

Explanatory Note

Council for the Regional Municipality of Waterloo approved Official Plan Amendment No. 103, which had the effect of amending the Official Plan of the city by replacing it with a new Official Plan for the City of Kitchener, in part, with modifications, on November 19, 2014. The Region's decision was released in a Notice of Decision dated November 24, 2014. The Region's decision was subject to a 20-day appeal period under the *Planning Act* and a number of policies and parts of maps were appealed by a total of 10 appellants and filed to the Ontario Municipal Board (OMB).

The Region's November 19, 2014 decision included 10 areas of deferrals where no decision was made with respect to part of the Plan in order to allow for further consideration. On January 18, 2017 the Region issued a further Notice of Decision with respect to Deferrals No. 1 to 6 inclusive, part of Deferral No. 7 and Deferral No. 10. The Region's further decision on Official Plan Amendment No. 103 was subject to a 20-day appeal period under the *Planning Act* and a total of 2 appeals were filed to the Ontario Municipal Board (OMB).

A number of the appeals of both the Region's decisions were dealt with at a Local Planning Appeal Tribunal (LPAT) pre-hearing on January 28, 2019. As a result of the January 28th pre-hearing a subsequent LPAT decision was issued on March 21, 2019 which had the effect of deferring certain policies, modifying certain policies and maps in the Plan and the withdrawal of a number of appeals by 9 appellants in total.

A summary list of the remaining appellant and the nature of their appeals is included on the following pages of this Explanatory Note.

Items Deferred for Further Consideration – Where a decision has been deferred in relation to a part of this Plan, that part of the Plan is not in effect. Any text that has been deferred is shown through use of a bracket in the margin of the document. The numbers shown in the box beside each deferral correspond to the numbers used in the Region's and the LPAT's Notice of Decision. Any part of a Schedule that has been deferred is shown with a broken line and/or hatched tone and the word 'Deferred'.

Appeals Submitted to the Local Planning Appeal Tribunal (LPAT) (formerly known as the Ontario Municipal Board) – As a result of the appeals that have been filed with respect to parts of Regional Council's decision to approve the City's Official Plan, certain parts of this Plan are under appeal and are not in effect. Any text that has been appealed is enclosed with a red box and includes a corresponding box in the margin indicating that the text has been appealed. Where a part of a Schedule has been appealed, a notation is included on the Schedule indicating that a portion of the Schedule is under appeal.

This Explanatory Note, in conjunction with the attached City of Kitchener Official Plan, is intended to provide the reader with a "consolidated" version of the Plan that shows portions of the Plan that are not in effect as a result of a deferral of the Regional and LPAT decisions and/or an appeal to the Local Planning Appeal Tribunal (LPAT) (formerly known as the Ontario Municipal Board). For details regarding modifications, deferrals and/or appeals, the reader is advised to refer to the Regional Notices of Decision dated November 19, 2014, January 18, 2017, the LPAT Decision dated March 21, 2019, and the summary of appeals.