** April 17, 2025 10:27 AM  
**To:** 'Bath, Ben (MAG)'  
**Cc:** 'Katherine Hughes'; aciccone@garrodpickfield.ca; 'Jennifer Meader'; 'Fiona McCrea'; 'Andy Gazzola'; obtfriends@gmail.com; 'Jessica De Marinis'; Neil Baarda; 'Anna Toumanians'  
**Subject:** Adding Co-Representative Neil Baarda # OLT-22-002377, 22 Weber St West

Greetings, Mr. Bath.

As of the start of the hearing re: 22 Weber St W, please accept Neil Baarda as Co-Representative of Friends of Olde Berlin Town.

Neil Baarda's coordinates:  
31 Roy St, Kitchener ON N2H 4B4  
(416) 575-3198  
[neil.baarda@gmail.com](mailto:neil.baarda@gmail.com)

The primary email address for the FOBT party remains [obtfriends@gmail.com](mailto:obtfriends@gmail.com)

Thank you,

Hal Jaeger  
Friends of Olde Berlin Town  
[obtfriends@gmail.com](mailto:obtfriends@gmail.com)  
519-341-6007



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