

BY-LAW NUMBER 25-***
OF
THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law Respecting the Use of 100 Victoria Street North, Kitchener (as Owned by
The Regional Municipality of Waterloo) to facilitate the Kitchener Central Transit Hub
and other Transit Development

WHEREAS The Regional Municipality of Waterloo (the “Region”) owns the property municipally known as 100 Victoria Street North, in the City of Kitchener (“100 Victoria Street”);

AND WHEREAS 100 Victoria Street is required for the construction of the Kitchener Central Transit Hub (the “KCTH”) by the Region and Metrolinx commencing in 2026;

AND WHEREAS the Region requires vacant possession of 100 Victoria Street by December 1, 2025 to facilitate the construction of the KCTH;

AND WHEREAS the KCTH, once constructed, will bring significant economic opportunity to the Region, including providing more affordable transportation options and greater connectivity for all residents of the Region to access jobs, schools, and essential services both within and outside the Region;

AND WHEREAS the commencement of construction of the KCTH entails a significant investment in the Region;

AND WHEREAS there are currently persons, without permanent residences, who are occupying parts of 100 Victoria Street including through the erection of temporary shelters and the placement of personal property (the “Encampment”);

AND WHEREAS the Region has enacted the Code of Use Bylaw, specifically By-law 13-050, as amended, respecting the conduct of persons entering upon certain buildings, grounds and public transportation vehicles owned or occupied by the Region;

AND WHEREAS the Region takes note of the decision of the Ontario Superior Court of Justice, in the decision of the *Region v. Persons Unknown and To Be Ascertained*, (the “Decision”);

AND WHEREAS the Region wishes to specifically provide for the persons currently occupying the Encampment at 100 Victoria Street to ensure that a safer and more orderly environment is maintained;

AND WHEREAS the Region, since the Decision, has greatly expanded the number of available accessible shelter beds in the Region and has allocated additional resources to provide accommodation for all persons presently occupying the Encampment;

AND WHEREAS the Region is enacting this By-law to specifically regulate and govern 100 Victoria Street and to obtain vacant possession as of December 1, 2025;

AND WHEREAS the Region has the capacity, rights, powers and privileges of a natural person and the ability to govern its affairs as it considers appropriate pursuant to sections 8 and 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

AND WHEREAS the Region has the authority to enact by-laws respecting its public assets and the protection of persons and property pursuant to subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF WATERLOO ENACTS AS FOLLOWS:

PART I - DEFINITIONS

1. In this By-law:
 - (1) **“Designated Personnel”** means those persons listed in Schedule “A” of this By-law;
 - (2) **“Municipal Act, 2001”** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, or any successor legislation;
 - (3) **“100 Victoria Street”** means the property municipally known as 100 Victoria Street North, in the City of Kitchener;
 - (4) **“Prohibited Activity”** means any activity that is listed in Schedule “B” of this By-law;
 - (5) **“Region”** means The Regional Municipality of Waterloo; and
 - (6) **“Trespass to Property Act”** means the *Trespass to Property Act*, R.S.O. 1990, c. T.21, as amended, or any successor legislation.
 - (7) **“Resident”** means anyone residing at 100 Victoria Street as of the date that notice of this bylaw is provided through the posting of the agenda for the Council meeting at which this By-law will be considered on the Region’s website (“Public Notice Date”) .

PART II – PROHIBITION

2. No person shall engage in a Prohibited Activity on 100 Victoria Street.
3. (1) Commencing on December 1, 2025, no person shall enter onto, reside on, or occupy 100 Victoria Street or any part thereof.

(2) Subsection (1) of this section shall not apply to an employee or contractor of the Region or other person who has the authorization of the Region to enter onto or occupy 100 Victoria Street or any part thereof.
4. Every person who contravenes sections 2 or 3 of this By-law is guilty of an offence and on conviction is liable to a fine not exceeding \$5,000, exclusive of costs.

PART III - TRESPASS

5. Without limiting Part II of this By-law, Designated Personnel may exercise any of the following enforcement options at 100 Victoria Street when a person is contravening or has contravened sections 2 or 3 of this By-law:
 - (1) Issue a verbal direction to refrain from a Prohibited Activity or the contravention of section 3 of this By-law;
 - (2) Subject to section 6 of this By-law, issue a verbal direction to leave 100 Victoria Street, citing as the reason the failure to refrain from a Prohibited Activity or the contravention of section 3 of this By-law;
 - (3) Serve a written notice upon a person prohibiting a Prohibited Activity or the contravention of section 3 of this By-law, citing as the reason the failure of the person to refrain from a Prohibited Activity or the contravention of section 3 of this By-law;
 - (4) Subject to section 6 of this By-law, serve a written notice upon a person

prohibiting entry upon 100 Victoria Street citing as the reason the failure of the person to refrain from a Prohibited Activity or the contravention of section 3 of this By-law;

- (5) Post a sign so that the sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to 100 Victoria Street prohibiting a Prohibited Activity or the contravention of section 3 of this By-law;
- (6) Subject to section 6 of this By-law, post a sign so that the sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to 100 Victoria Street prohibiting entry upon 100 Victoria Street by a person citing as the reason the failure to refrain from a Prohibited Activity or the contravention of section 3 of this By-law;
- (8) Subject to section 6 of this By-law, erect fencing or other barriers prohibiting entry upon 100 Victoria Street or any part thereof by a person citing as the reason the failure to refrain from a Prohibited Activity or the contravention of section 3 of this By-law;
- (9) Subject to section 6 of this By-law, remove any personal property or fixture upon 100 Victoria Street or any part thereof that is owned by a person citing as the reason the failure to refrain from a Prohibited Activity or the contravention of section 3 of this By-law; and
- (10) Exercise any other rights or powers pursuant to the *Trespass to Property Act* that are reasonable in the circumstances.

6. From the date of passage of this By-law until November 30, 2025, no Resident will be removed involuntarily from or prohibited from entering their temporary shelter at 100 Victoria Street as a result of engaging in a Prohibited Activity, unless the Prohibited Activity creates or contributes to a serious risk to their own health or safety or the health or safety of another person. For greater certainty, nothing in this By-law permits a Resident to relocate their temporary shelter to another part of the premises at 100 Victoria Street without the permission of the Region.

7. Designated Personnel may contact the Waterloo Regional Police Service, or any other police service having lawful jurisdiction, at any time to request assistance or to initiate any other action as the police service may deem necessary in the circumstances.

8. For greater certainty, and without limiting the above, Designated Personnel may erect a fence or other barrier to prohibit entry to any unoccupied area of 100 Victoria Street.

PART IV - GENERAL

9. This By-law may be enforced by a Designated Personnel or a police officer.

10. This By-law may be cited as the "100 Victoria Street Code of Use By-law".

11. If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of Council of the Region to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found illegal.

12. This By-law shall come into force and take effect on the date of final passage hereof.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 23rd day of April, A.D., 2025.

REGIONAL CLERK

REGIONAL CHAIR

SCHEDULE "A"

DESIGNATED PERSONNEL

1. The following are Designated Personnel:
 - (1) Supervisor, Security Services, for the Region, or any successor position thereto;
 - (2) a municipal law enforcement officer as appointed by the Region;
 - (3) a security guard under contract to the Region; and
 - (4) other persons from time to time as may be designated by Council of the Region.

SCHEDULE "B"

PROHIBITED ACTIVITIES

1. The following activities are Prohibited Activities:

- (a) carrying any goods, without authorization, which are offensive, dangerous, toxic, corrosive, flammable or explosive in nature that are likely to alarm, inconvenience, cause discomfort or injure any person, or cause damage to property, whether or not such good are contained in an approved container;
- (b) acts which are reasonably perceived as threatening, intimidating or sexual harassment;
- (c) any activity contrary to the *Criminal Code of Canada*, R.S. 1985, c. C-46, as amended, other federal statutes, provincial statutes or municipal by-laws;
- (d) erecting a shelter or other structure (provided, however, that this shall not apply to shelters or other structures that were in place on the Public Notice Date);
- (e) residing on 100 Victoria unless the person is a Resident within the meaning of this bylaw.
- (f) acts which interfere with the provision of services to residents of 100 Victoria Street; or acts which interfere with the use of 100 Victoria Street for the purposes of work relating to or in any way connected with KCTH; and
- (g) acts which are contrary to any specific rules or terms of use for the Designated Premises provided that the specific rules or terms of use have been posted in a conspicuous location at the Designated Premises.