1. **APPROVAL OF AGENDA**
   (Added Items, if applicable, will be noted with *)

2. **DECLARATIONS OF INTEREST**

3. **APPROVAL OF MINUTES OF PREVIOUS MEETING**
   3.1 February 6, 2018

4. **DELEGATION REQUESTS**

5. **CONSENT ITEMS**
   5.1 Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-13-008, Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application ZAC-13-039 and Draft Plan of Subdivision Application 25T-201306 for Lands Located at 111 Parkside Drive (Flamborough) (Ward 15) (PED18037)

   5.2 Active Official Plan Amendment Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18039)

   5.3 One Year Pilot Program for Yard Maintenance Related By-laws in the McMaster Neighbourhoods (PED16260(a)) (Ward 1) (Outstanding Business List Item)
5.4 Expanding Administrative Penalty System (APS) to Include Business Licensing By-law 07-170 and Noise Control By-law 11-285 (PED18047) (City Wide)

6. PUBLIC HEARINGS / DELEGATIONS

6.1 Application for Approval of a Draft Plan of Condominium (Vacant Land) for Lands Located at 231 York Road, Dundas (Ward 13) (PED18043)

6.2 Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018)

7. PUBLIC NOTICES

7.1 Equitable Access to City's Taxi System for All Persons with Disabilities (PED16232(b)) (City Wide) Registered Speaker

   1. Paula Kilburn and the Advisory Committee for Persons with Disabilities Transportation Working Group

7.2 Business Licensing By-law 07-170 - Replacement of Taxi Tariff / Fares (Appendix 1 of Schedule 25) (PED18045) (City Wide)

7.3 Businesss Licensing By-law 07-170, Payday Loans Businesses (Schedule 11) (PED16039(a)) (City Wide) (Outstanding Business List Item)

   Registered Speakers

   1. Tom Cooper and Jodi Dean from the Hamilton Roundtable for Poverty Reduction

   2. Doug Hoyes, Hoyes, Michalos & Associates Inc.

   3. Tony Irwin, President & CEO, Canadian Consumer Finance Association

8. DISCUSSION ITEMS
8.1 Comprehensive Review of Discharge of Firearms By-law 05-114 (PED16107(a)) (City Wide) (Outstanding Business List Item) Delegation

1. Edmond Rose (Approved November 15, 2016)

8.2 Animal Adoptions for the City of Hamilton (PED18004) (City Wide) (Outstanding Business List Item) Delegation

1. Margie Goold (Approved March 31, 2015)

9. MOTIONS

9.1 Parking Regulations on a 'Through Street'

10. NOTICES OF MOTION

11. GENERAL INFORMATION / OTHER BUSINESS

11.1 Outstanding Business List
Items requiring new due dates:

Item “E” – Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the Ontario Heritage Act (PED12166)

Due date: February 20, 2018
New due date: July 10, 2018

Item “F” – Staff to consult with property owners & Councillors re: HMHC Report 14-009 recommendations to include 206, 208 and 210 King Street East in the Register of Property of Cultural Heritage Value or Interest and staff’s designation work program and report back.

Due date: February 20, 2018
New due date: July 10, 2018

Item “I” – Report back with Terms of Reference for Community Energy Plan (i.e. renewable such as solar energy)

Due date: February 20, 2018
New due date: April 17, 2018
Items identified as complete to be removed:
Item “G” – The Feasibility of Establishing a City Animal Adoption Service in Partnership with the HBSPCA.

(Item 8.2 on this agenda)

Item “J” - Staff to report back with recommendations to update Discharge of Firearms By-law

(Item 8.1 on this agenda)

Item “Q” – That Licensing Division staff review Schedule 11 of Business Licensing By-law 07-170 – Payday Loans, and develop a model By-law addressing minimum distances, concentration and hours of operation with respect to Payday Loans businesses, and report back.

(Item 7.3 on this agenda)

Item “R” - That staff report back before the end of the 12 month pilot program for enforcement of yard maintenance related by-laws in the McMaster neighbourhoods with the results and recommendations for permanent by-law enforcement resource requirements for the McMaster neighbourhoods

(Item 5.1 on this agenda)

PRIVATE AND CONFIDENTIAL

12.1 Private and Confidential Minutes of the February 6, 2018 Meeting (Distributed under separate cover.)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City’s Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
12.2 Ontario Municipal Board Appeals of the Commercial Mixed Use Zones (UHOPA 69 and Zoning By-law 17-240) (LS18008/PED18050) (City Wide) (Distributed under separate cover.)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City’s Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

12.3 Ontario Municipal Board Appeals of the Commercial Mixed Use Zones (UHOPA 69 and Zoning By-law 17-240) (LS18008(a)) (City Wide) (Distributed under separate cover.)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City’s Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

12.4 Appeal to the Ontario Municipal Board (OMB) - Appeal of Non-Decision of Proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle, Waterdown, City of Hamilton - UHOPA-17-03, ZAC-17-013 and 25T201702 (Waterdown) (LS18007.PED18051) (Ward 15) (Distributed under separate cover.)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City’s Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

13. ADJOURNMENT
THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Licensing and By-law Services Division Resources as it Relates to the Licensing of Rental Properties (PED10049(w)) (City Wide) (Outstanding Business List Item) (Item 5.1)

   (Partridge/Skelly)
   That Report PED10049(w) respecting Licensing and By-law Services Division Resources as it Relates to the Licensing of Rental Properties, be received.
   CARRIED

2. Periodic Update Respecting Illegal Businesses in Rural Areas of Ward 11 (PED16207(b))(Ward 11) (Outstanding Business List Item) (Item 5.2)

   (Partridge/Skelly)
   That Report PED16027(b) respecting Periodic Update Respecting Illegal Businesses in Rural Areas of Ward 11, be received.
   CARRIED

3. Amendments to Sign By-law 10-197 (Construction Hoarding) (PED17217(a)) (City Wide) (Item 5.3)

   (Partridge/Skelly)
   That the Sign By-law 10-197 be amended to include regulations for Construction Hoarding Signs, and that the amending by-law, attached as Appendix “A” to Report PED17217(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
   CARRIED
4. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 952 – 954 Concession Street, (Hamilton) (PED18028) (Ward 6) (Item 5.4)

(Partridge/Skelly)
That Report PED18028 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 6593 and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 952 – 954 Concession Street, (Hamilton) (PED18028) (Ward 6), be received.

CARRIED

5. Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-17-03), Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application (ZAC-17-013) and Draft Plan of Subdivision Application (25T-201702) for Lands Located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129, 131, 135 and137 Trudell Circle (Flamborough) (PED18031) (Ward 15) (Item 5.5)

(Partridge/Skelly)
That Report PED18031 respecting Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-17-03), Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application (ZAC-17-013) and Draft Plan of Subdivision Application (25T-201702) for Lands Located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129, 131, 135 and137 Trudell Circle (Flamborough), be received.

CARRIED

6. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 261 King Street (Stoney Creek) (Ward 10) (PED18033) (Item 5.6)

(Partridge/Skelly)
That Report PED18033 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 261 King Street (Stoney Creek), be received.

CARRIED
7. Hamilton Municipal Heritage Committee Report 18-001 (Item 5.7)

(Partridge/Skelly)
(a) Inventory & Research Working Group Meeting Notes – October 30, 2017

(i) Addition of St. Luke’s Anglican Church, 454 John Street North to the City of Hamilton Register of Property of Cultural Heritage Value or Interest.

The Inventory/Research Working Group recommends that St. Luke’s Anglican Church, 454 John Street North, be added to the City of Hamilton Register of Property of Cultural Heritage Value or Interest.

(ii) Addition of Hughson Street Baptist Church, 383 Hughson Street, North to the City of Hamilton Register of Property of Cultural Heritage Value or Interest.

The Inventory/Research Working Group recommends that Hughson Street Baptist Church, 383 Hughson Street, North be added to the City of Hamilton Register of Property of Cultural Heritage Value or Interest.

(b) Correspondence from Wayne Morgan, President, Community Heritage Ontario, respecting Report 10 of the House of Commons Standing Committee on Environment and Sustainable Development entitled Preserving Canada’s Heritage: The Foundation for Tomorrow.

(i) That the Hamilton Municipal Heritage Committee supports the recommendations in the Standing Committee on Environment and Sustainable Development Report entitled “Preserving Canada’s Heritage: The Foundation of Tomorrow”; attached as Appendix “A” to Report 18-001;

(ii) That approval be given to the Hamilton Municipal Heritage Committee to write to the federal Minister of Environment and Sustainable Development, with copies to the Minister of Finance and local Members of Parliament, in support of the recommendations in Preserving Canada’s Heritage: The Foundation of Tomorrow”, as outlined in the draft letter attached as Appendix “B” to Report 18-001;

(iii) That the Mayor be requested to co-sign the letter in support the recommendations in Preserving Canada’s Heritage: The Foundation of Tomorrow.

CARRIED
8. **Delegated Authority for Special Occasions Permits (SOPs) (PED17220(a)) (City Wide) (Item 5.8)**

(Partridge/Skelly)
That the Director of Licensing and By-law Services or designate be delegated the authority to designate events under Special Occasion Permits as “municipally significant”, *in consultation with the Ward Councillor*, if all required plans and documents are received, and to address any other related matters that apply to Special Occasion Permits, which have been previously designated by Council.

Main Motion, as Amended, CARRIED

9. **Review of Committee of Adjustment Refund Program for Residential Properties Within the Airport Employment Growth District Area and Feasibility of Including Provisions within the Zoning By-laws to Provide for Relief (PED18005) (City Wide) (Outstanding Business List Item) (Item 5.9)**

(Partridge/Skelly)
That the refund program for Committee of Adjustment applications regarding legally established non-conforming single family dwellings located within the Airport Employment Growth District (AEGD) Lands and in the Beach Road, McNeill Road and Margaret Avenue neighbourhoods be discontinued upon Ontario Municipal Board approval of By-law 17-240.

CARRIED

10. **Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 347 Charlton Avenue West, Hamilton (PED18035) (Ward 1) (Item 6.1)**

(A. Johnson/Farr)
(a) That Amended Zoning By-law Amendment Application ZAC-17-018, by 1719755 Ontario Ltd. (c/o Will Edwards), Owner, for a change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “DE/S-1753” (Low Density Multiple Dwelling) District, Modified, to permit a six (6) unit multiple dwelling for lands located at 347 Charlton Avenue West, as shown on Appendix “A” to Report PED18035, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED18035, which has been prepared in a form satisfactory to the City Solicitor, be amended by:

- That no residential units be permitted in the basement or cellar;
- That the roof height allowance regulation be increased by .5 metres.
And be enacted by City Council;

(ii) That the amending By-law attached as Appendix “B” to Report PED18035, as amended, be added to District Map No. W14 of Zoning By-law No. 6593; and,

(iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.

(b) That upon finalization of the amending By-law, the subject lands be re-designated from “Single & Double” to “Low Density Apartment” in the Kirkendall North Neighbourhood Plan.

(c) That the public submissions received regarding this matter did not affect the decision.

Main Motion, as Amended, CARRIED

11. Applications for an Amendment to the Urban Hamilton Official Plan and to the Town of Glanbrook Zoning By-law No. 464 for Lands Located at 235 Tanglewood Drive, Glanbrook (PED18034) (Ward 11) (Item 6.2)

(B. Johnson/Pearson)

(a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-019 by Rob-Geof Properties Limited, Owner, for a site specific amendment to permit fourteen (14) Street Townhouse Dwellings with a maximum density of 45 units per net residential hectare within the Binbrook Village Secondary Plan, for lands located at 235 Tanglewood Drive, Glanbrook, as shown on Appendix “A” to Report PED18034, be APPROVED, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18034, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

(b) That Amended Zoning By-law Amendment Application ZAC-17-025, by Rob-Geof Properties Limited, Owner, for a change in zoning from the Deferred Development “DD” Zone to the Residential Multiple “RM2-310” Zone, Modified, for the lands located at 235 Tanglewood Drive, Glanbrook, as shown on Appendix “A” to Report PED18034, be APPROVED, on the following basis:
(i) That the draft By-law, attached as Appendix “C” to Report PED18034, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017); and,

(iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. ___;

(c) **That there were no public submissions received regarding this matter.**

Main Motion, as Amended, CARRIED

12. **Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2782 Barton Street East, Hamilton (PED18022) (Ward 5) (Item 6.3)**

(Collins/Pearson)

(a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-021, by LJM Developments (Grimsby) Inc., Owner, to establish a site specific policy for a proposed thirteen (13) storey, 211 unit multiple dwelling with a maximum net residential density of 379 units per hectare, for lands located at 2782 Barton Street East, Hamilton as shown on Appendix “A” to Report PED18022, be APPROVED on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18022, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed Urban Hamilton Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

(b) That Amended Zoning By-law Amendment Application ZAC-17-050, by LJM Developments (Grimsby) Inc., Owner, for a change in zoning from the “E-2/S-306” and “E-2/S-306a” (Multiple Dwellings) District, Modified to the “E-3/S-306b” (High Density Multiple Dwellings) District, Modified to permit a 211 unit multiple dwelling with a maximum building height of thirteen (13) storeys (41 metres) on lands located at 2782 Barton Street East, Hamilton as shown on Appendix “A” to Report PED18022 be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED18022 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
(ii) That the amending By-law, attached as Appendix “C” to Report PED18022 be added to District Map No. E123 of Zoning By-law No. 6593 as “E-3/S-306b”; and,

(iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(c) That the public submissions received regarding this matter did not affect the decision.

Main Motion, as Amended, CARRIED

13. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 503 and 515 Garner Road West (Ancaster) (PED18032) (Ward 12) (Item 6.4)

(Pearson/Conley)

(a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-007, by 1186559 Ontario Inc., (Owner) to refine the Natural Heritage mapping within Volume 1 of the Urban Hamilton Official Plan, and to re-designate a portion of the subject lands from “Low Density Residential 1” to “Low Density Residential 3a” within the Shaver Neighbourhood Secondary Plan to permit a forty-seven (47) unit townhouse development on a private (condominium) road, as well as re-designate a portion of the lands from “Low Density Residential 1” to “Natural Open Space” for lands located at 503 and 515 Garner Road West, as shown on Appendix “A” to Report PED18032 be APPROVED, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow).

(b) That Zoning By-law Amendment Application ZAC-16-017 by 1186559 Ontario Inc., (Owner) for a change in zoning from the Agricultural “A-216” Zone to the Residential Multiple “RM2-690” Zone, Modified, to permit a forty-seven (47) unit townhouse development on a private (condominium) road for lands located at 503 and 515 Garner Road West, as shown on Appendix “A” to Report PED18032, be APPROVED on the following basis:
(i) That the draft By-law, attached as Appendix “C” to Report PED18032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of UHOPA No. XX.

(c) That Zoning By-law Amendment Application ZAC-16-017 by 1186559 Ontario Inc., (Owner) for a change in zoning from the Agricultural “A-216” Zone to the Conservation / Hazard Land (P5) Zone to permit a stormwater management pond, natural open space and vegetation protection zone for lands located at 503 and 515 Garner Road West, as shown on Appendix “A” to Report PED18032, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED18032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of UHOPA No. XX.

(d) Should the abutting properties wish to derive benefit, cost recovery would be based on the flat rate identified under the funding methodology of Infrastructure Policy plus actual drain cost.

(e) That the public submissions received regarding this matter did not affect the decision.

Main Motion, as Amended, CARRIED

14. Application for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1051 Green Mountain Road East, Stoney Creek (PED18029) (Ward 11) (Item 6.5)

(B. Johnson/Partridge)

(a) That Amended Rural Hamilton Official Plan Amendment Application RHOPA-15-22, by Waterford Sand & Gravel Limited (Owner), to establish a Site Specific Policy Area to permit the extraction of mineral aggregate resources, for lands located at 1051 Green Mountain Road, East (Stoney Creek), as shown on Appendix “A” to Report PED18029, be APPROVED on the following basis:
(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18029, be adopted by City Council;

(ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014), and conforms to the Greenbelt Plan.

(b) That Amended Zoning By-law Amendment Application ZAC-15-052 by Waterford Sand & Gravel Limited, (Owner), for a change in zoning from the Agricultural (A1) Zone in the City of Hamilton Zoning By-law No. 05-200 to the Extractive Industrial (M12) Zone in the City of Hamilton Zoning By-law No. 05-200, for lands located at 1051 Green Mountain Road East, (Stoney Creek), as shown on Appendix “A” to Report PED18029, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED18029, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan and will comply with the Rural Hamilton Official Plan upon finalization of Rural Hamilton Official Plan Amendment No. ____.

(c) That staff be directed to notify the Ministry of Natural Resources that the City of Hamilton’s objections to the Aggregate Resources Act License Application, by Waterford Sand and Gravel Limited, for the subject lands, have been resolved; and that the City of Hamilton no longer has an objection to the issuance of a licence under the ARA for the subject lands, in accordance with the revised ARA Site Plans, dated August 29, 2017, once the subject Official Plan Amendment and Zoning By-law Amendment are in full force and effect.

(d) That the public submissions received regarding this matter did not affect the decision.

Main Motion, as Amended, CARRIED

15. Hamilton Rental Housing Roundtable discussion paper entitled “Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units” presented by Brad Clark of Maple Leaf Strategies (Item 6.6)

(Partridge/Farr)

That the Hamilton Rental Housing Roundtable discussion paper entitled “Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units” be referred to staff to review and incorporate into their report to the Rental Housing Sub-Committee regarding the update on Report PED10049(h).

CARRIED

(Collins/Farr)

(a) That the Centennial Neighbourhoods Secondary Plan, for the area shown on Appendix “A” of PED18007, attached as Official Plan Amendment (OPA) No. XX to the Urban Hamilton Official Plan (UHOP) be APPROVED, and that:

(i) The By-law of adoption for the Official Plan Amendment, attached as Appendix “B” to Report PED18007, as amended, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(ii) The Kentley Neighbourhood Plan and the Riverdale West Neighbourhood Plan be repealed in their entirety; and,

(iii) The portions of the Riverdale East and Greenford Neighbourhood Plans which are located within the boundary of the Centennial Neighbourhoods Secondary Plan be repealed.

(b) That Planning and Economic Development Department and Public Works Department staff be directed to create submissions for the 2019 capital budget for the following studies required as part of the implementation of the Centennial Neighbourhoods Secondary Plan (Policies B.6.7.17 a) and d), Appendix B, as amended, to report PED18007):

(i) Streetscape and Public Realm Design Study; and,

(ii) Municipal Servicing Study.

(c) That Public Works Department staff be directed to:

(i) Investigate the feasibility of relocating the existing waste management facility at 460 Kenora Avenue to an alternate location, as proposed in the Centennial Neighbourhoods Secondary Plan (Policy 6.7.18.3 b), Appendix B, as amended, to report PED18007); and,

(ii) create a submission for the 2019 capital budget if necessary for costs related to studying the relocation.

(d) That the Centennial Neighbourhoods Transportation Management Plan, attached as Appendix “C” to Report PED18007, be endorsed, and that:

(i) The General Manager of the Public Works Department be authorized and directed to file the Centennial Neighbourhoods
Transportation Management Plan, attached as Appendix “C” to Report PED18007, with the Municipal Clerk for a minimum thirty day public review period.

(ii) Upon the completion of the thirty day public review, the General Manager of the Public Works Department be authorized and directed to program and include the recommended Schedule A, A+ and B projects in the future Capital Budget submissions, provided no comments or “Part II Order” requests (applicable to Schedule B projects only) are received that cannot be resolved.

(iii) That the recommended projects, attached as Appendix “D” to Report PED18007, be received and approved;

(e) That the public submissions received regarding this matter supported the approval of the proposal with amendments.
   Main Motion, as Amended CARRIED

17. Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments (PED18012) (Wards 1, 3, 4, 5 and 9) (TABLED January 16, 2018) (Item 8.2)

(Collins/Farr)
(a) That approval be given to Official Plan Amendment (OPA) No. ___ to the Urban Hamilton Official Plan (UHOP) to amend policies, schedules and maps, to implement up-to-date mapping and policies for the extension of the Transit Oriented Corridor located along Queenston Road from east of Jefferson Avenue to Reid Avenue, on the following basis:

(i) That the Proposed Official Plan Amendment, attached as Appendix “A” to Report PED18012, be adopted by Council; and,

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014, and conforms to Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).

(b) That approval be given to City Initiative CI-17-B to add the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone to Zoning By-law No. 05-200, to zone certain lands located on Queenston Road between Jefferson Avenue and Irene Avenue as Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, Transit Oriented Corridor Local Commercial (TOC2) Zone, Transit Oriented Corridor Multiple Residential (TOC3) Zone and Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, to amend the existing TOC1,TOC2, and TOC3 Zone to incorporate housekeeping amendments, to add special exceptions to Schedule “C”, to add two new special figures to Schedule “F”, and to amend general provisions and other administrative sections of the By-law, on the following basis:
(i) That the Proposed By-law, attached as Appendix “B” to Report PED18012 which has been prepared in a form satisfactory to the City Solicitor, be amended by:

1. **Adding the following new uses to Section 11.4.1:**
   
i) Long Term Care Facility; and,
   
ii) Retirement Home.

2. **Deleting Special Exception No. 633 (75 Centennial Parkway North-Eastgate Square) and replacing it with the text attached as Appendix “A”.**

3. **Adding the following new clause to Special Exception No. 634 (165 Queenston Road):**
   
b) In addition to Subsection 4.12 e), Section 5, and Subsection 11.1.3, any parking spaces and drive aisles existing on the date of passing of this By-law (Insert Date – TBD) shall be deemed to comply with the regulations for any required setbacks, location on the lot, and number of parking spaces.

4. **Deleting Special Exception No. 637 (as 670, 674, 686, 692, 700 and 706 Queenston Road) and replacing it with the text and Figure 12 attached as Appendix “B”.**

5. **Adding the following additional special exceptions applicable to the property located at 697 & 701 Queenston Road:**

   Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, described as 697 – 701 Queenston Road, the following special provisions shall also apply:

   (a) Notwithstanding Subsection 4.20 (c), an outdoor commercial patio shall be permitted to be located within the front yard.

6. **Within the lands described as 670, 674, 692, 700 and 706 Queenston Road, as shown as Figure 12 of Schedule “F” – Special Figures, the following special provisions shall also apply:**

   (a) For the purpose of Special Exception No. 637, the following special Regulations shall apply to Areas A and B, as shown on Figure 12 of Schedule “F” – Special Figures:
i. Subsection 637 (a)(C)(i) shall be deleted and replaced with the following:

“Drive-thru facilities shall only be permitted in Areas A1, A2, A3 and A5”

ii. Subsection 637 (a)(E) shall be deleted and replaced with the following

“The drive through facilities located within areas A1, A2, A3 and A5 may be permitted to relocate on the same lot outside of areas A1, A2, A3, and A5 subject to the following requirements:”

iii. Subsection 637 (a)(E)(i) shall be deleted and replaced with the following

“A maximum of four drive through facilities shall be permitted on the lot;”

iv. Subsection 637 (a) shall be modified by including a new subsection (F) as follows:

“The drive through facilities located within areas A1, A2, A3 and A5 may be permitted to relocate on the same lot within areas A1, A2, A3, and A5 subject to the following requirements:”

The built form for new Development Regulations shall not apply (subsection 11.4.3.g) and a minimum building height of 4.5 metres shall apply.

(b) For the purpose of Special Exception No. 637, Figure 12 of Schedule “F” – Special Figures shall be revised as follows:

i. That Figure 12 shall be revised to include an Area A5 generally situated immediately east of Area A3, extending to the East lot line and a depth no greater than the existing building.

And be enacted by Council; and,

(ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment Nos. ___ and ___.


(c) That the public submissions received regarding this matter supported the approval of the proposal with amendments.

Main Motion, as Amended CARRIED

18. Bill 139, Building Better Communities and Conserving Watersheds Act, 2017 - Ontario Proposed Changes to the Land Use Planning and Appeals System (LS16027(b)) (City Wide) (Item 8.3)

(B. Johnson/Conley)
That the City Solicitor and the General Manager of Planning and Economic Development, be authorized to make submissions to the Province, Ontario Municipal Board and/or the Local Planning Appeal Tribunal with respect to any rules or regulations that may be proposed relating to Bill 139, Building Better Communities and Conserving Watersheds Act, 2017, provided the submissions are consistent with previous submissions by the City on Bill 139.

CARRIED

19. Applicant's Appeal to the Ontario Municipal Board respecting Minor Variance Application FL/A-17:442 for lands located at 374 5th Concession Road East (Added Item 10.1)

(Partridge/Pasuta)
WHEREAS, on January 25, 2018 the Committee of Adjustment denied Minor Variance Application FL/A-17:442 to permit the construction of a permanent farm labour residence consisting of three dwelling units contained within one building, a proposed front addition, a barn and two proposed rear greenhouse additions to the existing nursery operation;

WHEREAS, the applicant has appealed the decision of the Committee of Adjustment to the Ontario Municipal Board; and

WHEREAS, Planning staff were in support of Minor Variance Application FL/A-17:442;

THEREFORE BE IT RESOLVED:

That Legal staff be directed to take no action with respect to the appeal to the Ontario Municipal Board respecting Minor Variance Application FL/A-17:442 for lands located at 374 5th Concession Road East, either in support of the Committee of Adjustment's decision or against the decision, but instead be directed to enter into settlement discussions with the applicant.

CARRIED
20. Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* - Ontario Proposed Changes to the Land Use Planning and Appeals System (LS16027(c)/PED16237(b)) (City Wide) (Item 12.1)

(Conley/Pearson)
That the direction to staff outlined in the recommendations of Report LS16027(c)/PED16237(b) be approved and the report and appendices remain private and confidential and restricted from public disclosure.

CARRIED

21. Application for Official Plan Amendment and Zoning By-law Amendments for Lands Located at 860 Queenston Road (OMB Case No. PL170282) (LS18010) (Ward 9) (Added Item 12.2)

(Conley/Pearson)
That the direction to staff outlined in the recommendations of Report LS18010 be approved and the report and appendices remain private and confidential and restricted from public disclosure.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

1. ADDED DELEGATION REQUEST

   4.3 Doug Hoyes, Hoyes, Michalos & Associates Inc., to provide recent statistics and recommendations to the proposed payday loan by-law. (For future meeting.)

   4.4 Catherine Spears, Spears + Associates Inc., respecting Eastgate Square Centennial Secondary Plan and the Transit Oriented Corridor Zoning. (For today's meeting regarding Items 8.1 and 8.2.)

2. ADDED WRITTEN COMMENTS

We received written comments from the following residents respecting Item 6.1, Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 347 Charlton Avenue West, Hamilton (PED18035) (Ward 1):

6.1(a) Kate Connolly, 12-285 Bold Street, Hamilton
6.1(b) Amanda McInnis and Alex Christie, 355 Charlton Avenue West, Hamilton

6.1(c) Wendy Johncox, 320 Herkimer Street, Hamilton

6.1(d) Mark Stewart, President, Kirkendal Neighbourhood Association

3. **ADDED NOTICE OF MOTION**

10.1 Applicant’s Appeal to the Ontario Municipal Board respecting Minor Variance Application FL/A-17:442 for lands located at 374 5th Concession Road East

4. **ADDED PRIVATE AND CONFIDENTIAL REPORT**

12.2 Application for Official Plan Amendment and Zoning By-law Amendments for Lands Located at 860 Queenston Road (OMB Case No. PL170282) (LS18010) (Ward 9) (Distributed under separate cover)

_Pursuant to Section 8.1, Sub-sections (e) and (f) of the City’s Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose._

(Farr/Partridge)
That the agenda for the February 6, 2018 meeting be approved, as amended.  
CARRIED

(b) **DECLARATIONS OF INTEREST (Item 2)**

Councillor Pearson declared an interest with respect to Item 6.6 as she is the owner of rental properties.

(c) **APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)**

(i) January 16, 2018 (Item 3.1)

(Conley/Pearson)
That the Minutes of the January 16, 2018 meeting be approved.  
CARRIED

(d) **DELEGATION REQUESTS (Item 4)**

(Partridge/B. Johnson)
(a) That the following delegation requests be approved to attend at a future meeting:
(i) Tom Cooper and Jodi Dean from the Hamilton Roundtable for Poverty Reduction to support staff’s report regarding the restriction of the number and locations of payday loan outlets in Hamilton (Item 4.1)

(ii) Paula Kilburn and the Advisory Committee for Persons with Disabilities Transportation Working Group to speak to the staff report regarding the number of accessible taxis. (Item 4.2)

(iii) Doug Hoyes, Hoyes, Michalos & Associates Inc., to provide recent statistics and recommendations to the proposed payday loan by-law. (Added Item 4.3)

(b) That the following delegation request be approved to address Committee at today’s meeting:

(i) Catherine Spears, Spears + Associates Inc., respecting Eastgate Square Centennial Secondary Plan and the Transit Oriented Corridor Zoning. (Added Item 4.4)

CARRIED

(e) CONSENT

(i) Delegated Authority for Special Occasions Permits (SOPs) (PED17220(a)) (City Wide) (Item 5.8)

(Partridge/Skelly)
That the recommendation be amended by inserting the words “in consultation with the Ward Councillor” after the words “municipally significant” to read as follows:

That the Director of Licensing and By-law Services or designate be delegated the authority to designate events under Special Occasion Permits as “municipally significant”, in consultation with the Ward Councillor, if all required plans and documents are received, and to address any other related matters that apply to Special Occasion Permits, which have been previously designated by Council.

Amendment CARRIED

For disposition of this matter refer to Item 8.

(f) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 347 Charlton Avenue West, Hamilton (PED18035) (Ward 1) (Item 6.1)
In accordance with the provisions of the Planning Act, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Comments

6.1(a) Kate Connolly, 12-285 Bold Street, Hamilton
6.1(b) Amanda McInnis and Alex Christie, 355 Charlton Avenue West
6.1(c) Wendy Johncox, 320 Herkimer Street, Hamilton
6.1(d) Mark Stewart, President, Kirkendal Neighbourhood Association

(Pearson/B. Johnson)
That the added written comments, Items 6.1(a) to 6.1(d), be received. CARRIED

Chair A. Johnson relinquished the Chair to Vice Chair Farr during consideration of this matter.

Daniel Barnett, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. He indicated that Appendix “B” requires an amendment. A copy is available for viewing on the City’s website.

(A. Johnson/Conley)
That the staff presentation be received. CARRIED

Sarah Knoll of GSP Group, representing the applicant, was in attendance and addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City’s website.

(Pearson/Conley)
That the agent’s presentation be received. CARRIED

Registered Speakers

1. Wendy Johncox, 320 Herkimer Street, Hamilton

Wendy Johncox addressed Committee and indicated that she is opposed to the proposal.
Skelly/Conley)
That the delegation be received.  

CARRIED

2. Andrew Kelly, 316 Herkimer Street, Hamilton

Andrew Kelly addressed Committee and indicated that he is opposed to the proposed redevelopment.

(Conley/Partridge)
That the delegation be received.  

CARRIED

3. Kate Connolly, 12 – 285 Bold Street, Hamilton

Kate Connolly addressed Committee and spoke in support of the developer and the proposal.

(Skelly/A. Johnson)
That the delegation be received.  

CARRIED

4. Joe Gallagher, 332 Herkimer Street, Hamilton

Joe Gallagher addressed Committee and spoke in opposition to his proposal.

(Skelly/A. Johnson)
That the delegation be received.  

CARRIED

5. Lynn Gates, 339 Charlton Avenue

Lynne Gates addressed Committee and indicated that she is not in support of the proposal.

(Pearson/Partridge)
That the delegation be received.  

CARRIED

6. Veronica Dyer, 2 Undermount Avenue

Veronica Dyer addressed Committee and indicated that she is in support of the development.

(Pearson/Partridge)
That the delegation be received.  

CARRIED
7. **Mark Dyer, 2 Undermount Avenue**

Mark Dyer addressed Committee and spoke in support of the proposal.

*(Pearson/Partridge)*

That the delegation be received.

CARRIED

8. **Nikki Loney, 343 Charlton Avenue**

Nikki Loney spoke in support of the developer but indicated that she still has some concerns with the proposal. She asked that the developer continue to work with the residents to address their concerns.

*(Conley/Pasuta)*

That the delegation be received.

CARRIED

*(Skelly/Pasuta)*

That the public meeting be closed.

CARRIED

*(A. Johnson/Pearson)*

(a) *That Appendix “B” be amended to include the size of the lot area in 2(e) and change the reference in 2(d) from 10A(3)(c) to 10A(3)(iii)(c);*

(b) *That the recommendations be amended by adding the following:*

- *That no residential units be permitted in the basement or cellar;*
- *That the roof height allowance regulation be increased by .5 metres.*

Amendment CARRIED

Councillors Skelly and Partridge indicated that they wished to be recorded as OPPOSED to this matter.

*(A. Johnson/Pearson)*

(a) *That appendix “B” to Report PED18035 include the following housekeeping amendments:*

(b) *That the recommendations be amended by adding the following subsection (c):*
That the public submissions received regarding this matter did not affect the decision.

Amendment CARRIED

Councillors Pasuta, Partridge and Skelly indicated that they wished to be recorded as OPPOSED to the approval of this Item.

For disposition of this matter refer to Item 10.

Applications for an Amendment to the Urban Hamilton Official Plan and to the Town of Glanbrook Zoning By-law No. 464 for Lands Located at 235 Tanglewood Drive, Glanbrook (PED18034) (Ward 11) (Item 6.2)

In accordance with the provisions of the Planning Act, Vice Chair Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No member of the public came forward.

(B. Johnson/Green)
That the public meeting be closed.

CARRIED

(B. Johnson/Pearson)
That the staff presentation be waived.

CARRIED

Steve Fraser of A.J. Clarke and Associates Ltd. was in attendance representing the applicant. Committee had no questions.

(B. Johnson/Pearson)
That the recommendations be amended by adding the following subsection (c):

(c) That there were no public submissions received regarding this matter.

Amendment CARRIED

For disposition of this matter refer to Item 11.
Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2782 Barton Street East, Hamilton (PED18022) (Ward 5) (Item 6.3)

In accordance with the provisions of the Planning Act, Vice Chair Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No member of the public came forward.

(Pearson/Collins)
That the public meeting be closed.  
CARRIED

(Pearson/Collins)
That the staff presentation be waived.  
CARRIED

Chair A. Johnson assumed the Chair.

The applicant Liaquat Mian, of LJM Developments, and his agent Franz Kloibhofer of A.J. Clarke and Associates Ltd. were in attendance. Committee had no questions.

(Collins/Pearson)
That the recommendations be amended by adding the following subsection (c):

(c) That the public submissions received regarding this matter did not affect the decision.

Amendment CARRIED

For disposition of this matter refer to Item 12.
Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 503 and 515 Garner Road West (Ancaster) (PED18032) (Ward 12) (Item 6.4)

In accordance with the provisions of the Planning Act, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

George Zajac, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City’s website.

(Pearson/Skelly)
That the staff presentation be received.
CARRIED

Speakers

1. Rob Schumacher, 71 Tollgate Drive, Ancaster

Rob Schumacher indicated that he did not oppose the development but requested the installation of sidewalks.

(Pearson/B. Johnson)
That the delegation be received.
CARRIED

2. Jean-Pierre Verbaat, 407 Garner Road,

Jean-Pierre Verbaat indicated that sidewalks are needed.

(Pearson/Conley)
That the delegation be received.
CARRIED

(Farr/Skelly)
That Rob Schumacher be allowed to address Committee a second time.
CARRIED
1. Rob Schumacher, 71 Tollgate Drive, Ancaster

Rob Schumacher explained his previous comments.

*(Pearson/Skelly)*

That the public meeting be closed.

CARRIED

*(Pearson/Conley)*

That the recommendations be amended by adding the following subsection (e):

(e) *That the public submissions received regarding this matter did not affect the decision.*

Amendment CARRIED

For disposition of this matter refer to Item 13.

(v) Application for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1051 Green Mountain Road East, Stoney Creek (PED18029) (Ward 11) (Item 6.5)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

**Written Comments**

6.5(a) Jen Baker, Hamilton Naturalists' Club

*(B. Johnson/Partridge)*

That the written comments, Item 6.5(a) be received.

CARRIED

No member of the public came forward.

*(Partridge/B. Johnson)*

That the public meeting be closed.

CARRIED
B. Johnson/Farr) 
That the staff presentation be waived. 

CARRIED

Bill Kester representing the applicant, Waterford Sand and Gravel Limited, addressed Committee and provided responses to questions which the Ward Councillor posed on behalf of a resident.

B. Johnson/Partridge) 
That the recommendations be amended by adding the following subsection (d):

(d) That the public submissions received regarding this matter did not affect the decision. 

Amendment CARRIED

For disposition of this matter refer to Item 14.

(vi) Brad Clark, Maple Leaf Strategies, to present a summary of the Hamilton Rental Housing Roundtable discussion paper entitled “Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units” (Approved January 16, 2018) (Item 6.6)

Brad Clark of Maple Leaf Strategies addressed Committee with the aid of a PowerPoint presentation and provided an overview of the discussion paper entitled “Promoting Code Compliant Rental Housing with Safe, Clean and Healthy Dwelling Units” which he prepared in collaboration with the Hamilton Rental Housing Roundtable. Copies of the discussion paper were distributed and a copy is available for viewing on the City’s website.

Partridge/Farr) 
That the five minute rule be extended. 

CARRIED

Brad Clark requested that the recommendations be referred to staff for a report back to Committee.

Arun Pathak, of the Hamilton and District Apartment Association, was also in attendance and he joined Brad Clark in responding to questions from Committee.

Skelly/Conley) 
That the delegation be received. 

CARRIED

For disposition of this matter refer to Item 15.
(g) DISCUSSION ITEMS (Item 8)

(i) Centennial Neighbourhoods Secondary Plan and Centennial Neighbourhoods Transportation Management Plan (PED18007) (Wards 5 and 9) (Item 8.1) (TABLED January 16, 2018)

(Collins/Farr)
That Report PED18007 respecting Centennial Neighbourhoods Secondary Plan and Centennial Neighbourhoods Transportation Management Plan be LIFTED from the table.  
CARRIED

Delegation

(i) Catherine Spears, Spears + Associates Inc

Catherine Spears addressed Committee and indicated that she was representing Bentall Kennedy LP (Canada) Eastgate Square. She thanked staff as they have been able to reach an agreement regarding her client’s concerns.

(Collins/Farr)
That the delegation be received.  
CARRIED

(Collins/Farr)

(a) That, based on further public input received, Report PED18007 respecting Centennial Neighbourhoods Secondary Plan and Centennial Neighbourhoods Transportation Management Plan be amended by:

(i) Deleting Appendix B and replacing it with the amended Appendix B (text and maps have been changed);

(b) That the following be added as subsections (b) and (c) and the balance be re-lettered accordingly:

(b) Planning and Economic Development Department and Public Works Department staff be directed to create submissions for the 2019 capital budget for the following studies required as part of the implementation of the Centennial Neighbourhoods Secondary Plan (Policies B.6.7.17 a) and d), Appendix B, as amended, to report PED18007):

(i) Streetscape and Public Realm Design Study; and,

(ii) Municipal Servicing Study.

(c) That Public Works Department staff be directed to:
(i) Investigate the feasibility of relocating the existing waste management facility at 460 Kenora Avenue to an alternate location, as proposed in the Centennial Neighbourhoods Secondary Plan (Policy 6.7.18.3 b), Appendix B, as amended, to report PED18007); and,

(ii) create a submission for the 2019 capital budget if necessary for costs related to studying the relocation.

Amendment CARRIED

(Collins Farr)
That the recommendations be amended by adding the following subsection (e):

(e) That the public submissions received regarding this matter supported the approval of the proposal with amendments.

Amendment CARRIED

For disposition of this matter refer to Item 16.

(ii) Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments (PED18012) (Wards 1, 3, 4, 5 and 9) (Item 8.2) (TABLED January 16, 2018)

(Collins/Farr)
That Report PED18012 respecting Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments be lifted from the table.

CARRIED

(Collins/Farr)
That the Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments (PED18012) (Wards 1, 3, 4, 5 and 9) be amended by:

1. Adding the following new uses to Section 11.4.1:
   i) Long Term Care Facility; and,
   ii) Retirement Home.

2. Deleting Special Exception No. 633 (75 Centennial Parkway North-Eastgate Square) and replacing it with the text attached as Appendix “A”.

3. Adding the following new clause to Special Exception No. 634 (165 Queenston Road):
b) In addition to Subsection 4.12 e), Section 5, and Subsection 11.1.3, any parking spaces and drive aisles existing on the date of passing of this By-law (Insert Date – TBD) shall be deemed to comply with the regulations for any required setbacks, location on the lot, and number of parking spaces.

4. Deleting Special Exception No. 637 (as 670, 674, 686, 692, 700 and 706 Queenston Road) and replacing it with the text and Figure 12 attached as Appendix “B”.

Amendment CARRIED

(Collins/Farr)

That the following additional special exceptions be included in the Zoning By-law 05-200 respecting the proposed TOC4 Zone applicable to the property located at 697 & 701 Queenston Road:

Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, described as 697 – 701 Queenston Road, the following special provisions shall also apply:

(a) Notwithstanding Subsection 4.20 (c), an outdoor commercial patio shall be permitted to be located within the front yard.

Amendment CARRIED

(Collins/Farr)

That the following additional special exceptions be included in the Zoning By-law 05-200 respecting the proposed TOC4 Zone, Special Exception 637:

Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142 & 1193 of Schedule “A” – Zoning Maps, and described as 670, 674, 692, 700 and 706 Queenston Road, as shown as Figure 12 of Schedule “F” – Special Figures, the following special provisions shall also apply:

(a) For the purpose of Special Exception No. 637, the following special Regulations shall apply to Areas A and B, as shown on Figure 12 of Schedule “F” – Special Figures:

i. Subsection 637 (a)(C)(i) shall be deleted and replaced with the following:

   “Drive-thru facilities shall only be permitted in Areas A1, A2, A3 and A5”

ii. Subsection 637 (a)(E) shall be deleted and replaced with the following
“The drive through facilities located within areas A1, A2, A3 and A5 may be permitted to relocate on the same lot outside of areas A1, A2, A3, and A5 subject to the following requirements:”

iii. Subsection 637 (a)(E)(i) shall be deleted and replaced with the following

“A maximum of four drive through facilities shall be permitted on the lot;”

iv Subsection 637 (a) shall be modified by including a new subsection (F) as follows:

“The drive through facilities located within areas A1, A2, A3 and A5 may be permitted to relocate on the same lot within areas A1, A2, A3, and A5 subject to the following requirements:”

The built form for new Development Regulations shall not apply (subsection 11.4.3.g) and a minimum building height of 4.5 metres shall apply.

(b) For the purpose of Special Exception No. 637, Figure 12 of Schedule “F” – Special Figures shall be revised as follows:

i. That Figure 12 shall be revised to include an Area A5 generally situated immediately east of Area A3, extending to the East lot line and a depth no greater than the existing building.

Amendment CARRIED

(Collins Farr)
That the recommendations be amended by adding the following subsection (c):

(c) That the public submissions received regarding this matter supported the approval of the proposal with amendments.

Amendment CARRIED

For disposition of this matter refer to Item 17.
(h) NOTICES OF MOTION (Item 10)

(i) **Applicant’s Appeal to the Ontario Municipal Board respecting Minor Variance Application FL/A-17:442 for lands located at 374 5th Concession Road East (Added 10.1)**

Councillor Partridge introduced a notice of motion respecting Applicant’s Appeal to the Ontario Municipal Board respecting Minor Variance Application FL/A-17:442 for lands located at 374 5th Concession Road East.

(Partridge/Pasuta)

That the rules of order be waived in order to allow the introduction of a motion respecting Applicant’s Appeal to the Ontario Municipal Board respecting Minor Variance Application FL/A-17:442 for lands located at 374 5th Concession Road East.

CARRIED

For disposition of this matter refer to Item 19.

(ii) **Parking Regulations on a ‘Through Street’ (Added 10.2)**

Councillor Green presented the following notice of motion:

WHEREAS, most major Ontario municipalities restrict parking overnight on major roadways;

WHEREAS, staff are currently undertaking a review of Hamilton Parking By-law 01-218, and

WHEREAS, members of the public have, from time to time, expressed concern with the rationale for overnight parking restrictions on 'through streets' and the method of informing motorists where such regulations apply;

THEREFORE BE IT RESOLVED:

That staff be directed to review the rationale for overnight parking restrictions on ‘through streets’ and that this review include a review/summary of overnight parking regulations in other large Ontario municipalities and how they inform motorists of such regulations, and report back to the Planning Committee with recommendations to optimize the effectiveness of the through street system.
(i) **GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

The General Manager of Planning and Economic Development asked for and was granted permission to release the staff report respecting the Downtown Secondary Plan in advance of the agenda.

(ii) **Outstanding Business List (Item 11.1)**

(Farr/Collins)

That the following new due dates be approved:

- **Item “C”** – C.I. to Amend Hamilton Zoning By-law No. 6593 for 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101)
  
  Due date: February 20, 2018
  
  New due date: June 5, 2018

- **Item “D”** – (OMB) Decision re: 121 Augusta Street, Staff to review the RCF’s in the context of the Prov. Policy, as it relates to special needs, and the Human Rights Code and report back.
  
  Due date: February 20, 2018
  
  New due date: March 20, 2018

- **Item “H”** – Deferral of Item 5 of HMHC Report 15-005 proposing inclusion of 1021 Garner Rd E on register of properties of cultural heritage value or interest to allow consultation with property owner and to correct wording.
  
  Due date: February 20, 2018
  
  New due date: March 20, 2018

- **Item “N”** – That staff be directed to present to the Planning Committee an updated digital sign by-law.
  
  Due date: February 20, 2018
  
  New due date: April 17, 2018

- **Item “P”** - That staff be directed to report back on how to revise Council’s current policy respecting OMB appeals for non-decision to ensure the public has the opportunity to provide input
  
  Due date: February 20, 2018
  
  New due date: April 17, 2018

- **Item “BB”** - Staff to report back on Class 4 Noise receptor status for Downtown Secondary Plan and/or broader city-wide policy.
  
  Due date: February 6, 2018
  
  New due date: April 3, 2018

- **Item “DD”** - That the appropriate City of Hamilton staff be requested to address the issue of declining establishments paying into the Paid Duty program in Hess Village and report back to the Planning
Committee 45 days before the start of the 2018 Paid Duty season with solutions.
Due date: February 20, 2018
New due date: March 20, 2018

(b) That the following Items be identified as complete and be removed:

Item “L” – Staff to report back with periodic updates re: progress on capturing illegal businesses and increase in licensed businesses. (Item 5.2 on this agenda)

Item “Q” – That staff report back on the number of Minor Variance applications in the AEGD with an assessment as to whether or not the refund program should be continued in December, 2017. (Item 8.4 on this agenda)

Item “AA” – That staff be directed to report to the Planning Committee as to whether or not the Licensing Division is able to continue to licence rental properties without the resources requested (Item 5.1 on this agenda)

CARRIED

(j) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Bill 139, Building Better Communities and Conserving Watersheds Act, 2017 - Ontario Proposed Changes to the Land Use Planning and Appeals System (LS16027(c)/PED16237(b)) (City Wide) (Item 12.1)

(ii) Application for Official Plan Amendment and Zoning By-law Amendments for Lands Located at 860 Queenston Road (OMB Case No. PL170282) (LS18010) (Ward 9) (Added Item 12.2)

(Conley/Collins)
That Committee move into Closed Session to discuss Items 12.1 and 12.2 pursuant to Section 8.1, Sub-sections (e) and (f) of the City’s Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

Committee reconvened in Open Session at 3:33 p.m.

For disposition of these matters, refer to Items 20 and 21.
(k) **ADJOURNMENT (Item 13)**

(Green/B. Johnson)  
That, there being no further business, the Planning Committee be adjourned at 3:35 p.m.

CARRIED

Respectfully submitted,

Councillor A. Johnson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk
**INFORMATION REPORT**

<table>
<thead>
<tr>
<th>TO:</th>
<th>Chair and Members Planning Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMITTEE DATE:</td>
<td>February 20, 2018</td>
</tr>
<tr>
<td>WARD(S) AFFECTED:</td>
<td>Ward 15</td>
</tr>
<tr>
<td>PREPARED BY:</td>
<td>Brynn Nheiley 905-546-2424 Ext. 4283</td>
</tr>
<tr>
<td>SUBMITTED BY:</td>
<td>Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department</td>
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<td>SIGNATURE:</td>
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**Council Direction:**

In accordance with the provisions of the *Planning Act* in effect at the time of the application, specifically subsections 17 (40), 17 (40.1), 22 (7), 34 (11) and 51 (34), an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Application may be appealed to the Ontario Municipal Board (OMB) after 270 days (Official Plan Amendment Application), 120 days (Zoning By-law Amendment Application) and 180 days (Plan of Subdivision Application) if Council has not made a decision on the Application. These regulations and timelines are based on the *Planning Act* prior the Royal Assent of Bill 139 on December 12, 2017 which will amend the *Planning Act*.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council’s policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OMB.

The following information is provided for Planning Committee’s information with regards to Urban Hamilton Official Plan Amendment Application UHOPA-13-008, Zoning By-law...
Amendment Application ZAC-13-039 and Plan of Subdivision Application 25T-201306, which have been appealed to the OMB for lack of decision.

Information:

The subject lands municipally known as 111 Parkside Drive are located on the north side of Parkside Drive. The site is accessed via Sadielou Boulevard (see location map attached as Appendix “A” to Report PED18037). The Applicant is Metropolitan Consulting Incorporated.

The subject lands are surrounded to the north by agricultural lands, including an Environmentally Sensitive Area and Provincially Significant Wetland, to the east by agricultural lands which have received Draft Plan Approval, and to the west by agricultural lands and an easement for Imperial Oil Limited. To the south are lands developed by Silverwood Homes (Owner), in Phase 1 (25T-200621), including reserved neighbourhood park space, semi detached dwellings and townhouses. These Applications are considered to be Phase 2 / 3 of the development of lands owned by Silverwood Homes (Owner).

The subject lands make up an irregular shaped site with a frontage of 205 m, an area of 7.27 ha to the south of Borer’s Creek and 14 ha located north of Borer’s Creek (see Draft Plan of Subdivision attached as Appendix “B” to Report PED18037).

Background:

These Applications were predated by the Flamborough Official Plan Amendment Application (OPA-12-016), Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application (ZAC-12-041) and Draft Plan of Subdivision Application (25T-200621), which proposed to construct the following:

- Blocks 1-3: a mix of semi detached units, duplexes and / or street townhouses and back-to-back townhouses at a density of 70 to 100 residential units per net residential hectare;
- Block 4: a mix of multiple dwelling units, including townhouses, apartments and other forms of multiple dwellings to a maximum of 15 storeys, at a density of 100 to 125 residential units per net residential hectare, accessed via a public local road;

- Lands to the north of the future public east-west arterial road including Borer’s Creek and Environmentally Sensitive Areas with buffering setbacks to be preserved; and,

- Lands to the north of the Environmentally Sensitive Areas are located outside of the Urban Boundary, in the rural area, and were not included for development in these Applications. However, these Applications proposed to access these lands via a public local road, identified as Street “A”, which crosses Borer’s Creek and the Environmentally Sensitive Areas.

Chronology:


February 28, 2011: Formal Consultation Document sent to Applicant.


October 23, 2012: Notice of Incomplete Application sent to Applicant.

July 29, 2013: Email to Applicant indicating expiry of FC-10-131.

September 4, 2013: Memo from Applicant indicating Traffic Impact Study condition of FC-10-131 was complete, and requesting that further Formal Consultation be waived.

September 6, 2013: Application submitted for 25T-200621. This application replaced the prior applications of September 24, 2012.

September 12, 2013: Application submitted for OPA-13-008, ZAC-13-039. This application replaced the prior applications of September 24, 2012.

October 4, 2013: Applications deemed complete.

October 8, 2013: Notice of Complete Applications sent to Applicant.

These Applications were circulated to Agencies and Departments and a range of comments were received. The most significant issue was the proposed crossing of the

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Environmentally Sensitive Area by Street “A” and the proposed extension of that street past the Urban Boundary into the rural area.

January 29, 2014: Applicant submitted a revised Draft Plan of Subdivision, subject to this Appeal to the Ontario Municipal Board.

Applications:

Official Plan Amendment Application, as revised on January 29, 2014:

The purpose of this Application is to permit the redesignation of two (2) blocks comprising 0.95 hectares between McCurdy Avenue and the proposed future public east-west arterial road, from Low Density Residential 2 to the Medium Density Residential 4 designation. This change is proposed to allow the blocks to be developed with a mix of housing types to permit higher density forms of development in the range of 70-100 units per hectare.

In addition, the Official Plan Amendment Application is required to permit the building height in the High Density Residential 1 designation (Block 3) to be approximately 18 storeys (55m), whereas the maximum permitted building height in this designation is 15 storeys.

Zoning By-law Amendment Application, as revised on January 29, 2014:

The purpose of this Application is to amend the Flamborough Zoning By-law No. 90-145-Z for lands which are part of the proposed Draft Plan of Subdivision in order to permit the following:

- medium density residential blocks which may include street townhouses, townhouses, back-to-back townhouses, stacked townhouses and apartment buildings within a Site-specific Medium Density Residential “R6” Zone (Blocks 1 and 2). Specific provisions are proposed in the draft amending by-law for various housing forms to address minimum setbacks, densities, maximum building height, required planting strips, and maximum yard encroachments, among other things; and,

- a medium-high density residential block which may include townhouses, back-to-back townhouses and apartments (up to 18 storeys) within a Site-specific Medium-High Density Residential “R7” Zone (Block 3). Specific provisions are proposed in the draft amending by-law for various housing forms to address setbacks, densities,
maximum building height, required planting strips, and maximum yard encroachments, among other things.

Draft Plan of Subdivision (25T-201306), as revised on January 29, 2014:

The purpose of the Draft Plan of Subdivision Application is to establish Phase 2 / 3 of the development for lands owned by Silverwood Homes which are situated adjacent to, and north of the future east-west arterial.

The proposed Draft Plan of Subdivision consists of the following:

- Blocks 1 and 2: comprising 0.95 hectares (instead of 0.84 hectares of the previous Application) for street townhouses, townhouses, back-to-back townhouses, stacked townhouses and apartment buildings, permitting up to 125 units per hectare, located south of the future public east-west arterial road;

- Block 3: 2.86 hectares (instead of 1.99 hectares of the previous Application) for street townhouses, townhouses, back-to-back townhouses, stacked townhouses and apartment buildings, permitting up to 175 units per hectare, located north of the future public east-west arterial road; and,

- Extend Sadielou Boulevard from McCurdy Road to provide direct access to the east-west arterial.

- This revision addressed concerns of Street “A” by eliminating the proposed street.

This revision was recirculated with comments forwarded to the Applicant beginning May 13, 2014. Comments from the Hamilton Conservation Authority were delayed by flood control work on Borer’s Creek which would impact the Application. These comments were provided by the Applicant on July 28, 2015. Comments included, but were not limited to:

- Stormwater management measures require more information for assessment;

- A hydrogeological report is required to demonstrate no negative impacts to public stormwater systems or to the Environmentally Sensitive Area;

- Updated delineations of the flood and erosion hazard limits and wetland boundaries on the plans and drawings are required; and,
The revised Environmental Impact Assessment was unchanged from previous applications and was therefore unable to be assessed.

Staff followed up with the Applicant on three (3) occasions to seek responses or revisions based on the comments that were provided:

- January 20, 2015;
- February 19, 2015; and,
- September 9, 2015.

No response or revisions were received by Staff until September 19, 2017, when City Staff became aware that representation of Silverwood Homes (Owner) had changed from Metropolitan Consulting Inc. (Applicant), to WEBB Planning Consultants Inc. On October 19, 2017 WEBB Planning Consultants Inc. submitted a new concept plan for consideration, and met with City Staff on October 20, 2017. The purpose of the meeting was to determine how to resume the planning process, given the duration of inactivity of the Applications.

The October 19, 2017 concept plan proposes to construct the following:

- Blocks 1-3: not included in concept sketch plan, therefore assumed to be unchanged from previous submission;

- Lands north of the future public east-west arterial road: three (3) buildings of 10 to 12 storeys each, containing 120 dwelling units each, and includes 465 surface parking spots. The proposed density is 126 units per hectare, accessed via two (2) private driveways off of the future public east-west arterial road; and,

- Lands to the north of the future public east-west arterial road, include Borer’s Creek and Environmentally Sensitive Areas with buffering setbacks to be preserved.

Development of land to the north of the Environmentally Sensitive Areas has not been included in this concept. There was a general discussion between Staff and WEBB Planning Consultants Inc. of the necessity to revise any reports or studies that will be impacted by changing the development proposal. To date the Applicant has not submitted any revised documentation, as discussed at the October 20, 2017 meeting.

The appeal to the OMB was received by the City Clerks' office on October 30, 2017, 1511 days after the receipt of the initial Application.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Location Map
Appendix “B”: Draft Plan of Subdivision
Appendix “C”: Appeal Letter

BN:jp
Other Lands owned by Silverwood Homes
October 30, 2017

VIA COURIER

City of Hamilton
Office of the City Clerk
71 Main St. W., 1st Floor
Hamilton, Ontario
L8P 4Y5

Dear Sir/Madam:

Re: Notice of Appeal of Proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, Pursuant to Sections 22(7), 34(11) and 51(34) of the Planning Act, R.S.O. 1990, c. P.13, as amended, respectively

111 Silverwood Drive, City of Hamilton

We are counsel for Silverwood Homes Inc. ("Silverwood") owner of lands municipally known as 111 Silverwood Drive (the "Site"), legally described as Lot 11, Concession 4, in the Town of Flamborough, now the City of Hamilton (the "City"). The Site is located in the Village of Waterdown and physically on the western edge of the Waterdown North Secondary Plan Area.

The Site is rectangular in shape and is approximately 7.27 hectares in size. The total area owned by Silverwood in this location is approximately 32 acres. The larger land holdings have been development in various stages through a draft plan of subdivision process, including required Zoning and Official Plan Amendments. The Site represents Phase 2/3.

On November 8, 2013, the City issued a "Notice of Complete Applications and Preliminary Circulation" (the "Notice"). Three concurrent applications were filed to advance the approvals required for the Phase 2/3 lands consisting of an Official Plan Amendment, a Zoning By-law Amendment and a Subdivision (collectively the "Applications"). The draft plan was revised by submission to the City of a draft plan dated January 29, 2014 and Silverwood seeks the necessary amendments to the applications which will implement that revised draft plan. To date, City Council has failed to adopt the requested Official Plan amendment within 180 days, or to make a decision on the proposed Zoning By-law amendment within 120 days. Similarly, more than 180 days have passed and the City, as the approval authority, has failed to make a decision on the Draft Plan of Subdivision.
Accordingly, on behalf of Silverwood, we hereby appeal the proposed Official Plan amendment and Zoning By-law amendment to the Ontario Municipal Board (the "Board") pursuant to the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act"): in the case of the proposed Official Plan amendment, pursuant to section 22(7) of the Act; in the case of the proposed Zoning By-law pursuant to section 34(11) of the Act. We hereby also appeal the Draft Plan of Subdivision to the Board pursuant to Section 51(34) of the Act.

THE APPLICATIONS

The Site is currently vacant and is used as farmland. The purpose and effect of the Applications are described by the Notice as follows:

The purpose and effect of these Applications are described by the Notice, as follows:

Purpose and Effect of Applications

Official Plan Amendment Application (File No. OPA-13-008)

The purpose and effect of the proposed Official Plan Amendment is to permit Blocks 1, 2 and 3 to be used for the development of medium and higher density housing forms in the range of 70-100 units per hectare, instead of lower density uses as shown on the attached revised draft plan.

Zoning By-law Amendment Application (File No. ZAC-13-039)

The purpose and effect of the proposed Zoning By-law Amendment is to amend the Flamborough Zoning By-law for lands which are part of the proposed draft plan of subdivision in order to permit zoning for the following:

- medium density residential blocks (Blocks 1 and 2) which may include street townhouses, townhouses, back-to-back townhouses and semi-detached dwellings;
- a medium-high density residential block (Block 3) which may include townhouses, back-to-back townhouses and apartments (up to 15 storeys);

Subdivision Application (File No. 25T-201306)

The purpose and effect of the revised proposed draft plan of subdivision is to establish a new phase of development for lands owned by Silverwoods Homes which are situated on both the south side (Phase 2) and the north side (Phase 3) of the future East-West Arterial.
The proposed Draft Plan of Subdivision consists of the following:

- 2 Blocks for Medium Density Residential development (Blocks 1 and 2);
- 1 Block for Medium-High Density Residential for development of up to 125 units per ha. (Block 3);

The concurrent applications for an Official Plan Amendment and Rezoning were to advance a site-specific policy and implementing zoning to permit the intended subdivision layout, including a higher form of development density. The Applications are intended to facilitate a compact form of development and to assist the City in meeting the density requirement as contained in the City's Official Plan.

While Silverwood remains eager and willing to work with the City and interested stakeholders, no decision or direction has been received to conclude on the most reasonable option. Moreover, with the upcoming changes contemplated to the Act, Silverwood has decided to file a "friendly" appeal of the Applications to the Board in order to advance the development.

Despite these three appeals, Silverwood remains prepared to consider appropriate revisions to the proposed redevelopment, once further direction is provided by City Staff and Council. It remains our hope that this matter can be resolved on a consensual basis rather than through a contested Board hearing. However, we are filing the appeals at this stage in the expectation that the Applications for the proposed redevelopment will inevitably end up before the Board in any event, and in order to preserve our clients' place in the hearing queue. Through this hopefully continued consultation process with the City, we expect that refinements to the Draft Plan of Subdivision may be necessary, together with complementary amendments to the other concurrent planning applications.

Finally, while reasons for an appeal from a non-decision are not required under sections 22(7), 34(11) and 51(34) of the Act, we note the following in support of our clients' appeals of the Applications:

1. The proposed redevelopment of the Site is consistent with and conforms to the applicable planning policy framework as noted below:

   (a) The Provincial Policy Statement (2014) ("PPS"), by providing a sustainable land use pattern for the financial well-being of the Province and the Municipality;

   (b) The Provincial Growth Plan for the Greater Golden Horseshoe (2006) ("Growth Plan"), by providing a transit-supportive form of intensification within a built-up
area utilizing existing services and infrastructure. Moreover, it is a pedestrian-friendly site within a transit-oriented corridor, with major roadways and bus routes abutting the subject properties; and

(c) The City's Official Plan, insofar as the proposed higher density mixed-use development will facilitate intensification within the built-up area;

2. From both a land use and urban design standpoint, the proposed redevelopment is compatible with and sensitive to the pattern of existing development within the surrounding area, in terms of the proposed heights, densities, built form, transitional elements and other urban design features. At the same time, it affords an opportunity to significantly improve the built-form and implement the approved policy framework with a high-quality and contemporary urban design.

3. The proposed redevelopment facilitates an appropriate form of land development and represents good land use planning.

4. The proposed Zoning By-law amendments for the Site include appropriate zoning regulations, which collectively eliminate or mitigate any undue impacts on adjoining properties or the surrounding community. Those zoning regulations will form the basis for a detailed site plan review.

5. The proposed redevelopment represents an appropriate level of redevelopment and intensification of the Site. The proposed redevelopment is in keeping with the planning and urban design framework established in the PPS, the Growth Plan, the City's Official Plan and the applicable urban design guidelines.

6. From a land use planning perspective, the proposed redevelopment of the Site promotes the achievement of numerous policy directives supporting intensification within built-up urban area.

7. Such further and other reasons as counsel may advise and the Board may permit.
In satisfaction of the Board's filing requirements, attached please find the following:

1. Three (3) Board appeal forms entitled “Appellant Form (A1)” duly completed and signed in respect of the Official Plan, Zoning, and Draft Plan of Subdivision appeals herein; and

2. One (1) cheque, in the amount of $900.00, payable to the Minister of Finance representing the Board’s filing fees for the three appeals herein.

In the interim, kindly acknowledge the receipt and sufficiency of this letter and advise that the appeals have been forwarded to the Board in accordance with the provisions of sections 22(9) and 34(23) of the Planning Act.

By copy of this letter to the Board, we are requesting that the files on these three related appeals be processed concurrently pending a formal consolidation with one another.

Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact me or Paul Chronis, Senior Planner in our office, at (416) 947-5069 or pchronis@weirfoulds.com.

Yours truly,

Michael J. McQuaid, Q.C.

WeirFoulds LLP

Enclosures

c: Paul Chronis, WeirFoulds LLP

Clients

11028532.1
Instructions for preparing and submitting the Appellant Form (A1)

- **Important:** Do not send your appeal directly to the Ontario Municipal Board (OMB).
  Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority/School Board, as applicable. The notice of decision provided by the municipality/approval authority will tell you where to send the form and appeal fee.

- The Municipality/Approval Authority/School Board will forward your appeal(s) and fee(s) to the OMB.

- We are committed to providing 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 at:
  - Toll free: 1-866-448-2248; or
  - TTY: 1-800-855-1155 via Bell relay

- E-mail is the primary form of communication used by the OMB. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please ensure to include your e-mail address in the space provided on the appeal form.

- A filing fee of $300 is required for each type of appeal you are filing.
  Example: An appeal of an official plan and a zoning by-law would be $300 + $300 for a total fee of $600.

- To view the Fee Schedule, visit the OMB’s website [http://elto.gov.on.ca/omb/fee-chart/].

- The filing fee **must** be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. Do not send cash.

- If you are represented by a solicitor the filing fee may be paid by a solicitor’s general or trust account cheque.

- Professional representation is not required but please advise the OMB if you retain a representative after the submission of this form.

- The *Planning Act, Development Charges Act, Education Act and Ontario Municipal Board Act* are available on the OMB’s website [http://elto.gov.on.ca/omb/legislation-and-regulations/].

- Fields marked with an asterisk (*) are mandatory.
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<th>Type of Appeal</th>
<th>Act Reference (Section)</th>
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<td>Official Plan or Official Plan Amendment</td>
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<td>✓ Council failed to adopt the requested amendment within 180 days</td>
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<td>□ Appeal changed conditions</td>
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<td></td>
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<td></td>
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</tr>
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<td>40.1(4)</td>
</tr>
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<td></td>
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<td>41(4)</td>
</tr>
</tbody>
</table>
## Other Matters

### 2. Location Information

Address and/or Legal Description of property subject to the appeal *

111 Silverwood Drive, Hamilton

Municipality *

City of Hamilton

Upper Tier (Example: county, district, region)

### 3. Appellant/Objector Information

**Note:** You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nesbitt</td>
<td>John G.</td>
<td>Silverwood Homes Inc.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Professional Title</th>
<th>Email Address</th>
<th>Daytime Telephone Number</th>
<th>Alternate Telephone Number</th>
<th>Fax Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td><a href="mailto:jeff.colyer@countrygreenhomes.com">jeff.colyer@countrygreenhomes.com</a></td>
<td>905-693-8525 ext.</td>
<td></td>
<td>905-693-1103</td>
</tr>
</tbody>
</table>

**Mailing Address**

<table>
<thead>
<tr>
<th>Unit Number</th>
<th>Street Number</th>
<th>Street Name</th>
<th>PO Box</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>410</td>
<td>Industrial Drive</td>
<td></td>
</tr>
</tbody>
</table>

City/Town *

Milton

Province *

Ontario

Postal Code *

L9T 5A6

### 4. Representative Information

I hereby authorize the named company and/or individual(s) to represent me

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Company Name</th>
<th>Professional Title</th>
<th>Email Address</th>
<th>Daytime Telephone Number</th>
<th>Alternate Telephone Number</th>
<th>Fax Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>McQuaid</td>
<td>Mike</td>
<td>WeirFoulds LLP</td>
<td>Lawyer</td>
<td><a href="mailto:mcquaid@weirfoulds.com">mcquaid@weirfoulds.com</a></td>
<td>416-365-1110 ext. 5020</td>
<td></td>
<td>416-365-1876</td>
</tr>
</tbody>
</table>

**Mailing Address**

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<tr>
<th>Unit Number</th>
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</thead>
<tbody>
<tr>
<td>4100</td>
<td>66</td>
<td>Wellington Street West</td>
<td></td>
</tr>
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City/Town

Toronto

Province *

Ontario

Postal Code *

M5K 1B7
Note: If you are representing the appellant and are not a solicitor, please confirm that you have written authorization, as required by the OMB’s Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Appeal Specific Information

Municipal Reference Number(s)
OPA-13-008

Outline the nature of your appeal and the reasons for your appeal *
Refer to the attached Notice of Appeal

Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

☐ Oral submissions at a public meeting ☐ Written submissions to council

Planning Act matters only
Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

☐ Yes ☐ No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

☐ Yes ☑ No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

☑ Yes ☐ No ▼

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s)
Zoning and Official Plan concurrently appealed

7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

☐ 1 day ☐ 2 days ☐ 3 days ☐ 4 days ☐ 1 week

☑ More than 1 week ► Please specify number of days

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?

Three
Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)
Planning, Engineering and Traffic

Do you believe this matter would benefit from mediation?
(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)
☐ Yes ☐ No

8. Required Fee
Total Fee Submitted * $ 300
Payment Method * ► ☐ Certified cheque ☐ Money Order ☑ Solicitor's general or trust account cheque

9. Declaration
I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative | Signature of Appellant/Representative | Date (yyyy/mm/dd)
-------------------------------|-----------------------------------|------------------
Michael McQuaid                          | [Signature]                        | 2017/10/30

Personal information requested on this form is collected under the provisions of the Planning Act, R.S.O. 1990, c. P. 13, as amended, and the Ontario Municipal Board Act, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.
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  - Toll free: 1-866-448-2248;
  - TTY: 1-800-855-1155 via Bell relay

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  Example: An appeal of an official plan and a zoning by-law would be $300 + $300 for a total fee of $600.

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- The *Planning Act, Development Charges Act, Education Act and Ontario Municipal Board Act* are available on the OMB’s website [http://elto.gov.on.ca/omb/legislation-and-regulations/].

- Fields marked with an asterisk (*) are mandatory.
1. Appeal Type (Please check all applicable boxes) *

<table>
<thead>
<tr>
<th>Subject of Appeal</th>
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<th>Act Reference (Section)</th>
</tr>
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<tbody>
<tr>
<td>Planning Act Matters</td>
<td></td>
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<tr>
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</tr>
<tr>
<td>☐ Official Plan or Official Plan amendment</td>
<td>☐ Approval Authority failed to make a decision on the plan within 180 days</td>
<td>17(40)</td>
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<tr>
<td>☐ Official Plan or Official Plan amendment</td>
<td>☐ Council failed to adopt the requested amendment within 180 days</td>
<td>22(7)</td>
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<tr>
<td>☐ Official Plan or Official Plan amendment</td>
<td>☐ Council refused the requested amendment</td>
<td></td>
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<tr>
<td>☐ Zoning By-law or Zoning By-law Amendment</td>
<td>☐ Appeal the passing of a Zoning By-law</td>
<td>34(19)</td>
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<tr>
<td>☐ Zoning By-law or Zoning By-law Amendment</td>
<td>☐ Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days</td>
<td>34(11)</td>
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<tr>
<td>☐ Zoning By-law or Zoning By-law Amendment</td>
<td>☐ Application for an amendment to the Zoning By-law – refused by the municipality</td>
<td></td>
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<tr>
<td>☐ Interim Control Zoning By-law</td>
<td>☐ Appeal the passing of an Interim Control By-law</td>
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<td>☐ Minor Variance</td>
<td>☐ Appeal a decision of the Committee of Adjustment that approved or refused the application</td>
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<td>☐ Consent/Severance</td>
<td>☐ Appeal a decision that approved or refused the application</td>
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<td>☐ Consent/Severance</td>
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<td>☑ Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days</td>
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<td>☐ Plan of Subdivision</td>
<td>☐ Appeal a decision of an Approval Authority that approved a plan of subdivision</td>
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<td>☐ Plan of Subdivision</td>
<td>☐ Appeal a lapping provision imposed by an Approval Authority</td>
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<tr>
<td>☐ Plan of Subdivision</td>
<td>☐ Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)</td>
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<tr>
<td>☐ Plan of Subdivision</td>
<td>☐ Appeal changed conditions</td>
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<tr>
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<td><strong>Development Charges Act Matters</strong></td>
<td><strong>Development Charge Act</strong></td>
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<td>☐ Appeal a Development Charge By-law</td>
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<td>☐ Appeal an amendment to a Development Charge By-law</td>
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<td></td>
<td>☐ Appeal municipality’s decision regarding a complaint</td>
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<tr>
<td></td>
<td>☐ Failed to make a decision on the complaint within 60 days</td>
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<td>☐ Objection to a front-ending agreement</td>
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<td>☐ Objection to an amendment to a front-ending agreement</td>
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<td><strong>Education Development Act</strong></td>
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<td>☐ Appeal an Education Development Charge By-law</td>
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<td>☐ Appeal an amendment to an Education Development Charge By-law</td>
<td>257.74(1)</td>
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<td>☐ Appeal approval authority’s decision regarding a complaint</td>
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<td><strong>Aggregate Resources Act Matters</strong></td>
<td><strong>Aggregate Removal Act</strong></td>
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<td>☐ One or more objections against an application for a ‘Class A’ aggregate removal licence</td>
<td>11(5)</td>
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<tr>
<td></td>
<td>☐ One or more objections against an application for a ‘Class B’ aggregate removal licence</td>
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<td>☐ Application for a ‘Class A’ licence – refused by Minister</td>
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<tr>
<td></td>
<td>☐ Application for a ‘Class B’ licence – refused by Minister</td>
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<td>☐ Changes to conditions to a licence</td>
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<td>☐ Amendment of site plans</td>
<td>16(8)</td>
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<td>☐ Minister proposes to transfer the licence – applicant does not have licensee’s consent</td>
<td>16(8)</td>
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<td>☐ Minister proposes to refuse transfer of licence – applicant is licensee or has licensee’s consent to transfer</td>
<td>18(5)</td>
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<td>Act/Legislation Name</td>
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Subject of Appeal | Act/Legislation Name | Section Number |
2. Location Information

Address and/or Legal Description of property subject to the appeal *
111 Silverwood Drive, Hamilton

Municipality *
City of Hamilton

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

Note: You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

Last Name
Nesbitt

First Name
John G.

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
Silverwood Homes Inc.

Professional Title
President

Email Address
jeff.colyer@countrygreenhomes.com

Daytime Telephone Number *
905-693-8525

Alternate Telephone Number

Fax Number
905-693-1103

Mailing Address
Unit Number
C
Street Number *
410
Street Name *
Industrial Drive

City/Town *
Milton

Province *
Ontario

Country *
Canada

Postal Code *
M5K 1B6

4. Representative Information

☑️ I hereby authorize the named company and/or individual(s) to represent me

Last Name
McQuaid

First Name
Mike

Company Name
WeirFoulds LLP

Professional Title
Lawyer

Email Address
mcquaid@weirfoulds.com

Daytime Telephone Number
416-365-1110

Alternate Telephone Number
ext. 5020

Fax Number
416-365-1876

Mailing Address
Unit Number
4100
Street Number
66
Street Name
Wellington Street West

City/Town
Toronto

Province
Ontario

Country
Canada

Postal Code
M5K 1B7

Note: If you are representing the appellant and are not a solicitor, please confirm that you have written authorization, as required by the OMB’s Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box

☑️ I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.
5. Appeal Specific Information

Municipal Reference Number(s)
25T-201306

Outline the nature of your appeal and the reasons for your appeal *
Refer to the attached Notice of Appeal

6. Related Matters

Oral/written submissions to council
Did you make your opinions regarding this matter known to council?

☐ Oral submissions at a public meeting  ☐ Written submissions to council

Are there other appeals not yet filed with the Municipality?

☐ Yes  ☑ No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

☑ Yes  ☐ No

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s)
Official Plan and Zoning concurrently appealed

7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

☐ 1 day  ☐ 2 days  ☐ 3 days  ☐ 4 days  ☐ 1 week

☑ More than 1 week  ▶ Please specify number of days

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?

Three

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)
Planning, Engineering and Traffic

Do you believe this matter would benefit from mediation?
(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

☑ Yes  ☐ No
8. Required Fee

| Total Fee Submitted * | $300 |

Payment Method * ▶  [ ] Certified cheque  [ ] Money Order  ✔ Solicitor’s general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

<table>
<thead>
<tr>
<th>Name of Appellant/Representative</th>
<th>Signature of Appellant/Representative</th>
<th>Date (yyyy/mm/dd)</th>
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<tr>
<td>Michael McQuaid</td>
<td></td>
<td>2017/10/30</td>
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- Fields marked with an asterisk (*) are mandatory.
### Appellant Form (A1)

#### 1. Appeal Type (Please check all applicable boxes)

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<thead>
<tr>
<th>Subject of Appeal</th>
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<tr>
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<td></td>
<td>17(36)</td>
</tr>
<tr>
<td>□ Approval Authority failed to make a decision on the plan within 180 days</td>
<td></td>
<td>17(40)</td>
</tr>
<tr>
<td>□ Council failed to adopt the requested amendment within 180 days</td>
<td></td>
<td>22(7)</td>
</tr>
<tr>
<td>□ Council refused the requested amendment</td>
<td></td>
<td></td>
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<tr>
<td>Zoning By-law or Zoning By-law Amendment</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>□ Appeal the passing of an Interim Control By-law</td>
<td></td>
<td>38(4)</td>
</tr>
<tr>
<td>Minor Variance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Appeal a decision of the Committee of Adjustment that approved or refused the application</td>
<td></td>
<td>45(12)</td>
</tr>
<tr>
<td>Consent/Severance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Appeal a decision that approved or refused the application</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Appeal conditions imposed</td>
<td></td>
<td>53(19)</td>
</tr>
<tr>
<td>□ Appeal changed conditions</td>
<td></td>
<td>53(27)</td>
</tr>
<tr>
<td>□ Application for consent – Approval Authority failed to make a decision on the application within 90 days</td>
<td></td>
<td>53(14)</td>
</tr>
<tr>
<td>Plan of Subdivision</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days</td>
<td></td>
<td>51(34)</td>
</tr>
<tr>
<td>□ Appeal a decision of an Approval Authority that approved a plan of subdivision</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Appeal a decision of an Approval Authority that did not approve a plan of subdivision</td>
<td></td>
<td>51(39)</td>
</tr>
<tr>
<td>□ Appeal a lapping provision imposed by an Approval Authority</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Appeal conditions imposed by an Approval Authority</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)</td>
<td></td>
<td>51(43)</td>
</tr>
<tr>
<td>□ Appeal changed conditions</td>
<td></td>
<td>51(48)</td>
</tr>
<tr>
<td>Subject of Appeal</td>
<td>Type of Appeal</td>
<td>Act Reference (Section)</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Development Charge</td>
<td>☐ Appeal a Development Charge By-law</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>☐ Appeal an amendment to a Development Charge By-law</td>
<td>19(1)</td>
</tr>
<tr>
<td>Development Charge</td>
<td>☐ Appeal municipality's decision regarding a complaint</td>
<td>22(1)</td>
</tr>
<tr>
<td></td>
<td>☐ Failed to make a decision on the complaint within 60 days</td>
<td>22(2)</td>
</tr>
<tr>
<td>Front-ending</td>
<td>☐ Objection to a front-ending agreement</td>
<td>47</td>
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<tr>
<td></td>
<td>☐ Objection to an amendment to a front-ending agreement</td>
<td>50</td>
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<tr>
<td>Education</td>
<td>☐ Appeal an Education Development Charge By-law</td>
<td>257.65</td>
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<td>☐ Appeal an amendment to an Education Development Charge By-law</td>
<td>257.74(1)</td>
</tr>
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<td>Education</td>
<td>☐ Appeal approval authority's decision regarding a complaint</td>
<td>257.87(1)</td>
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<tr>
<td></td>
<td>☐ Failed to make a decision on the complaint within 60 days</td>
<td>257.87(2)</td>
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<tr>
<td>Aggregate Resources</td>
<td>☐ One or more objections against an application for a 'Class A' aggregate</td>
<td>11(5)</td>
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<tr>
<td></td>
<td>removal licence</td>
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<tr>
<td></td>
<td>☐ One or more objections against an application for a 'Class B' aggregate</td>
<td></td>
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<tr>
<td></td>
<td>removal licence</td>
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<td></td>
<td>☐ Application for a 'Class A' licence – refused by Minister</td>
<td>11(11)</td>
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<tr>
<td></td>
<td>☐ Application for a 'Class B' licence – refused by Minister</td>
<td></td>
</tr>
<tr>
<td>Aggregate Removal</td>
<td>☐ Changes to conditions to a licence</td>
<td>13(6)</td>
</tr>
<tr>
<td></td>
<td>☐ Amendment of site plans</td>
<td>16(8)</td>
</tr>
<tr>
<td></td>
<td>☐ Minister proposes to transfer the licence – applicant does not have</td>
<td></td>
</tr>
<tr>
<td></td>
<td>licensee's consent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>☐ Minister proposes to refuse transfer of licence – applicant is licensee or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>has licensee’s consent to transfer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>☐ Minister proposes to refuse transfer of licence – applicant does not have</td>
<td></td>
</tr>
<tr>
<td></td>
<td>licensee’s consent to transfer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>☐ Revocation of licence</td>
<td>20(4)</td>
</tr>
<tr>
<td>Municipal Act</td>
<td>☐ Appeal the passing of a by-law to divide the municipality into wards</td>
<td></td>
</tr>
<tr>
<td>Ward Boundary By-law</td>
<td>☐ Appeal the passing of a by-law to redivide the municipality into wards</td>
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<tr>
<td></td>
<td>☐ Appeal the passing of a by-law to dissolve the existing wards</td>
<td></td>
</tr>
<tr>
<td>Ontario Heritage Act</td>
<td>☐ Appeal the passing of a by-law designating a heritage conservation study area</td>
<td>40.1(4)</td>
</tr>
<tr>
<td></td>
<td>☐ Appeal the passing of a by-law designating a heritage conservation district</td>
<td>41(4)</td>
</tr>
<tr>
<td>Other Matters</td>
<td>☐ Subject of Appeal</td>
<td>Act/Legislation Name</td>
</tr>
<tr>
<td></td>
<td>☐ Section Number</td>
<td></td>
</tr>
</tbody>
</table>
## 2. Location Information

Address and/or Legal Description of property subject to the appeal *
111 Silverwood Drive, Hamilton

Municipality *
City of Hamilton

Upper Tier (Example: county, district, region)

## 3. Appellant/Objector Information

**Note:** You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nesbitt</td>
<td>John G.</td>
</tr>
</tbody>
</table>

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
Silverwood Homes Inc.

Professional Title
President

Email Address
jeff.colyer@countrygreenhomes.com

<table>
<thead>
<tr>
<th>Daytime Telephone Number</th>
<th>Alternate Telephone Number</th>
<th>Fax Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>905-693-8525 ext.</td>
<td></td>
<td>905-693-1103</td>
</tr>
</tbody>
</table>

**Mailing Address**

<table>
<thead>
<tr>
<th>Unit Number</th>
<th>Street Number *</th>
<th>Street Name *</th>
<th>PO Box</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>410</td>
<td>Industrial Drive</td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>City/Town *</th>
<th>Province *</th>
<th>Country *</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milton</td>
<td>Ontario</td>
<td>Canada</td>
<td></td>
</tr>
</tbody>
</table>

## 4. Representative Information

[ ] I hereby authorize the named company and/or individual(s) to represent me

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>McQuaid</td>
<td>Mike</td>
</tr>
</tbody>
</table>

Company Name
WeirFoulds LLP

Professional Title
Lawyer

Email Address
mcquaid@weirfoulds.com

<table>
<thead>
<tr>
<th>Daytime Telephone Number</th>
<th>Alternate Telephone Number</th>
<th>Fax Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>416-365-1110 ext.5020</td>
<td></td>
<td>416-365-1876</td>
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</table>

**Mailing Address**

<table>
<thead>
<tr>
<th>Unit Number</th>
<th>Street Number</th>
<th>Street Name *</th>
<th>PO Box</th>
</tr>
</thead>
<tbody>
<tr>
<td>4100</td>
<td>66</td>
<td>Wellington Street West</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City/Town</th>
<th>Province</th>
<th>Country</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toronto</td>
<td>Ontario</td>
<td>Canada</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** If you are representing the appellant and are **not** a solicitor, please confirm that you have written authorization, as required by the OMB’s Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box

[ ] I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.
5. Appeal Specific Information

Municipal Reference Number(s)
OPA-13-008

Outline the nature of your appeal and the reasons for your appeal *
Refer to the attached Notice of Appeal

---

**Oral/written submissions to council**

Did you make your opinions regarding this matter known to council?

- [ ] Oral submissions at a public meeting  
- [ ] Written submissions to council

**Planning Act matters only**

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/were passed on or after July 1, 2016 (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

- [ ] Yes  
- [x] No

6. Related Matters

Are there other appeals not yet filed with the Municipality?

- [ ] Yes  
- [x] No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

- [x] Yes  
- [ ] No

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s)

Zoning and Official Plan concurrently appealed

---

7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

- [ ] 1 day  
- [ ] 2 days  
- [ ] 3 days  
- [ ] 4 days  
- [ ] 1 week

- [x] More than 1 week  

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony? Three

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)

Planning, Engineering and Traffic
Do you believe this matter would benefit from mediation?
(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

☑ Yes   ☐ No

8. Required Fee
Total Fee Submitted * $ 300
Payment Method * ☑ Certified cheque ☐ Money Order ☑ Solicitor’s general or trust account cheque

9. Declaration
I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative
Michael McQuaid

Signature of Appellant/Representative

Date (yyyy/mm/dd)
2017/10/30

Personal information requested on this form is collected under the provisions of the Planning Act, R.S.O. 1990, c. P. 13, as amended, and the Ontario Municipal Board Act, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.
Other Lands owned by Silverwood Homes

Silverwood Homes
Draft Plan of Subdivision
PHASE 2

Corporation of the
The City of Hamilton,
Ontario, Canada

Scale 1:750

Silverwood Homes
410 Industrial Drive
Milton, ON, L9T 5A6, Canada
Phone: (905) 693-8525
Fax: (905) 693-1103

Copyright © Silverwood Homes Inc. 2014
Council Direction:

At the June 16, 2015 Planning Committee, staff were “directed to report back to the Planning Committee with a reporting tool that seeks to monitor applications where the 120 or the 180 day statutory timeframe applies”.

This report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the 120 or the 180 day statutory timeframe provisions of the Planning Act for non-decision appeals.

Policy Implications and Legislative Requirements

Land use planning is guided by the Planning Act, which sets out how land use decisions are made and how and when they can be appealed to the Ontario Municipal Board (OMB). The Planning Act prescribes the situations in which an applicant may file an appeal for Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision for lack of a decision by Council.

For Zoning By-law Amendments, Section 34 (11) of the Planning Act in force at the time of preparation of this report states that:

“Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council refuses or neglects to make a decision on it within 120 days after the receipt by the clerk of the application, any of the following may appeal to the Municipal Board by filing..."
with the clerk of the municipality a notice of appeal, accompanied by the fee prescribed under the *Ontario Municipal Board Act*:

1. The applicant.”

For Official Plan Amendments, Section 17(40) of the *Planning Act* in force at the time of preparation of this report states that:

“If the approval authority fails to give notice of a decision in respect of all or part of a plan within 180 days after the day the plan is received by the approval authority, or within the longer period determined under subsection (40.1), any person or public body may appeal to the Municipal Board with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority, subject to subsection (41.1).”

In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications from 180 days to 270 days.

For Plans of Subdivision, Section 51(34) of the *Planning Act* in force at the time of preparation of this report states that:

“If an application is made for approval of a plan of subdivision and the approval authority fails to make a decision under subsection (31) on it within 180 days after the day the application is received by the approval authority, the applicant may appeal to the Municipal Board with respect to the proposed subdivision by filing a notice with the approval authority, accompanied by the fee prescribed under the *Ontario Municipal Board Act*."

It is noted that Bill 139 (“OMB Reform”) proposes to reverse the non-decision appeal provisions of the *Planning Act* to provide municipalities with additional review time before an appeal can be made. At the time of preparation of this report, Bill 139 has received Royal Assent but had not come into force and effect as proclamation by the Lieutenant Governor had not yet occurred.

**Information:**

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor applications where the applicable 120 day and 180 day statutory timeframe applies. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications. Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result, future tables will
include the extended statutory 270 day timeframe for Official Plan Amendments and a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q2 of 2018.

Attached as Appendix “A” to Report PED18039 is a table outlining the active applications, sorted by Ward, from oldest application to newest. As of January 17, 2018 there were:

- 41 active Official Plan Amendment Applications (including 32 applications submitted after July 1, 2016);
- 75 active Zoning By-law Amendment Applications; and,
- 13 active Plan of Subdivision Applications.

Combined to reflect property addresses, this results in 75 active development proposals. Fifty-two proposals are 2017 files, while 13 proposals are 2016 files and 10 proposals are pre-2016 files.

The average number of days that the applications had been under review was 448 days, with 50 percent of applications being less than 326 days (i.e. the median).

Within 60 to 90 days of February 20, 2018, 20 applications will be approaching the 120 or the 180 day statutory timeframe and will be eligible for appeal. Fifty-five applications have passed the 120 or 180 day statutory timeframe. However, for those thirty-two (32) Official Plan Amendment Applications received after July 1, 2016, a non-decision appeal cannot be made until 270 days have lapsed (these applications are marked with an asterisk on Appendix “A” to Report PED18039).

**Appendices and Schedules Attached:**

Appendix “A”: List of Active Development Applications

JG:jp
# Active Development Applications
(Effective January 17, 2018)

<table>
<thead>
<tr>
<th>File</th>
<th>Address</th>
<th>Ward</th>
<th>Date Received</th>
<th>Date¹ Deemed Incomplete</th>
<th>Date¹ Deemed Complete</th>
<th>120 day cut off (Zoning Application)</th>
<th>180 day cut off (OPA and/or Subdivision Application)</th>
<th>Applicant/ Agent</th>
<th>Days since Received and/or Deemed Complete as of Feb. 20, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>UHOPA-16-11</td>
<td>925 Main St. W. &amp; 150 Longwood Rd. S., Hamilton</td>
<td>1</td>
<td>19-Apr-16</td>
<td>n/a</td>
<td>28-Apr-16</td>
<td>17-Aug-16</td>
<td>16-Oct-16</td>
<td>Urban Solutions Planning &amp; Land Development</td>
<td>672</td>
</tr>
<tr>
<td>ZAC-16-029</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>UHOPA-17-07*</td>
<td>347 Charlton Ave. W., Hamilton</td>
<td>1</td>
<td>16-Jan-17</td>
<td>n/a</td>
<td>31-Jan-17</td>
<td>16-May-17</td>
<td>15-Jul-17*</td>
<td>GSP Group</td>
<td>400</td>
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<td>ZAC-17-018</td>
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</tr>
<tr>
<td>UHOPA-17-18*</td>
<td>644 Main St. W., Hamilton</td>
<td>1</td>
<td>31-Mar-17</td>
<td>n/a</td>
<td>28-Apr-17</td>
<td>29-Jul-17</td>
<td>27-Sep-17*</td>
<td>Urban Solutions Planning &amp; Land Development</td>
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<td>ZAC-17-036</td>
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<tr>
<td>ZAR-17-040</td>
<td>412 Aberdeen Ave., Hamilton</td>
<td>1</td>
<td>27-Apr-17</td>
<td>n/a</td>
<td>26-May-17</td>
<td>25-Aug-17</td>
<td>n/a</td>
<td>Susana Da Silva &amp; Mario Neves</td>
<td>299</td>
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<tr>
<td>UHOPA-17-28*</td>
<td>1190 Main St. W. + 103 &amp; 111 Traymore Ave., Hamilton</td>
<td>1</td>
<td>15-Aug-17</td>
<td>21-Aug-17</td>
<td>10-Oct-17</td>
<td>13-Dec-17</td>
<td>11-Feb-18*</td>
<td>Bousfields Inc.</td>
<td>133</td>
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<tr>
<td>ZAC-17-065</td>
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<td></td>
</tr>
<tr>
<td>File</td>
<td>Address</td>
<td>Ward</td>
<td>Date Received</td>
<td>Date¹ Deemed Incomplete</td>
<td>Date¹ Deemed Complete</td>
<td>120 day cut off (Zoning Application)</td>
<td>180 day cut off (OPA and/or Subdivision Application)</td>
<td>Applicant/Agent</td>
<td>Days since Received and/or Deemed Complete as of Feb. 20, 2018</td>
</tr>
<tr>
<td>------------</td>
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<td>-----------------------------------------------------------------------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td>ZAC-17-008</td>
<td>117 Forest Ave. &amp; 175 Catharine St. S., Hamilton</td>
<td>2</td>
<td>23-Dec-16</td>
<td>n/a</td>
<td>05-Jan-17</td>
<td>22-Apr-17</td>
<td>n/a</td>
<td>Urban Solutions Planning &amp; Land Development</td>
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<tr>
<td>UHOPA-17-08* ZAC-17-019</td>
<td>41 Stuart St., Hamilton</td>
<td>2</td>
<td>20-Jan-17</td>
<td>n/a</td>
<td>06-Feb-17</td>
<td>20-May-17</td>
<td>19-Jul-17</td>
<td>King Stuart Developments Inc.</td>
<td>396</td>
</tr>
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<td>ZAC-17-046</td>
<td>206-208 King St. W., Hamilton</td>
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<td>15-May-17</td>
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<td>19-May-17</td>
<td>12-Sep-17</td>
<td>n/a</td>
<td>A.J. Clarke &amp; Associates Ltd.</td>
<td>281</td>
</tr>
<tr>
<td>UHOPA-17-23* ZAC-17-053</td>
<td>71 Rebecca St, Hamilton</td>
<td>2</td>
<td>15-Jun-17</td>
<td>n/a</td>
<td>14-Jul-17</td>
<td>13-Oct-17</td>
<td>12-Dec-17</td>
<td>Wellings Planning Consultants Inc.</td>
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<td>UHOPA-17-27* ZAC-17-063</td>
<td>163 Jackson St. W.</td>
<td>2</td>
<td>08-Aug-17</td>
<td>21-Aug-17</td>
<td>12-Sep-17</td>
<td>06-Dec-17</td>
<td>11-Mar-18</td>
<td>Bousfields Inc.</td>
<td>161</td>
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<td>UHOPA-17-33* ZAC-17-073</td>
<td>125 -129 Robert St., Hamilton</td>
<td>2</td>
<td>06-Oct-17</td>
<td>30-Oct-17</td>
<td>14-Nov-17</td>
<td>03-Feb-18</td>
<td>04-Apr-18</td>
<td>IBI Group</td>
<td>98</td>
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</table>
## Active Development Applications
### (Effective January 17, 2018)

<table>
<thead>
<tr>
<th>File</th>
<th>Address</th>
<th>Ward</th>
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<th>Applicant/Agent</th>
</tr>
</thead>
<tbody>
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Days since Received and/or Deemed Complete as of Feb. 20, 2018
## Active Development Applications  
(Effective January 17, 2018)

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### Active Development Applications  
(Effective January 17, 2018)

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<td>ZAC-17-076</td>
<td>1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek</td>
<td>11</td>
<td>30-Oct-17</td>
<td>n/a</td>
<td>24-Nov-17</td>
<td>27-Feb-18</td>
<td>28-Apr-18</td>
<td>Glen Schnarr &amp; Associates Inc.</td>
<td>113</td>
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<tr>
<td>25T-201711</td>
<td></td>
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<tr>
<td>RHOPA-17-039*</td>
<td>8475 English Church Rd., Glanbrook</td>
<td>11</td>
<td>10-Nov-17</td>
<td>n/a</td>
<td>17-Nov-17</td>
<td>10-Mar-18</td>
<td>09-May-18</td>
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<tr>
<td>OPA-12-23</td>
<td>491 Springbrook Ave, 851 &amp; 875 Garner Rd. E., Ancaster</td>
<td>12</td>
<td>21-Dec-12</td>
<td>n/a</td>
<td>18-Jan-13</td>
<td>20-Apr-13</td>
<td>19-Jun-13</td>
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<td>1887</td>
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<tr>
<td>ZAC-12-065</td>
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<td>25T-201206</td>
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<td>25T-201602</td>
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<td></td>
<td></td>
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<tr>
<td>UHOPA-16-07</td>
<td>503-518 Garner Rd. W., Ancaster</td>
<td>12</td>
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<td>n/a</td>
<td>26-Feb-16</td>
<td>09-Jun-16</td>
<td>08-Aug-16</td>
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<tr>
<td>ZAC-16-017</td>
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<td></td>
</tr>
<tr>
<td>ZAC-16-048</td>
<td>20 Miller Dr., Ancaster</td>
<td>12</td>
<td>22-Jul-16</td>
<td>n/a</td>
<td>05-Aug-16</td>
<td>19-Nov-16</td>
<td>18-Jan-17</td>
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<tr>
<td>File</td>
<td>Address</td>
<td>Ward</td>
<td>Date Received</td>
<td>Date¹ Deemed Incomplete</td>
<td>Date¹ Deemed Complete</td>
<td>120 day cut off (Zoning Application)</td>
<td>180 day cut off (OPA and/or Subdivision Application)</td>
<td>Applicant/Agent</td>
<td>Days since Received and/or Deemed Complete as of Feb. 20, 2018</td>
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<tr>
<td>UHOPA-17-22*</td>
<td>280 Wilson St. E., Ancaster</td>
<td>12</td>
<td>05-Jun-17</td>
<td>22-Jun-17</td>
<td>23-Aug-17</td>
<td>03-Oct-17</td>
<td>19-Feb-17*</td>
<td>Brenda Khes</td>
<td>181</td>
</tr>
<tr>
<td>ZAC-17-051</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>UHOPA-17-25*</td>
<td>305 Garner Rd. W., Ancaster</td>
<td>12</td>
<td>11-Jul-17</td>
<td>17-Jul-17</td>
<td>08-Aug-17</td>
<td>08-Nov-17</td>
<td>07-Jan-18*</td>
<td>MHBC Planning Limited</td>
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<tr>
<td>ZAC-17-058</td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>ZAC-17-062</td>
<td>45 Secinaro Ave., Ancaster</td>
<td>12</td>
<td>28-Jul-17</td>
<td>n/a</td>
<td>01-Aug-17</td>
<td>25-Nov-17</td>
<td>n/a</td>
<td>T. Johns Consultants Inc.</td>
<td>207</td>
</tr>
<tr>
<td>ZAC-17-066</td>
<td>1274 Mohawk Rd., Ancaster</td>
<td>12</td>
<td>17-Aug-17</td>
<td>n/a</td>
<td>06-Sep-17</td>
<td>15-Dec-17</td>
<td>n/a</td>
<td>T. Johns Consultants Inc.</td>
<td>187</td>
</tr>
<tr>
<td>UHOPA-17-30*</td>
<td>70 Garner Rd. E., Ancaster</td>
<td>12</td>
<td>08-Sep-17</td>
<td>n/a</td>
<td>19-Sep-17</td>
<td>06-Jan-18</td>
<td>07-Mar-18*</td>
<td>Fothergill Planning and Development Inc.</td>
<td>165</td>
</tr>
<tr>
<td>ZAC-17-068</td>
<td></td>
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<tr>
<td>UHOPA-17-32*</td>
<td>35 Londonderry Dr., Ancaster</td>
<td>12</td>
<td>06-Oct-17</td>
<td>n/a</td>
<td>01-Nov-17</td>
<td>03-Feb-18</td>
<td>04-Apr-18*</td>
<td>A.J. Clarke &amp; Associates Ltd.</td>
<td>137</td>
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<tr>
<td>ZAC-17-072</td>
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<tr>
<td>File</td>
<td>Address</td>
<td>Ward</td>
<td>Date Received</td>
<td>Date^1 Deemed Incomplete</td>
<td>Date^1 Deemed Complete</td>
<td>120 day cut off (Zoning Application)</td>
<td>180 day cut off (OPA and/or Subdivision Application)</td>
<td>Applicant/Agent</td>
<td>Days since Received and/or Deemed Complete as of Feb. 20, 2018</td>
</tr>
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<tr>
<td>ZAC-17-086</td>
<td>449 Springbrook Ave., Stoney Crekk</td>
<td>12</td>
<td>22-Nov-17</td>
<td>n/a</td>
<td>29-Nov-17</td>
<td>22-Mar-18</td>
<td>21-May-18</td>
<td>WEBB Planning Consultants Inc.</td>
<td>90</td>
</tr>
<tr>
<td>ZAR-15-004</td>
<td>64 Hatt St., Dundas</td>
<td>13</td>
<td>02-Dec-14</td>
<td>n/a</td>
<td>02-Jan-15</td>
<td>01-Apr-15</td>
<td>n/a</td>
<td>336477 Ontario Ltd.</td>
<td>1176</td>
</tr>
<tr>
<td>ZAC-17-060</td>
<td>211 York Road, Dundas</td>
<td>14</td>
<td>14-Jul-17</td>
<td>n/a</td>
<td>02-Aug-17</td>
<td>11-Nov-17</td>
<td>n/a</td>
<td>Wellings Planning Consultants Inc.</td>
<td>221</td>
</tr>
<tr>
<td>ZAC-17-064</td>
<td>655 Cramer Rd., Flamborough</td>
<td>14</td>
<td>09-Aug-17</td>
<td>n/a</td>
<td>17-Aug-17</td>
<td>07-Dec-17</td>
<td>n/a</td>
<td>A.J. Clarke &amp; Associates Ltd.</td>
<td>195</td>
</tr>
<tr>
<td>RHOPA-17-37*</td>
<td>1915 Jerseyville Rd. W., Ancaster</td>
<td>14</td>
<td>06-Nov-17</td>
<td>n/a</td>
<td>20-Nov-17</td>
<td>06-Mar-18</td>
<td>05-May-18*</td>
<td>IBI Group</td>
<td>106</td>
</tr>
</tbody>
</table>
### Active Development Applications

(Effective January 17, 2018)

<table>
<thead>
<tr>
<th>File</th>
<th>Address</th>
<th>Ward</th>
<th>Date Received</th>
<th>Date¹ Deemed Incomplete</th>
<th>Date¹ Deemed Complete</th>
<th>120 day cut off (Zoning Application)</th>
<th>180 day cut off (OPA and/or Subdivision Application)</th>
<th>Applicant/Agent</th>
<th>Days since Received and/or Deemed Complete as of Feb. 20, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>RHOPA-17-038* ZAC-17-081</td>
<td>1633 Highway 6, Flamborough</td>
<td>14</td>
<td>08-Nov-17</td>
<td>n/a</td>
<td>21-Nov-17</td>
<td>08-Mar-18</td>
<td>07-May-18*</td>
<td>1685486 ONTARIO INC.</td>
<td>104</td>
</tr>
<tr>
<td>ZAR-11-018</td>
<td>136 &amp; 156 Concession 5 Rd. E., Flamborough</td>
<td>15</td>
<td>15-Mar-11</td>
<td>n/a</td>
<td>08-Apr-11</td>
<td>13-Jul-11</td>
<td>n/a</td>
<td>Fothergill Planning and Development Inc.</td>
<td>2534</td>
</tr>
<tr>
<td>UHOPA-17-06* ZAC-17-016</td>
<td>157 Parkside Dr., Flamborough</td>
<td>15</td>
<td>23-Dec-16</td>
<td>n/a</td>
<td>17-Jan-17</td>
<td>22-Apr-17</td>
<td>21-Jun-17*</td>
<td>MHBC Planning Limited</td>
<td>424</td>
</tr>
</tbody>
</table>

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 & 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 & 270 day timeframe commences the day the application was received.

* In accordance with Section 17 (40.1) of the Planning Act, the City of Hamilton has extended the approval period of Official Plan Amendment applications from 180 days to 270 days (applicable to applications received on or after July 1, 2016).
INFORMATION REPORT

TO: Chair and Members Planning Committee

COMMITTEE DATE: February 20, 2018

SUBJECT/REPORT NO: One Year Pilot Program for Yard Maintenance Related By-laws in the McMaster Neighbourhoods (PED16260(a)) (Ward 1) (Outstanding Business List Item)

WARD(S) AFFECTED: Ward 1

PREPARED BY: Kelly Barnett (905) 546-2424 Ext. 1344

SUBMITTED BY: Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department

SIGNATURE: 

Council Direction:

City Council, at its meeting held on December 14, 2016 approved the following Motion:

“(a) That staff be directed to expand the current Mohawk College Co-op Student program by hiring two additional students for enforcement of the one year pilot program for yard maintenance related by-laws in the McMaster neighbourhoods, based on full cost recovery through Fee for Inspection charges for non-compliant properties;

(b) That two required vehicles, for use by the Mohawk College Co-op Students to enforce yard maintenance related by-laws in the McMaster neighbourhoods, to be funded from Capital Reinvestment Reserves (Area Rating) at an estimated one-time cost of $50,000 ($25,000 each), be approved;

(c) That, as part of the one year pilot program for enforcement of yard maintenance related bylaws in the McMaster neighbourhoods, the Mohawk College Co-op Students be directed to collect baseline data in order to assist in determining adequate, permanent yard maintenance by-law enforcement resource requirements for the McMaster neighbourhoods;
(d) That one Parking Control Officer be redeployed to proactively address parking issues in the McMaster neighbourhoods; and, (e) That staff be directed to report back to the Planning Committee before the end of the 12 month pilot program for enforcement of yard maintenance related by-laws in the McMaster neighbourhoods, with the results of the pilot and recommendations for permanent by-law enforcement resource requirements for the McMaster neighbourhoods;

(e) That staff be directed to report back to the Planning Committee before the end of the 12 month pilot program for enforcement of yard maintenance related by-laws in the McMaster neighbourhoods, with the results of the pilot and recommendations for permanent by-law enforcement resource requirements for the McMaster neighbourhoods."

This Report provides the results of the 12 month pilot program.

Information:

Pilot Program Efforts and Results

Two Mohawk College Co-op Students were hired and started on January 9, 2017. After extensive training with Municipal Law Enforcement Officers they began working as Student Officers in various neighbourhoods that surround McMaster University. Initially they concentrated on being visible in the community, building relationships with property owners and occupants and providing education on by-laws and violations which continued for the duration of the program. The Student Officers worked with McMaster University's Student Community Support Network on by-law educational initiatives by participating in student information sessions and appearing in an educational video.

Student Officers reactively and proactively investigated properties and enforced yard maintenance related by-law violations. The following is a summary of the types of by-law violations and the enforcement results.

<table>
<thead>
<tr>
<th>Violation</th>
<th>Orders Issued Term 1</th>
<th>Orders Issued Term 2</th>
<th>Orders Issued Term 3</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long Grass / Weeds</td>
<td>NA</td>
<td>211</td>
<td>15</td>
<td>226</td>
</tr>
<tr>
<td>Garbage / Debris</td>
<td>129</td>
<td>82</td>
<td>109</td>
<td>320</td>
</tr>
<tr>
<td>Long Grass / Weeds &amp; Garbage / Debris</td>
<td>NA</td>
<td>90</td>
<td>19</td>
<td>109</td>
</tr>
<tr>
<td>Snow and Ice</td>
<td>88</td>
<td>NA</td>
<td>67</td>
<td>155</td>
</tr>
<tr>
<td>Improper Storage of Waste Collection Containers</td>
<td>91</td>
<td>2</td>
<td>31</td>
<td>124</td>
</tr>
<tr>
<td>Bulk Items at Curb</td>
<td>18</td>
<td>25</td>
<td>39</td>
<td>82</td>
</tr>
</tbody>
</table>
Student Officers’ combined salaries totalled $48,608 and Fee for Inspection charges for non-compliant properties totalled $62,943 for the 12 month pilot program making it a full cost recovery program. However, staff will have to continually monitor as it may not continue to be full cost recovery should our main goal of compliance continue to improve and/or violations decrease in the areas around McMaster University. The actions of Student Officers issuing Orders provided an average voluntary compliance rate of 74%. Many of the violations would never have been reported and/or resolved without the proactive enforcement done by Student Officers.

To address parking concerns, Parking Control Officers utilized proactive enforcement as well as responded to specific complaints. From January 1, 2017 until December 31, 2017 a total of 9,260 Parking Penalty Notices were issued (proactive and reactive enforcement) with a value of $293,932 as well as 717 complaints were addressed. Parking Control Officers are continuing with this enforcement strategy in 2018.

An Information Update, attached as Appendix “A” to this Report, was sent to Mayor and Members of City Council on September 26, 2017 which provided an early update on the effectiveness of the pilot project from January 9, 2017 to August 31, 2017.

Subsequently City Council, at its meeting held on October 11, 2017 approved Item 9.2 of Planning Committee Report 17-016 which directed staff to expand the program based on early results by hiring two additional Mohawk College Co-op Students and to make the program permanent. Four Mohawk College Co-op Students started on January 15, 2018.

The item respecting the 12 month pilot program for enforcement of yard maintenance related by-laws in the McMaster neighbourhoods be identified as complete and removed from the Planning Committee Outstanding Business List.

**Appendices and Schedules**

Appendix “A”: Information Update - September 26, 2017

KL/KB/st
INFORMATION UPDATE

TO: Mayor and Members
   City Council

DATE: September 26, 2017

SUBJECT/REPORT NO: One Year Pilot Program for Yard Maintenance Related By-laws in the McMaster Neighbourhoods (Ward 1)

WARD(S) AFFECTED: Ward 1

SUBMITTED BY: Ken Leendertse
   Director, Licensing and By-law Services
   Planning and Economic Development

SIGNATURE: [Signature]

City Council, at its meeting held on December 14, 2016, directed staff to expand the current Mohawk College Co-op Student program by hiring two additional students for a one year pilot program for enforcement of yard maintenance related by-laws in the McMaster neighbourhoods, based on full cost recovery, through Fee for Inspections charges for non-compliant properties.

This report is to provide an update on the effectiveness of the pilot project from January 9, 2017 - August 31, 2017.

The Student Officers started by going door to door handling out pamphlets and educating property owners and occupants on the purpose of the pilot program, various yard maintenance related by-laws and violations. In the first two months they patrolled 34 streets in the McMaster neighbourhood attended approximately 1,100 houses and became very visible in the community.

In addition to providing on-going education, Student Officers have been proactively and reactively inspecting properties and taking the appropriate enforcement actions when violations have been determined. The following is a summary of the Orders issued:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Orders Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long Grass and Weeds</td>
<td>211</td>
</tr>
<tr>
<td>Garbage and Debris</td>
<td>211</td>
</tr>
<tr>
<td>Long Grass and Weeds / Garbage and Debris</td>
<td>90</td>
</tr>
</tbody>
</table>

OUR Vision: To be the best place to raise a child and age successfully.
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.
**SUBJECT:** One Year Pilot Program for Yard Maintenance Related By-laws in the McMaster Neighbourhoods (Ward 1)  

<table>
<thead>
<tr>
<th>Snow and Ice</th>
<th>88 *not many snow events</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improper Storage of Waste Collection Containers</td>
<td>93</td>
</tr>
<tr>
<td>Bulk Items at Curb</td>
<td>43</td>
</tr>
<tr>
<td><strong>Total Orders Issued</strong></td>
<td><strong>736</strong></td>
</tr>
</tbody>
</table>

The voluntary compliance rate on Orders issued was approximately 75% and the total amount of Fee for Inspection charges for non-compliant properties was $49,895.00. Student Officer salaries for this time period was $26,936.

Student Officers have noticed an overall improvement in property yard maintenance conditions since starting this program and have received very positive comments from property owners and occupants.

Although early results prove this pilot program to be a success staff will report back to the Planning Committee in January 2018 once the final evaluation has been completed.

Should you have any questions respecting this communication, please contact Kelly Barnett, Manager, Service Delivery by email or at Ext. 1344.

KB/KL/st
TO: Chair and Members
Planning Committee

COMMITTEE DATE: February 20, 2018

SUBJECT/REPORT NO: Expanding Administrative Penalty System (APS) to Include Business Licensing By-law 07-170 and Noise Control By-law 11-285 (PED18047) (City Wide)

WARD(S) AFFECTED: City Wide

PREPARED BY: Luis Ferreira
(905) 546-2424 Ext. 3087

SUBMITTED BY: Ken Leendertse
Director, Licensing and By-law Services
Planning and Economic Development Department

SIGNATURE:

RECOMMENDATION

(a) That the Administrative Penalty By-law 17-225 (APS) be amended to include the General Provisions of the Business Licensing By-law 07-170 (Licensing By-law) by adding Table 10 to Schedule A, in accordance with the amending by-law attached as Appendix “A”, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the Administrative Penalty By-law 17-225 (APS) be amended to include the Noise Control By-law 11-285 (Noise By-law) by adding Table 11 to Schedule A, in accordance with the amending by-law attached as Appendix “B”, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

At its meeting of September 27, 2017 Council approved Item 3 of Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws. Staff is ready to introduce the Licensing By-law and Noise By-law. This will transfer Part I Tickets issued annually under the Provincial Offences Act to the municipality as an Administrative Penalty Notice. This approach aids in reducing congestion in the Courts, as well as providing a more local, accessible and less adversarial dispute resolution process.
This system has been adopted by numerous municipalities that have experienced several benefits, including: improving service excellence, enhancing staff efficiencies and effectiveness, supporting operational cost recovery and autonomy over infraction penalty amounts as contained in s. 434.1(3) of the Municipal Act, 2001.

APS also provides greater control over the dispute resolution process of Administrative Penalty Notices (APN) through a quasi-judicial process with the Hearing Officers having final and binding authority over the matter.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing / Legal: N/A

HISTORICAL BACKGROUND

In 2007, amendments to the Municipal Act, 2001 provided statutory authority for municipalities to implement Administrative Penalties for the enforcement of Parking and Licensing By-laws.

On May 30, 2017, Bill 68 was passed cementing the application of APS to all by-laws enacted under the Municipal Act, 2001.

At its meeting of September 27, 2017, Council approved Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The APS By-law 17-225 will be amended to include the General Provisions of the Licensing By-law 07-170 and Noise By-law 11-285 as Tables 10 and 11 in Schedule A.

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Municipal Act, 2001 authorizes the use of APS for designated by-laws. The City of Hamilton’s APS By-law has been written as such to allow for inclusion of other Municipal By-laws. Staff is seeking approval to include the General Provisions of the Licensing By-law and the Noise By-law to the APS By-law.
This complies with Council’s direction to expand the APS process to by-laws enacted under the Municipal Act, 2001.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation
Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities
Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Our People and Performance
Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: By-law Adding Table 10 – Business Licensing By-law
Appendix “B”: By-law Adding Table 11 – Noise Control By-law

KL/LF/st
CITY OF HAMILTON

BY-LAW NO.

To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

WHEREAS Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No. 17-225;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.

2. Schedule A of By-law No. 17-225 is amended by adding a new Table 10 entitled BY-LAW NO. 07-170 TO LICENSE AND REGULATE VARIOUS BUSINESSES.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</th>
<th>COLUMN 2 SHORT FORM WORDING GENERAL PROVISIONS</th>
<th>COLUMN 3 SET PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>07-170 Sec.1(2)</td>
<td>Engage / carry on any business regulated by this By-law</td>
<td>$300.00</td>
</tr>
<tr>
<td>2</td>
<td>07-170 Sec. 6(6)(a)</td>
<td>Licence holder fail to renew licence before expiry</td>
<td>$100.00</td>
</tr>
<tr>
<td>3</td>
<td>07-170 Sec. 20</td>
<td>fail to deliver licence certificate upon request</td>
<td>$75.00</td>
</tr>
<tr>
<td>4</td>
<td>07-170 Sec. 20</td>
<td>fail to deliver licence plate upon request</td>
<td>$75.00</td>
</tr>
<tr>
<td>5</td>
<td>07-170 Sec. 20</td>
<td>fail to deliver identification card upon request</td>
<td>$75.00</td>
</tr>
<tr>
<td>6</td>
<td>07-170 Sec. 20</td>
<td>fail to deliver form upon request</td>
<td>$75.00</td>
</tr>
<tr>
<td>7</td>
<td>07-170 Sec. 20</td>
<td>fail to deliver document upon request</td>
<td>$75.00</td>
</tr>
<tr>
<td>8</td>
<td>07-170 Sec. 21(1)</td>
<td>transfer licence without written consent of Director or Council</td>
<td>$100.00</td>
</tr>
<tr>
<td>9</td>
<td>07-170 Sec. 21(3)</td>
<td>use premises / part thereof except as identified on licence certificate or record of application</td>
<td>$200.00</td>
</tr>
<tr>
<td>10</td>
<td>07-170 Sec. 21(3)</td>
<td>use vehicle / cycle / cart except as identified on licence certificate or record of application</td>
<td>$200.00</td>
</tr>
<tr>
<td>11</td>
<td>07-170 Sec. 21(3)</td>
<td>use cycle / cart for business not authorized by licence</td>
<td>$200.00</td>
</tr>
</tbody>
</table>
To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

TABLE 10:  BY-LAW NO. 07-170 TO LICENSE AND REGULATE VARIOUS BUSINESSES

<table>
<thead>
<tr>
<th>ITEM</th>
<th>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</th>
<th>COLUMN 2 SHORT FORM WORDING GENERAL PROVISIONS</th>
<th>COLUMN 3 SET PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>07-170 Sec. 22(1)(a)</td>
<td>Licensee fail to post licence certificate on premises</td>
<td>$75.00</td>
</tr>
<tr>
<td>13</td>
<td>07-170 Sec. 22(1)(b)</td>
<td>Licensee fail to keep licence certificate posted in position readily seen and read by persons entering</td>
<td>$75.00</td>
</tr>
<tr>
<td>14</td>
<td>07-170 Sec. 22(1)(c)</td>
<td>Licensee fail to remove licence certificate not current</td>
<td>$75.00</td>
</tr>
<tr>
<td>15</td>
<td>07-170 Sec. 23</td>
<td>Licensee fail to keep business premises clean and orderly</td>
<td>$75.00</td>
</tr>
<tr>
<td>16</td>
<td>07-170 Sec. 23</td>
<td>Licensee fail to keep vehicle / cycle / cart authorized for use in business clean</td>
<td>$75.00</td>
</tr>
<tr>
<td>17</td>
<td>07-170 Sec. 23</td>
<td>Licensee fail to keep vehicle / cycle / cart authorized for use in business in safe condition</td>
<td>$300.00</td>
</tr>
<tr>
<td>18</td>
<td>07-170 Sec. 23</td>
<td>fail to keep licensed cycle clean</td>
<td>$75.00</td>
</tr>
<tr>
<td>19</td>
<td>07-170 Sec. 23</td>
<td>fail to keep licensed cycle safe</td>
<td>$100.00</td>
</tr>
<tr>
<td>20</td>
<td>07-170 Sec. 23</td>
<td>fail to keep licensed cart clean</td>
<td>$75.00</td>
</tr>
<tr>
<td>21</td>
<td>07-170 Sec. 23</td>
<td>fail to keep licensed cart safe</td>
<td>$100.00</td>
</tr>
<tr>
<td>22</td>
<td>07-170 Sec. 24</td>
<td>fail to permit inspection of places or premises used for business</td>
<td>$300.00</td>
</tr>
<tr>
<td>23</td>
<td>07-170 Sec. 24</td>
<td>fail to permit inspection of equipment / vehicle / other personal property used for business</td>
<td>$300.00</td>
</tr>
<tr>
<td>24</td>
<td>07-170 Sec. 25</td>
<td>Licensee fail to provide criminal record when required</td>
<td>$75.00</td>
</tr>
<tr>
<td>25</td>
<td>07-170 Sec. 25</td>
<td>Licensee fail to provide further criminal/driving record when required</td>
<td>$75.00</td>
</tr>
<tr>
<td>26</td>
<td>07-170 Sec. 25a</td>
<td>Licence holder fail to immediately advise the Director in writing of change of information</td>
<td>$75.00</td>
</tr>
<tr>
<td>27</td>
<td>07-170 Sec. 26(1)</td>
<td>fail to comply with the Licensing By-law, Schedules and provisions regulating such business</td>
<td>$300.00</td>
</tr>
<tr>
<td>28</td>
<td>07-170 Sec. 26(2)</td>
<td>Licensee fail to comply with conditions of licence</td>
<td>$200.00</td>
</tr>
<tr>
<td>29</td>
<td>07-170 Sec. 26(2)</td>
<td>Licensee cause / permit employee / agent / other persons to fail to comply with conditions of licence</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

PASSED this day of , 2018.

__________________________________________  __________________________________________
Fred Eisenberger                           Rose Caterini
Mayor                                     City Clerk
To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning
Report No.: PED18047
Date: 02/20/2018
Ward(s) or City Wide: City Wide

Prepared by: Luis Ferreira
Phone No: Ext. 3087

For Office Use Only, this doesn't appear in the by-law
CITY OF HAMILTON

BY-LAW NO.

To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

WHEREAS Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

WHEREAS this By-law amends By-law No. 17-225;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.

2. Schedule A of By-law No. 17-225 is amended by adding a new Table 11 entitled BY-LAW NO. 11-285 NOISE CONTROL BY-LAW.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</th>
<th>COLUMN 2 SHORT FORM WORDING</th>
<th>COLUMN 3 SET PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>11-285 Sec. 3(1)(a)</td>
<td>make unreasonable noise</td>
<td>$100.00</td>
</tr>
<tr>
<td>2</td>
<td>11-285 Sec. 3(1)(a)</td>
<td>permit unreasonable noise to be made</td>
<td>$100.00</td>
</tr>
<tr>
<td>3</td>
<td>11-285 Sec. 3(1)(b)</td>
<td>make noise likely to disturb inhabitants</td>
<td>$100.00</td>
</tr>
<tr>
<td>4</td>
<td>11-285 Sec. 3(1)(b)</td>
<td>permit noise likely to disturb inhabitants</td>
<td>$100.00</td>
</tr>
<tr>
<td>5</td>
<td>11-285 Sec. 3(2)(a)</td>
<td>noise from bell</td>
<td>$100.00</td>
</tr>
<tr>
<td>6</td>
<td>11-285 Sec. 3(2)(a)</td>
<td>noise from horn</td>
<td>$100.00</td>
</tr>
<tr>
<td>7</td>
<td>11-285 Sec. 3(2)(a)</td>
<td>noise from siren</td>
<td>$100.00</td>
</tr>
<tr>
<td>8</td>
<td>11-285 Sec. 3(2)(a)</td>
<td>noise from warning device</td>
<td>$100.00</td>
</tr>
<tr>
<td>9</td>
<td>11-285 Sec. 3(2)(b)</td>
<td>noise from condition of disrepair</td>
<td>$100.00</td>
</tr>
<tr>
<td>10</td>
<td>11-285 Sec. 3(2)(b)</td>
<td>noise from condition of maladjustment</td>
<td>$100.00</td>
</tr>
<tr>
<td>11</td>
<td>11-285 Sec. 3(2)(c)</td>
<td>noise from radio clearly audible 8 meters from vehicle</td>
<td>$100.00</td>
</tr>
<tr>
<td>12</td>
<td>11-285 Sec. 3(2)(c)</td>
<td>noise from amplifier clearly audible 8 meters from vehicle</td>
<td>$100.00</td>
</tr>
<tr>
<td>13</td>
<td>11-285 Sec. 3(2)(c)</td>
<td>noise from speaker clearly audible 8 meters from vehicle</td>
<td>$100.00</td>
</tr>
<tr>
<td>14</td>
<td>11-285 Sec. 3(2)(c)</td>
<td>noise from similar device clearly audible 8 meters from vehicle</td>
<td>$100.00</td>
</tr>
</tbody>
</table>
To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

TABLE 11: BY-LAW NO. 11-285 NOISE CONTROL BY-LAW

<table>
<thead>
<tr>
<th>ITEM</th>
<th>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</th>
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<th>COLUMN 3 SET PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>11-285 Sec. 3(2)(d)(i)</td>
<td>noise from radio projected into public place for advertising purpose</td>
<td>$100.00</td>
</tr>
<tr>
<td>16</td>
<td>11-285 Sec. 3(2)(d)(i)</td>
<td>noise from amplifier projected into public place for advertising purpose</td>
<td>$100.00</td>
</tr>
<tr>
<td>17</td>
<td>11-285 Sec. 3(2)(d)(i)</td>
<td>noise from speaker projected into public place for advertising purpose</td>
<td>$100.00</td>
</tr>
<tr>
<td>18</td>
<td>11-285 Sec. 3(2)(d)(i)</td>
<td>noise from similar device projected into public place for advertising purpose</td>
<td>$100.00</td>
</tr>
<tr>
<td>19</td>
<td>11-285 Sec. 3(2)(d)(ii)</td>
<td>noise from radio clearly audible at point of reception</td>
<td>$100.00</td>
</tr>
<tr>
<td>20</td>
<td>11-285 Sec. 3(2)(d)(ii)</td>
<td>noise from amplifier clearly audible at point of reception</td>
<td>$100.00</td>
</tr>
<tr>
<td>21</td>
<td>11-285 Sec. 3(2)(d)(ii)</td>
<td>noise from speaker clearly audible at point of reception</td>
<td>$100.00</td>
</tr>
<tr>
<td>22</td>
<td>11-285 Sec. 3(2)(d)(ii)</td>
<td>noise from similar device clearly audible at point of reception</td>
<td>$100.00</td>
</tr>
<tr>
<td>23</td>
<td>11-285 Sec. 3(2)(e)</td>
<td>noise from the exhaust of steam engine</td>
<td>$100.00</td>
</tr>
<tr>
<td>24</td>
<td>11-285 Sec. 3(2)(e)</td>
<td>noise from the exhaust of internal combustion engine</td>
<td>$100.00</td>
</tr>
<tr>
<td>25</td>
<td>11-285 Sec. 3(2)(e)</td>
<td>noise from a pneumatic device</td>
<td>$100.00</td>
</tr>
<tr>
<td>26</td>
<td>11-285 Sec. 3(2)(f)</td>
<td>noise from a combustion engine used for recreational purposes for more than 1 hour between 10 pm and 7 am clearly audible</td>
<td>$100.00</td>
</tr>
<tr>
<td>27</td>
<td>11-285 Sec. 3(2)(f)</td>
<td>noise from an electric engine used for recreational purposes for more than 1 hour between 10 pm and 7 am clearly audible</td>
<td>$100.00</td>
</tr>
<tr>
<td>28</td>
<td>11-285 Sec. 3(2)(g)(i)</td>
<td>noise from animal that is persistent and clearly audible at point of reception</td>
<td>$100.00</td>
</tr>
<tr>
<td>29</td>
<td>11-285 Sec. 3(2)(h)</td>
<td>noise from construction clearly audible at point of reception between 10 pm and 7 am</td>
<td>$100.00</td>
</tr>
<tr>
<td>30</td>
<td>11-285 Sec. 3(2)(h)</td>
<td>noise from loading clearly audible at point of reception between 10 pm and 7 am</td>
<td>$100.00</td>
</tr>
<tr>
<td>31</td>
<td>11-285 Sec. 4(a)</td>
<td>Make / permit noise that contravenes Noise Pollution Control Publication</td>
<td>$350.00</td>
</tr>
<tr>
<td>32</td>
<td>11-285 Sec. 4(b)</td>
<td>make / permit noise that contravenes a permission under federal / provincial legislation</td>
<td>$350.00</td>
</tr>
</tbody>
</table>

PASSED this day of , 2018.

__________________________________________  ________________________________________
Fred Eisenberger                           Rose Caterini
Mayor                                      City Clerk
To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

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<tr>
<td>Committee: Planning</td>
</tr>
<tr>
<td>Ward(s) or City Wide: City Wide</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Prepared by: Luis Ferreira</th>
<th>Phone No: Ext. 3087</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Office Use Only, this doesn't appear in the by-law</td>
<td></td>
</tr>
</tbody>
</table>
TO: Chair and Members Planning Committee

COMMITTEE DATE: February 20, 2018

SUBJECT/REPORT NO: Application for Approval of a Draft Plan of Condominium (Vacant Land) for Lands Located at 231 York Road, Dundas (Ward 13) (PED18043)

WARD(S) AFFECTED: Ward 13

PREPARED BY: Daniel Barnett (905) 546-2424 Ext. 4445

SUBMITTED BY: Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

SIGNATURE:

RECOMMENDATION

That Draft Plan of Condominium Application 25CDM-201615, by Recchia Developments, Owner, to establish a Draft Plan of Condominium (Vacant Land) to create a vacant land condominium for six (6) single detached dwellings and a common element road with five (5) visitor parking spaces, sidewalks and landscaping, on lands located at 231 York Road (Dundas), as shown on Appendix “A” to Report PED18043, be APPROVED, subject to the following conditions:

a) That the approval for Draft Plan of Condominium (Vacant Land) application, 25CDM-201615, prepared by Mathews, Cameron, Heywood – Kerry T. Howe Surveying Limited, certified by Dasha Page O.L.S, dated December 4, 2017, and consisting of six (6) single detached dwellings, a common element condominium road and five (5) visitor parking spaces, sidewalks and landscaping, attached as Appendix “B” to Report PED18043; and,

b) That the conditions of Draft Plan of Condominium Approval attached as Appendix “C” to Report PED 18043 be received and endorsed by City Council.

EXECUTIVE SUMMARY

The purpose of the Draft Plan of Condominium application is to establish a vacant land condominium for six (6) single detached dwellings and a common element road with five (5) visitor parking spaces, as shown on Appendix “B” to Report PED18043, as per
conditionally approved Site Plan Control Application DA-17-136. This Condominium application will provide the requested form of tenure for the single detached dwellings. The proposed Draft Plan of Condominium has merit, and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan (UHOP).

**Alternatives for Consideration – See Page 15**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: None

Staffing: None

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Draft Plan of Condominium (Vacant Land).

**HISTORICAL BACKGROUND**

**Proposal**

The subject property is 0.42 hectares in area, and is located on the north side of York Road between Fieldgate Street and Watsons Lane, in the former Town of Dundas (see Appendix “A” to Report PED18043). The subject property is irregular in shape and has frontage on York Road. The proposal is to establish a private condominium road accessed from York Road on the westerly side of the property. The condominium road will provide access for the six (6) proposed single detached dwellings as well as for five (5) visitor parking spaces, one of which is a barrier free parking space. The proposal includes sidewalks and common landscaped areas.

**Background**

Previous applications were applied for in order to develop the subject property for 18 townhouse dwelling units which was appealed to the Ontario Municipal Board (OMB) for non-decision and was denied by the OMB, and then subsequently for 12 semi detached dwellings which was denied by City Council and the OMB upheld Council’s decision.
Current Proposal

A third proposal for the development of the subject lands for a total of six (6) single detached dwellings was submitted by the owner in 2016. The owner submitted a Minor Variance application to permit a private condominium road to be defined as a public thoroughfare and to permit a parking space to be located within the driveway. The Minor Variance application was heard by the Committee of Adjustment on September 1, 2016. The Committee of Adjustment denied the Minor Variance application and the decision was appealed to the OMB. A settlement was reached in respect to the Minor Variance appeal between the owner and the City of Hamilton to allow the proposed variances, along with an additional variance for a reduction in the northerly side yard setback for Unit 3, subject to the following conditions:

a) The Owner provide a visual barrier (as defined by the Town of Dundas Zoning By-law) at locations where none currently exists along the perimeter of the site, to provide for privacy for abutting property owners and to mitigate any adverse impact of vehicle headlights from the site. The location, design and material of any visual barrier to be provided, will be determined through the Site Plan Control process. The height of any visual barrier to be provided shall be:

   i) At least 1.2 metres, measured from the finished grade of the site, for a visual barrier provided for the purpose of mitigating vehicle headlights from any road or vehicle manoeuvring area on the site; and,

   ii) For all other areas, the maximum height permitted under the City’s Fence By-law No. 10-142, or such lower height as determined by City staff through the Site Plan Control process as necessary to provide for privacy for abutting properties.

b) Where a visual barrier already exists along the perimeter of the site that provides adequate privacy and mitigation of vehicular headlights from the site, no additional visual barrier shall be required at that specific location.

c) Notwithstanding the above, for greater certainty, where any parking area containing five (5) or more parking spaces is provided on the site, the provisions of Section 7.4 of the Dundas Zoning By-law shall prevail over the above.

d) The applicant receives approval of the required associated Site Plan Control and Draft Plan of Condominium applications.

e) The applicant shall submit a revised Functional Servicing Report to the satisfaction of the Manager of Development Approvals.
SUBJECT: Application for Draft Plan of Condominium (Vacant Land) for Lands Located at 231 York Road, Dundas (PED18043) (Ward 13) - Page 4 of 16

f) In the event that the Dundas Zoning By-law is repealed or replaced, the above variances and conditions herein shall survive.

g) That the proposed development be constructed substantially in accordance with the site plan found at Attachment 1 to this Order.

A written decision respecting the settlement was issued by the OMB on September 26, 2017, as shown on Appendix “D” to Report PED18043. The requirements of the settlement have been implemented through the Site Plan Control application and the proposed Plan of Condominium.

The owner applied for Draft Plan of Condominium application 25CDM-201615 on October 11, 2016 and applied for the Site Plan Control application on June 30, 2017. The Site Plan was granted conditional approval on November 16, 2017.

A Building Permit for one (1) of the six (6) proposed single detached dwellings was issued on November 3, 2017. The Building Permit was issued prior to the completion of Site Plan Control on the basis that one single detached dwelling is currently permitted on-site without Site Plan Control or a Plan of Condominium Approval. In addition it should be noted that the applicant was required to complete the review of the grading and drainage control plans and post securities prior to the issuance of the Building Permit.

Chronology:

October 11, 2016: Draft Plan of Condominium Application 25CDM-201615 received.


November 14, 2016: Notice of Complete Application and Preliminary Circulation of Draft Plan of Condominium Application 25CDM-201615 sent to 53 property owners within 120 metres of the westerly half of the subject lands.

December 2, 2016: Revised Notice of Complete Application and Preliminary Circulation of Draft Plan of Condominium Application 25CDM-201615 sent to 64 property owners within 120 metres of the entire subject lands.
December 8, 2016: The Public Notice Sign was posted on the subject property.

June 30, 2017: Site Plan Control Application received.

September 26, 2017: Minor Variance application DN/A-16:266 approved by the OMB.

November 16, 2017: Site Plan Control application DA-17-136 was granted Conditional Approval.

January 24, 2018: The Public Notice Sign was updated to reflect the date and time of the Public Meeting.

February 2, 2018: Notice of Public Meeting was mailed to 64 property owners within 120 m of the subject property.

Details of Submitted Application:

Location: 231 York Road, Dundas

Owner / Applicant: Recchia Developments Inc. c/o Fernando Recchia

Agent: Wellings Planning Consultants Inc. c/o Glenn Wellings

Property Description:
- Lot Area: 4,112.3 sq. m.
- Lot Frontage: 57 m
- Lot Depth: 102 m (Irregular)
- Servicing: Full Municipal Services Available

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Detached Dwelling</td>
<td>“R2” Single Detached Residential Zone</td>
<td></td>
</tr>
</tbody>
</table>
SURROUNDING LAND:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>“R2” Single Detached Residential Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>“R2” Single Detached Residential Zone</td>
</tr>
<tr>
<td>South</td>
<td>Hydro Substation and Open Space Area</td>
<td>“U-FP” Public Utilities Zone</td>
</tr>
<tr>
<td>West</td>
<td>Single Detached Dwellings</td>
<td>“R2” Single Detached Residential Zone</td>
</tr>
</tbody>
</table>

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

PROVINCIAL POLICY STATEMENT (2014):

The Provincial Planning Policy Framework is established through the Planning Act (Section 3) and the Provincial Policy Statement (PPS 2014). The Planning Act requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

As the application for a Draft Plan of Condominium (Vacant Lands) complies with the Official Plan, it is staff’s opinion that the application is:

- Consistent with Section 3 of the Planning Act; and,
- Consistent with the Provincial Policy Statement.

GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2017):

As of July 1, 2017, the policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any Planning decision. The following policies, amongst others, apply to the proposal:

OUR Vision: To be the best place to raise a child and age successfully.
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.
"2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

a) the vast majority of growth will be directed to settlement areas that:
   i. have a delineated built boundary;
   ii. have existing or planned municipal water and wastewater systems; and,
   iii. can support the achievement of complete communities.

c) within settlement areas, growth will be focused in:
   iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
   iv. areas with existing or planned public service facilities.

2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:

a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and public service facilities;

c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and,

d) expand convenient access to:
   i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;

2.2.2 Delineated Built-up Areas

1. By the year 2031, and for each year thereafter, a minimum of 60 percent of all residential development occurring annually within upper- or single-tier municipalities will be within the delineated built-up area."

The application conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017) by focusing growth within the built-up area, contributing to achieving
SUBJECT: Application for Draft Plan of Condominium (Vacant Land) for Lands Located at 231 York Road, Dundas (PED18043) (Ward 13) - Page 8 of 16

a complete community, utilizing existing and planned municipal infrastructure, and providing for development with access to a range of transportation options.

Accordingly, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

**Urban Hamilton Official Plan**

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply with respect to the subject application.

“E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

a) residential dwellings, including second dwelling units and housing with supports.

E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

Low Density Development

E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.

E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.

E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The proposal is to establish a vacant land condominium for six (6) single detached dwellings that will be less than three (3) storeys in height and have a residential density of approximately fifteen (15) units per net hectare. The existing development in the area is comprised of single detached dwellings on large lots. As such, the proposed development will maintain the existing character of the established neighbourhood.
Therefore the proposed use, form, and scale of development comply with the policies of the UHOP.

Natural Heritage

The subject property is located adjacent to a Core Area (Environmentally Significant Area, Provincially Significant Wetland).

"C.2.5.5 New development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section C.2.5.2 to C.2.5.4 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions."

The proposed development is to be located within the footprint of the existing developed area and is also separated from the Core Area by York Road and, except for increased storm water runoff, the development is not expected to have an impact on the Core Area. Also there are trees growing on-site and on the abutting properties and therefore a Tree Protection Plan (TPP) is required. Both Storm Water Management and TPP will be reviewed as part of the Site Plan Control application, which will need to be satisfied prior to the registration of the Draft Plan of Condominium as per Condition No. 2 of Appendix “C” to Report PED18043.

Town of Dundas Zoning By-law No. 3581-86

The subject property is zoned “R2” Single Detached Residential Zone. The “R2” Zone permits single detached residential uses and therefore the use conforms to the Town of Dundas Zoning By-law No. 3581-86.

Minor Variance approval (application No. DN/A-16:266) to permit a private common element condominium road to be defined as a public thoroughfare, to permit a parking space to be located within the driveway, and to permit a reduction in the northerly side yard setback for Unit No. 3 were approved by the OMB on September 26, 2017. These variances to the Town of Dundas Zoning By-law No. 3581-86 are required in order to address By-law conformity issues with respect to the proposed development.

The proposed Draft Plan of Condominium will be required to demonstrate conformity to the Zoning By-law prior to the registration of the Draft Plan of Condominium. This is addressed as Condition No. 1 of Appendix “C” of Report PED18043.
SUBJECT: Application for Draft Plan of Condominium (Vacant Land) for Lands Located at 231 York Road, Dundas (PED18043) (Ward 13) - Page 10 of 16

RELEVANT CONSULTATION

The following internal Departments and external Agencies had no concerns or objections with respect to the proposed applications:

- Recreation Planning, Community and Emergency Services Department;
- Niagara Escarpment Commission;
- Hydro One; and,
- Alectra Utilities (formerly Horizon Utilities).

**Health Protection Division, Public Health Services Department**, identified that a pest control plan focusing on rats and mice be developed and implemented for the construction / development phase. This requirement is being addressed as a condition of Site Plan Control, which will need to be satisfied prior to the registration of the Draft Plan of Condominium as per Condition No. 2 of Appendix “C” to Report PED18043.

**Canada Post** advised mail delivery service to the development will be provided through a centralized Community Mail Box. Additionally prospective purchasers and tenants need to be advised that mail services will be provided by way of a centralized Community Mail Box and the location of this mail box. These requirements have been included as Condition Nos. 3 b), c) and d) of Appendix “C” to Report PED18043.

**Urban Forestry and Horticulture, Public Works Department**, identified that there are municipal tree assets on or adjacent to the property that will be directly affected by the proposal and therefore a tree management plan will be required. A landscape plan will be required for the placement of trees both on the subject property and on the City Boulevard. Urban Forestry and Horticulture staff noted that new development is required to provide payment for road allowance street trees. The tree management plan, landscape plan and the payment for street trees will be submitted and collected as part of the Site Plan Control application. These requirements have been included as conditions of Site Plan Control, which will need to be satisfied prior to the registration of the Draft Plan of Condominium, included as Condition No. 2 of Appendix “C” to Report PED18043.

**Transportation Management, Public Works Department**, identified that the intended road width of York Road is 20.117 metres and the applicant will be required to provide a Transportation Demand Management Options Memo.
As part of the Site Plan Control application, a 3.66 metre road widening was provided from the previously un-widened portion of the lands. The Site Plan Control application was reviewed by Transportation Management staff which provided no additional comments respecting the Transportation Demand Management Options Memo.

**Public Works Department**, advised that the development is eligible for weekly waste collection, however the development is not designed for waste collection on private property for each individual dwelling unit as it does not allow for the continuous forward movement of the waste collection vehicles. If forward movement of waste collection vehicles or a turnaround area allowing for a three-point turn cannot be accommodated, waste collection will be offered curb side on York Road at a common area.

There is insufficient space on-site in which to accommodate forward movement only for waste collection vehicles or to accommodate a turnaround area on-site therefore, waste collection is to be from York Road from a common area. To ensure prospective owners and tenants are made aware that waste collection will be from a common area on York Road, a warning clause will need to be included in the Condominium Agreement. This has been included as a Condition No. 3 e) to Appendix “C” of Report PED18043.

**Public Consultation:**

In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 64 property owners within 120 m of the subject lands on December 2, 2016. A public notice sign was also established on-site on December 8, 2016 and updated on January 24, 2018. At the time of the writing of this report, a total of 10 letters of correspondence were received and are attached as Appendix “E” to Report PED18043.

The issues raised in the letters of correspondence identified a number of concerns with respect to the proposed development including:

i) Inaccuracy with lands identified on the location map;

ii) Disregard for the previous OMB decisions;

iii) Compatibility and consistency with the existing neighbourhood;

iv) No attempt by the applicant to discuss the proposal with surrounding residents;

v) Over-intensification;
vi) Impacts respecting traffic, noise, parking, and snow storage; and,

vii) Impact on property values.

The issues identified in the correspondence are discussed in the Analysis and Rationale for Recommendations section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
   i) It is consistent with the PPS (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
   ii) It complies with the policies of the UHOP; and,
   iii) The proposal establishes condominium tenure for a form of development permitted under the Town of Dundas Zoning By-law No. 3581-86, as amended by Minor Variance application DN/A-16:266.

2. The purpose of the Vacant Land Condominium is to facilitate the form of tenure for the proposed single detached dwellings and common elements. The Condominium will establish the lots for the six (6) single detached dwellings and the common element which will include the condominium road, sidewalk, visitor parking, and landscaped areas.

3. It is noted that snow removal on the private condominium road will not be undertaken by the City of Hamilton and it will be the responsibility of the Condominium Corporation to ensure that snow removal is undertaken for the common element condominium road and sidewalks. In order to ensure that purchasers and tenants are made aware of the fact that the City of Hamilton will not be undertaking snow removal for the private condominium road, a warning clause will be required to be included as part of any purchase and sale or lease or rental agreement. This has been included as Condition No. 3 a) of Appendix “C” to Report PED18043.

4. Growth Planning staff have reviewed the proposed Draft Plan of Condominium and have requested standard notes be included in the list of Draft Plan of Condominium Conditions which provides for a three (3) year approval limit. The note has been included in Appendix “C” to Report PED18043.

5. There is a 300mm municipal sanitary sewer and a 300mm public watermain within this section of the York Road road allowance that are available to service...
the subject property. There is no storm sewer along this section of York Road. As part of the Site Plan Control application, the applicant is required to extend storm sewers in order to service the subject lands. The grading and storm water management of the subject lands will also be reviewed and addressed as part of the Site Plan Control application.

A 3.66 metre road widening from the previously un-widened portion of the lands is required. The road widening dedication will be provided as part of the Site Plan Control application.

These requirements have been included as conditions of Site Plan Control, which will need to be satisfied prior to the registration of the Draft Plan of Condominium, as per Condition No. 2 of Appendix “C” to Report PED18043.

6. Following the Notice of Complete Application, staff received ten (10) letters of correspondence (see Appendix “E” of Report PED18043).

The letters of correspondence identified a number of concerns with respect to the proposed development:

Inaccuracy with lands identified on the location map

It was noted in the letters of correspondence that the location map included in the Notice of Complete Application dated November 14, 2016 showed only the westerly half of the subject property. Staff reviewed the error and further identified that the circulation for all properties within 120 metres was based on the extent of the lands identified in the inaccurate location map. The location map and circulation list were corrected and a revised circulation to all property owners within 120 metres was circulated on December 2, 2016.

Disregard for Previous OMB Decisions

The two (2) previous OMB decisions from 2013 and 2015 were noted by several interested parties who expressed concern that the proposal disregards the previous OMB Decisions respecting not only the type of development (townhouses and semi detached dwellings) but that the dwellings should front onto York Road. The revised proposal establishes single detached dwellings which constitutes the type of dwelling unit that the previous OMB Decisions recommended. A Minor Variance application was brought before the OMB and the OMB authorized a settlement for the six (6) single detached dwellings which are accessed from a private condominium road.
Compatibility and Consistency with the Existing Neighbourhood

A concern was raised that the proposed development is not compatible or consistent with the existing neighbourhood. The policies of the UHOP do not narrowly interpret compatibility to be the same as or even being similar to the surrounding neighbourhood but that the development must be mutually tolerant and capable of existing together in harmony. The proposed development is for the establishment of single detached dwellings which is a form of development that is predominant in the surrounding area. The size of the proposed lots is similar to other lots that exist in the area. The primary difference between the proposed lots and the lots in the surrounding area is that the proposed lots do not directly front onto a public road but onto a private common element condominium road. Through both the OMB settlement and Site Plan Control application process, potential impacts including lighting impacts, sightline impacts, parking, and storm water management will be addressed.

Discussion Between Neighbours and the Applicant

A concern was raised that the applicant made no attempt to discuss the proposed development with neighbouring property owners. While the neighbouring property owners were advised of the proposed development through the applications for both Minor Variance and Draft Plan of Condominium, there is no requirement for the applicant to undertake a Public Consultation Strategy to engage with the public unless an application for an Official Plan Amendment, Zoning By-law Amendment or Draft Plan of Subdivision has been applied for.

Over-Intensification

A concern was raised that the proposed development represents an over intensification of the subject lands. As noted in respect to compatibility, the proposed use of the lands and the size of the proposed lots is similar to other lots that exist in the surrounding area and complies with the UHOP with respect to use and density. Adequate parking can be provided on-site along with landscaping and amenity space.

Impacts respecting Traffic, Noise, Parking, and Snow Storage

Concerns were raised that the proposed development will create negative impact on the surrounding area with respect to traffic, noise, overflow parking, and snow storage. Given the small scale of development, the six (6) single detached dwellings would not be expected to generate significant amounts of traffic and
noise, and through the Site Plan Control application, the sightlines of the proposed private condominium road have been reviewed and obstructions to the sightline have been restricted as part of the Site Plan Control application.

A concern was raised in respect to overflow parking spilling into the surrounding neighbourhood. In addition to the five (5) visitor parking spaces provided off the condominium road, each dwelling unit will maintain an attached garage that can support two (2) parking spaces along with additional space within the driveway that can support two (2) additional parking spaces. Therefore sufficient parking will be provided and therefore the proposed development will not create impacts with respect to overflow parking into the surrounding neighbourhood.

In respect to snow storage, ensuring the maintenance of the condo road, which includes snow removal, forms the basis for establishing a Condominium Corporation. There are landscaped areas within the common element that can accommodate snow storage and through the Site Plan Control application the potential impacts of snow storage on the proposed storm water management system was reviewed and it was determined that adverse impacts will not be created.

**Impact on Property Values:**

A number of interested parties were concerned that the proposed development would negatively impact the property values of existing properties in the area. Staff are not aware of any supporting real estate information or any empirical data with respect to property devaluation that would substantiate this concern.

**ALTERNATIVES FOR CONSIDERATION**

If the Draft Plan of Condominium application is denied, the applicant may apply for approval of a standard condominium or establish rental tenure for the proposed single detached dwellings.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement & Participation**

*Hamilton has* an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**Economic Prosperity and Growth**

*Hamilton has* a prosperous and diverse local economy where people have opportunities to grow and develop.
Healthy and Safe Communities
*Hamilton is* a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green
*Hamilton is* environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure
*Hamilton is* supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity
*Hamilton is* a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance
*Hamiltonians have* a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Plan of Condominium
- Appendix “C”: Conditions of Draft Plan of Condominium
- Appendix “D”: Ontario Municipal Board Decision – September 26, 2017
- Appendix “E”: Public Comments

DB:jp
Recommended Conditions of Draft Plan of Condominium Approval

That this approval for the Draft Plan of Condominium Application (Vacant Land) 25CDM-201615, by Recchia Developments Inc. c/o Fernando Recchia to establish a Draft Plan of Condominium (Vacant Land) to create six (6) single detached dwelling lots, a private common element road, visitor parking, sidewalk and landscaped area, on lands located at 231 York Road (Dundas), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the Town of Dundas By-law No. 3581-86, as amended, or in the event the City of Hamilton has repealed and replaced the Town of Dundas Zoning By-law No. 3581-86 with By-law No. 05-200, the final Plan of Condominium shall comply with all the applicable provisions of the Zoning By-law in force and effect at the time of the registration of the Draft Plan of Condominium.

2. That the final Plan of Condominium shall comply, in all respects, with Site Plan Control Application No. DA-17-136, to the satisfaction of the Manager of Development Planning, Heritage and Design.

3. That the Owner shall include the following warning clauses in the Condominium Approval Agreement and Condominium Agreement and all Purchase and Sale Agreements and any rental or lease agreements required for occupancy:

   To the satisfaction of the Director of Planning and Chief Planner:

   (a) Purchasers / Tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.

   To the satisfaction of Canada Post:

   (b) That the home / business mail delivery will be from a designated Centralized Mail Box.

   (c) That the developer / owner be responsible for officially notifying the purchasers of the exact Centralized Main Box locations prior to the closing of any home sale.

   (d) The owner further agrees to:

      i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the condominium.
ii) Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.

iii) Determine the location of all centralized mail receiving facilities in cooperation with Canada Post and indicate the location of the centralized mail facilities on appropriate maps, information board and plans.

To the satisfaction of the Director of Operations Division, Public Works:

(e) That all waste streams (garbage, recycling, organics & leaf and yard waste) will not be picked up from individual properties. Residents are responsible for ensuring that all waste streams (garbage, recycling, organic & leaf and yard waste) are set curb side in front of the entrance to the development on York Road.

4. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

That the owner be advised of the following:

NOTES TO DRAFT PLAN APPROVAL

(a) Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within three (3) years. However, extensions will be considered if a written request is received before the draft approval lapses.
Ontario Municipal Board
Commission des affaires municipales
de l’Ontario

ISSUE DATE: September 26, 2017

CASE NO(S): PL161098

PROCEEDING COMMENCED UNDER subsection 45(12) of the Planning Act,
R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Recchia Developments Inc.
Subject: Minor Variance
Variance from By-law No.: 3581-86
Property Address/Description: 231 York Road
Municipality: City of Hamilton
Municipal File No.: A-286/16
OMB Case No.: PL161098
OMB File No.: PL181098
OMB Case Name: Recchia Developments Inc. v. Hamilton (City)

Heard: June 22, 2017 in Hamilton, Ontario

APPEARANCES:

Parties
Recchia Developments Inc. D. Baker*
City of Hamilton P. MacDonald

Participants
J. Lawrence Self-represented

MEMORANDUM OF ORAL DECISION DELIVERED BY STEFAN KRZECZUNOWICZ
ON JUNE 22, 2017, AND ORDER OF THE BOARD
INTRODUCTION

[1] This was a hearing into an appeal by Recchia Developments Inc. (the "Applicant") of the refusal by the Committee of Adjustment (the "Committee") of the City of Hamilton (the "City") to grant variances from Zoning By-law No. 3681-86 for property at 231 York Road, in the former Town of Dundas (the "site"). The variances would permit a redevelopment of six single detached dwellings fronting on a private condominium road. The site currently contains two lots fronting on York Road.

[2] Three variances are requested: one to allow the private road to be considered a street under the by-law; one to permit a parking space to be located in a driveway; and one to permit a 2 metre ("m") setback for Unit 3, where the side yard abuts a flanking street (see Attachment 1). The latter has been added to the original application since the Committee issued its decision.

Minutes of Settlement

[3] The City supports granting the variances and signed Minutes of Settlement with the Applicant to that effect on June 12, 2017 (Exhibit 1, Tab 2).

[4] The parties agree that granting the variances should be conditional on approval of site plan and plan of condominium applications for the site, submission of a Functional Servicing Report by the Applicant to the satisfaction of City staff, and construction of a visual barrier around the site according to prescribed specifications. The proposed conditions are set out in Attachment 1.

Previous Decisions

[5] The Board has in recent years dismissed appeals to amend the Urban Hamilton Official Plan ("UHOP") and zoning by-laws to permit 15 townhouses (in 2013) and 12 semi-detached houses (in 2015) on the site.
Witnesses

[6] Participant status was granted to Jennifer Lawrence, who lives near the site.

[7] The Board also heard evidence from Glen Wellings, a Professional Planner, whom the Board qualified to provide expert opinion evidence in matters of land use planning.

ANALYSIS AND FINDINGS

[8] The Board’s authority to grant or deny variances is given under s. 45(1) of the Planning Act (the “Act”). This section has given rise to what are commonly referred to as the “four tests” for variance approval. The tests must be applied by the Committee when considering a variance application and by the Board when making its decision on a variance appeal. In order to meet the tests the variances must:

   a. maintain the general intent and purpose of the official plan;

   b. maintain the general intent and purpose of the zoning by-law;

   c. be desirable for the appropriate development or use of the land, building or structure; and

   d. be minor.

[9] The Board must also consider whether the variances have sufficient regard to the Provincial interests listed in s. 2 of the Act, whether they are consistent with the Provincial Policy Statement 2014 ("PPS"), and whether they conform to the Growth Plan for the Greater Golden Horseshoe 2017 (the “Growth Plan”).
Opposition to the Variances

[10] Ms. Lawrence, a resident of the neighbourhood, noted that the previous Board decisions determined the most appropriate lot configuration on the site to be one where single detached homes front York Road. In her view, homes that front on a new private road would be incompatible with the neighbourhood development pattern. As such, the variance for the road is not minor.

[11] Ms. Lawrence was also concerned that the conditions of approval do not sufficiently limit development on the site, particularly with respect to rear and side yard setbacks, building height, and the number of permitted dwellings. She proposed that any approval of the variances be conditional on the site being developed substantially in accordance with the site plan entered into evidence as Exhibit 1, Tab 6.

[12] Ms. Lawrence also proposed that, should the variances be approved, the Board impose a more stringent condition for the visual barrier than that included in the Minutes of Settlement and a new condition that would increase the exterior side yard setback for Unit 4 beyond what is set out in the site plan.

Assessment of Variances

[13] The Board finds that approving the variances, as well as the proposed conditions of approval, satisfies the requisite tests for the reasons set out below.

[14] The Board finds that the variances, being as they facilitate modest intensification on the existing network of municipal services and infrastructure within a Settlement Area and the Built Boundary of the City, are consistent with the PPS and conform to the Growth Plan.¹

¹ The Growth Plan 2017 took effect after the Board issued its decision. The Board is satisfied that the variances also conform to the Growth Plan 2017.
[15] The Board is persuaded that, pursuant to a Sight Line Study of the proposal redevelopment undertaken in 2016 (Exhibit 1, Tab 18), having an internal road on the site rather than units fronting onto York Road is better for the protection of public safety per s. 2(h) of the Act.

[16] The Board accepts the opinion of Mr. Wellings that the variances maintain the general intent and purpose of UHOP policies that seek to preserve the stability of neighbourhoods through development that is compatible—not necessarily identical, or even similar to—the existing physical character of the neighbourhood. This proposal is for single detached units in a neighbourhood of single detached units that, though they are of a somewhat higher density than surrounding development, still conform to UHOP policies that regulate density and the number of storeys of dwellings.

[17] Mr. Wellings' visual evidence in Exhibit 1 shows that frontage onto a public roadway is a feature of this neighbourhood. However, the Board finds that key aspects of the proposed redevelopment, in particular the alignment of the proposed internal road over an existing driveway as it approaches York Road, as well as the design of Unit 1 to ensure that, from the streetscape perspective, a consistent look and feel of York Road frontage is maintained, means that the internal road and its relationship to the new units and the broader built environment respects the existing physical characteristics of the neighbourhood.

[18] The Board finds that the variances collectively meet the general intent and purpose of the zoning by-law by essentially updating a 30-year old by-law so that it properly implements more recent UHOP policies, particularly Policy 4.5.5 respecting the treatment of private condominium roads.

[19] The Board finds that the variances are desirable for the appropriate use of the land. They represent a balance between the new elements in the proposed redevelopment and the existing neighbourhood character. This is reflected in part by City Council and staff support for the proposal and the resulting Minutes of Settlement.
[20] The Board finds that previous Board decisions relating to this site do not limit the current redevelopment proposal for several reasons. First, the previous decisions engaged very different proposals, particularly with respect to built form. Second, these decisions applied different adjudicative tests than the minor variances tests set out in s.45(1) of the Act. Third, the built form issues that were central to the previous appeals have been largely resolved, to the point where the City, which opposed previous redevelopment proposals, is now ad idem with the Applicant. Finally, the Sight Line Study attesting to direct driveway access to York Road from the site being unsafe was not available to the Board in the previous hearings.

[21] Drawing on the above analysis, the Board finds the variances to be minor. They will facilitate homes that will be built under current zoning standards and any potential adverse impacts of a planning nature that may arise will be properly mitigated by the conditions that require, amongst other things, that the variances be contingent upon site plan approval, condominium application approval, and a substantive visual barrier around most of the site perimeter. The Board is satisfied that the proposed barrier addresses Ms. Lawrence’s desire to see a consistent and aesthetically pleasing delineation of the site from neighbouring properties.

ORDER

[22] Pursuant to s. 45(18.1.) of the Act the Board finds the addition of the setback variance to be minor, for which no further notice is required.

[23] The Board will allow the appeal and will authorize the variances to By-law No. 3591-86 as follows:

a. Notwithstanding the definition of "Public Thoroughfare" in Section 3 "Definitions" of the Dundas Zoning By-law, a private road/condominium road (which may include visitors parking, landscaping, etc.) shall be considered a "Public Thoroughfare" for the purpose of the regulations contained in the By-law;
b. To permit a parking space to be located in the driveway, notwithstanding that the By-law states that no such parking shall be located in a required front yard; and

c. To permit a minimum 2 m setback where the side yard abuts a flanking street shall be provided for Unit 3, instead of the minimum 3.5 m setback were the side yard abuts a flanking street.

[24] The variances are authorized according to the following conditions:

a. That the Owner provide a visual barrier (as defined in the Dundas Zoning By-law) at locations where none currently exists along the perimeter of the site, to provide for privacy for abutting property owners and to mitigate any adverse impact of vehicular headlights from the site. The location, design and materials of any visual barrier to be provided, will be determined through the site plan process. The height of any visual barrier to be provided shall be:

i. at least 1.2 m, measured from the finished grade of the site, for a visual barrier provided for the purpose of mitigating vehicle headlights from any road or vehicular manoeuvring area on the site; and

ii. for all other areas, the maximum height permitted under the City's "Fence By-law" No. 10-142, or such lower height as determined by City staff through the site plan process as necessary to provide for privacy for abutting property owners.

b. Where a visual barrier already exists along the perimeter of the site that provides adequate privacy and mitigation of vehicular headlights from the site, no additional visual barrier shall be required at that specific location.
c. Notwithstanding the above, for greater certainty, where any parking area containing five or more parking spaces is provided on the site, the provisions of s. 7.4 of the Dundas Zoning By-law shall prevail over the above.

d. That the Applicant receives approval of the required associated Site Plan and Plan of Condominium applications.

e. The Applicant shall submit a revised Functional Servicing Report to the satisfaction of the Manager of Development Approvals.

f. In the event that the Dundas Zoning By-law is repealed or replaced, the above variances and conditions herein shall survive.

g. That the proposed development be constructed substantially in accordance with the site plan found at Attachment 1 to this Order.

"Stefan Krzeczunowicz"

STEFAN KRZECZUNOWICZ
MEMBER

If there is an attachment referred to in this document, please visit www.elto.gov.on.ca to view the attachment in PDF format.
December 17, 2016

Mr. Daniel Barnett
City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

Dear Mr. Barnett:

Re: Notice of Complete Application
231 York Road
Town of Dundas
Condominium Application 25CDM-201615
Recchia Developments Inc.

We are in receipt of the above notice. Our property is located at 8 Fieldgate Street and our rear property line is adjacent to the side yard of 231 York Road. The subject property consists of two lots (one vacant and one containing a single-family home). The two lots are surrounded by one and two storey single family residential dwellings on relatively large lots. The purpose of the application is to permit a Draft Plan of Common-Element Condominium consisting of a private roadway to facilitate the creation of six single detached units. The lands are also currently the subject of a minor variance application (A-285/16) that is under appeal to the OMB. The variance was unanimously denied by the Committee of Adjustment.

As you know, the property has already been the subject of two OMB hearings (the minor variance hearing will be the third). We trust that you will read the two OMB decisions as a significant amount of time and effort has already gone into assessing the character of our neighbourhood and what type of development does and does not belong on this property. At the first hearing, Mr. Edward John, a Planner for the City of Hamilton, advised the hearing officer that the character of our neighbourhood is that of single-family homes fronting onto York Road and that the proposed development at that time, which included an internal road essentially identical to the one contained within the draft plan of condominium, was not in-keeping with the character of development along York Road. The hearing officer, on page 8 of the 2013 OMB decision, accepts Mr. John’s evidence and finds that the planned function of the subject lands is for homes, most likely single-family detached homes, fronting on a public road, in this case York Road.

At the second hearing, the character of our neighbourhood was again examined and, as you will note on pages 9 and 10 of the decision, a different hearing officer (this time the Vice Chair of the OMB) again recognizes that the character of our neighbourhood is that of single-family dwellings fronting onto York Road. Specifically, the hearing officer states:

_as for lot pattern and configuration, all units in the proposed development front onto a proposed private road. This is inconsistent with the development pattern along York Road where lots, for the most part, front onto York Road and equally_
Inconsistent with the development pattern along other roads in the Immediate Neighbourhood where the clear visual impression is that the homes face the street.

The first two OMB decisions must not be overlooked and must be given serious consideration by the City when reviewing the current application. The hearing officer goes on to state that, in his view, the proposal falls short of conforming to several subsections of the Urban Hamilton Official Plan, including those policies related to lot pattern and configuration. This includes policies such as Policy B.2.4.1.4 which requires that, as part of any infill development, a proposed plan be evaluated based on several criteria including "the relationships of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form". The current draft plan of condominium contains the exact same lot pattern and configuration that was denied in the previous application. The only difference between the previous application and the current application is that the current application is for single family homes rather than semi-detached homes.

As we, and many of the other neighbours have stated on previous occasions, we recognize that the subject property is large and likely could accommodate some moderate additional single-family development fronting onto York Road, that would be in-keeping with the immediate surrounding neighbourhood. Such a proposal would be consistent with both of the previous OMB decisions.

Proposing an internal road for the third time shows a blatant disregard for the planning system and the previous two OMB decisions. It is a waste of taxpayer’s resources and staff time. Given that absolutely nothing has changed to the character of our neighbourhood since the first two OMB hearings and that the exact same lot pattern and configuration is being proposed as was denied by the OMB in the last application, the only logical conclusion is that the proposed development is not in-keeping with the character of the neighbourhood and, as a result, the development does not meet the requirements of the Official Plan policies.

Based on the above, we ask that City staff recommend denial of the application.

Yours truly,

Jennifer Lawrence  Cameron McKevelly
Barnett, Daniel

From: Jennifer Lawrence  
Sent: November-21-16 2:51 PM  
To: Barnett, Daniel  
Cc: Harrison-McMillan, Kimberley  
Subject: 231 York Road Dundas - File 25CDM-201615

Hi Daniel,

It was nice to speak with you last week. As mentioned, the Location Map that is attached to the Notice of Complete Application for the above noted file, incorrectly shows the full limit of the parcel that is affected by the application. The Location Map identifies only half of the parcel which will impact the landowners who receive circulation of the notice and may also cause confusion as people may assume that the plan of condo is only for half the parcel. As discussed, I would recommend that the notice be re-circulated with the proper Location Map and to the full extent of neighbours that should receive the notice. This should be accompanied by an extension to the provision of comments beyond the December 5 date.

After we spoke, I also realized that the circulation does not include a site plan of the proposed Draft Plan of Condominium. Although the previous minor variance application included a site plan, this application did not. Could you please forward the plan that accompanied the submission so that the neighbours can confirm whether it matches the plan circulated with the minor variance application?

Thank you,

Jennifer

Jennifer Lawrence, MCIP, RPP
President
Jennifer Lawrence and Associates Inc.
8 Fieldgate Street
Dundas, ON L9H 6M6

NOTICE OF CONFIDENTIALITY
This communication is intended only for the use of the addressee and may contain confidential and privileged information. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, or alternately, immediately destroy this communication.
Barnett, Daniel

From: Penelope Hill
Sent: November 27, 2016 9:46 PM
To: Barnett, Daniel
Subject: Re: 25CDM-201615 231 York Road, Dundas

To Daniel Barnett, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th floor
Hamilton, Ontario
L8P 4Y5

Re: 25CDM-201615

I am extremely frustrated to be writing to the City about this matter, yet again.

We have a balanced and harmonious working family neighbourhood.
City of Hamilton Planning staff have already stated that intensification is not planned for, nor is it needed, in this part of Dundas.
City Council has twice refused applications for intensification on this property on York Road.

The developer shows disrespect for the two very clear and thoughtful OMB decisions.
The developer shows a blatant disregard for the valuable time of City Staff, City Council, and the OMB members.
The developer has made no attempt to meet with the neighbours to discuss this most recent scheme.

I feel that the repeated attempts to wriggle around these decisions by the developer is becoming abusive, forcing us to take time out of our lives to prevent unreasonable and demonstrably inappropriate intensification, time and again.

Best regards,
Penelope Hill

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To Daniel Barnett, City of Hamilton  
Planning and Economic Development Department  
Development Planning, Heritage and Design – Urban Team  
71 Main Street West, 5th floor  
Hamilton, Ontario  
L8P 4Y5

Re: 2SCDM-201615

It is very disturbing that once again, the strength and harmony of our neighborhood is being threatened by the same developer. On two previous occasions, the homeowners in this area have reviewed the application and expressed their concerns for the development of multiple dwellings on the property at 231 York Road. On both occasions, the OMB refused the developer's application.  
This is a very time consuming, annoying and surely costly process, why must we go through this again?  
As a resident of this area of Dandans for the last 25 years I stand with my neighbors and say no, once again, to this application to approve the plan for Common-Element Condominium #2SCDM-201615.

Sincerely,
Karen McFarlane  
9 Forestview Drive  
Dandans, Ontario

Karen McFarlane
December 28, 2016

City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design-Urban Team
71 Main Street West, 5th floor, Hamilton ON L8P 4Y5

Attention: Daniel Barnett

Re: 25CDM-201615
Notice of Complete Application for Lands Located at 231 York Road, Dundas (Ward 13)

We are writing today you provide you with our input regarding the plan for development at 231 York Road. We are the new owners of the 227 York Road which is located directly beside the on the west side of the proposed development.

We are not opposed to any construction that may take place next door to us but we strongly feel that whatever is built there should be consistent with what is currently in the neighbourhood, which is single-family homes facing the main road. We understand that the lot is large and could likely accommodate more than one single family dwelling. The lot is approximately 3 times larger than ours and feel that it would be reasonable that 2 or 3 single family homes would work there, certainly not 8! This plan would certainly increase the level of traffic and noise in the long term. We do not agree with the proposal and would recommend that it be denied.

Sincerely,

Jeff Rollings

Marina Rollings
December 22, 2016

Mr. Daniel Barnett
City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Dear Mr. Barnett

Re: Notice of Application
231 York Road
Town of Dundas
Condominium Application 25CDM-201615
Recchia Developments Inc.

We are in receipt of the above notice. We live at 4 Fieldgate Street and our property is immediately adjacent to 231 York Road. This property has been the subject of two previous planning applications, both of which were appealed to the Ontario Municipal Board (OMB) and a minor variance application (A-266/16) which was unanimously denied by the Committee of Adjustment. The minor variance application (A-266/16) has now been appealed to the OMB, making this the third OMB hearing.

The two previous OMB hearing officers findings were that any development on this property to be not only single family residential but also development that fronts onto York Road. The current plan is the same lot pattern and configuration that was denied in the previous application.

Proposing an internal road for the third time, in my opinion, shows a total disregard for the two previous OMB decisions and a total waste of taxpayer’s money.

We agree with the OMB decision that any development on this property to be single family homes fronting onto York Road, and this would be in keeping with the surrounding neighbourhood.

We recommend denial of the application.

Yours truly

Barbara and Jim Bucciachio
4 Fieldgate Street
Dundas
December 28, 2016

Mr. Daniel Barnett
City of Hamilton
Planning & Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton ON L8P 4Y5

Dear Mr. Barnett:

RE: Notice of Complete Application
231 York Road
Town of Dundas
Condominium Application 25CDM-201615
Recchia Developments Inc.

We are in receipt of the above notice. Our property is located at 10 Forestview Drive and a portion of
our property line is adjacent to 231 York Road. The subject property consists of two lots (one vacant
and one containing a single-family home). The two lots are surrounded by one and two storey single
family residential dwellings on relatively large lots. The purpose of the application is to permit a Draft
Plan of Common-Element Condominium consisting of a private roadway to facilitate the creation of six
single detached units. The lands are also currently the subject of a minor variance application that is
under appeal to the OMB. The variance was unanimously denied by the Committee of Adjustment.

As 20 year residents of this neighbourhood, we have repeatedly expressed concern regarding the
various applications for proposed development at 231 York Road. The first development application
proposed 18 multi-storey townhomes be built on the property. This application was rejected by the City
and the OMB. The second development application proposed 12 multi-storey townhomes be built on
the property. This application was also rejected by the City and the OMB. These rejections were based
on the character of the neighbourhood (single-family homes fronting onto York Road). It was also noted
that an internal road, which appears to be essentially the same as included in the current application,
was not acceptable.

While we are pleased that the developer has acknowledged that single-family residential is the most
appropriate type of development, we are still concerned that the developer has yet again included an
internal road that was expressly rejected in the previous applications.

We are in total agreement with Jennifer Lawrence and Cameron McKelvey as outlined in their letter to
you of December 17, 2016 that included details of the previous applications and OMB decisions. We
respectfully request again that City staff recommend denial of the current application.

Yours truly,

Katharine Havill
David Havill
Mr. Daniel Barnett  
City Of Hamilton  
Planning and Economic Develop Department  
Development Planning, Heritage and Design – Urban Team  
71 Main St. West, 5th Floor  
Hamilton, Ontario L8P 4Y5  

Dear Mr. Barnett:  

Re: Notice of Complete Application  
231 York Road  
Town Of Dundas  
Condominium Application 25CDM-201615  
Recchia Developments Inc.  

As home owners in the immediate vicinity of 231 York Road, Dundas, we are writing to object to the latest development proposal for this property. Our neighbourhood has been united from the beginning, in its opposition to attempts to develop this property in a manner that is not consistent with the character of our neighbourhood. What’s more, to date, there have been two OMB hearings which have recognized the importance of retaining our neighbourhood character in a manner that is consistent with its existing development pattern.  

It is our belief, that such a development would not be consistent with the original intended use of the land, which according to the City Planner, stated that the “planned function of the subject lands is for homes, likely single family, detached homes fronting on York Road”. All surrounding properties are consistent from a density and scale perspective with this original vision and all existing single family dwellings face the street – unlike the latest proposal which you are evaluating.  

We continue to believe that proceeding with the latest development proposal would create, parking, noise and snow removal issues for the neighbourhood. In addition, we believe there would be a negative impact to the property values of those properties immediately surrounding such a development.
We are not opposed to the development of the 231 York Road property, but we ask that any such
development be consistent with the original planning vision for single family detached housing fronting
on York Road and thus in keeping with the current character of the neighbourhood.

It is our hope that City staff deny the latest application.

Sincerely

George and Nancy MacPherson
12 Cammay Avenue, Dundas, Ont
December 19, 2016

Mr. Daniel Barnett
City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

Dear Mr. Barnett:

Re: Notice of Complete Application
231 York Road
Town of Dundas
Condominium Application 25CDM8-201615
Recchia Developments Inc.

We are in receipt of the above notice. Our property is located at 10 Fieldgate Street and our rear property line is adjacent to the side yard of 231 York Road. The subject property consists of two lots (one vacant and one containing a single-family home). The two lots are surrounded by one and two storey single family residential dwellings on relatively large lots. The purpose of the application is to permit a Draft Plan of Common-Element Condominium consisting of a private roadway to facilitate the creation of six single detached units. The lands are also currently the subject of a minor variance application (A-266/16) that is under appeal to the OMB. The variance was unanimously denied by the Committee of Adjustment.

As you know, the property has already been the subject of two OMB hearings (the minor variance hearing will be the third). We trust that you will read the two OMB decisions as a significant amount of time and effort has already gone into assessing the character of our neighbourhood and what type of development does and does not belong on this property. At the first hearing, Mr. Edward John, a Planner for the City of Hamilton, advised the hearing officer that the character of our neighbourhood is that of single-family homes fronting onto York Road and that the proposed development at that time, which included an internal road essentially identical to the one contained within the draft plan of condominium, was not in keeping with the character of development along York Road. The hearing officer, on page 8 of the 2013 OMB decision, accepts Mr. John’s evidence and finds that the planned function of the subject lands is for homes, most likely single-family detached homes, fronting on a public road, in this case York Road.

At the second hearing, the character of our neighbourhood was again examined and, as you will note on pages 9 and 10 of the decision, a different hearing officer (this time the Vice Chair of the OMB) again recognizes that the character of our neighbourhood is that of single-family dwellings fronting onto York Road. Specifically, the hearing officer states:

As for lot pattern and configuration, all units in the proposed development front onto a proposed private road. This is inconsistent with the development pattern along York Road where lots, for the most part, front onto York Road and equally
Inconsistent with the development pattern along other roads in the immediate Neighbourhood where the clear visual impression is that the homes face the street.

The first two OMB decisions must not be overlooked and must be given serious consideration by the City when reviewing the current application. The hearing officer goes on to state that, in his view, the proposal falls short of conforming to several subsections of the Urban Hamilton Official Plan, including those policies related to lot pattern and configuration. This included policies such as Policy B.2.4.1.4 which requires that, as part of any infill development, a proposed plan be evaluated based on several criteria including "the relationships of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form". The current draft plan of condominium contains the exact same lot pattern and configuration that was denied in the previous application. The only difference between the previous application and the current application is that the current application is for single family homes rather than semi-detached homes.

As we, and many of the other neighbours have stated on previous occasions, we recognize that the subject property is large and likely could accommodate some moderate additional single-family development fronting onto York Road, that would be in-keeping with the immediate surrounding neighbourhood. Such a proposal would be consistent with both of the previous OMB decisions.

Proposing an internal road for the third time shows a blatant disregard for the planning system and the previous two OMB decisions. It is a waste of taxpayer’s resources and staff time. Given that absolutely nothing has changed to the character of our neighbourhood since the first two OMB hearings and that the exact same lot pattern and configuration is being proposed as was denied by the OMB in the last application, the only logical conclusion is that the proposed development is not in-keeping with the character of the neighbourhood and, as a result, the development does not meet the requirements of the Official Plan policies.

Based on the above, we ask that City staff recommend denial of the application.

After many discussions with our immediate neighbours we wholeheartedly agree with the wording as proposed by Jennifer Lawrence and feel strongly that this latest proposal is not in the best interests of this neighbourhood.

Sincerely,

George Vnoucek
November 30, 2016

We oppose the development of a Common-Element Condominium at 231 York Road, Dundas (Ward 13).

We oppose the proposed development on the basis of, but not limited to, the following reasons.

1) increased noise in the area

2) increased traffic in the area and the likelihood of accidents at the blind bend on York Road where the proposed road entrance would be

3) high density of the development

4) this condominium development is in the midst of single dwelling homes

5) this development would result in lowering the property values in the area

6) Fieldgate Street already has a severe parking problem that makes it difficult for snowplows and street sweepers to do their job. Overflow parking from residents and visitors to this development will make the parking problem and traffic flow even worse.

Despite overwhelming opposition and rejection of previous developments at this site by the same individuals, proposed developments continue to be created.

Ray & Ellen Galowski
5 Fieldgate Street
Dundas, Ontario
L9H 6N8
December 27, 2016

Mr. Daniel Barnett
City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design- Urban Team
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Mr. Barnett:

Re: Notice of Complete Application
   231 York Road
   Town of Dundas
   Condominium Application 25CDM-201615
   Recchia Developments Inc.

Our home is located at 246 York Rd. across from the property at 231 York Rd. We have been part of the previous OMB hearings and present at the previous City of Hamilton meetings concerning the property at 231 York Rd., including the most recent request for a minor variance. We do not understand why, when this request was denied, that it is going to the OMB again! We are not opposed to development on the property but it should be in-keeping with the character of the neighbourhood as was stated in the previous OMB decisions. There should not be a variance allowed for a separate road. It has been denied twice already.

We are opposed to this for the following reasons:

- It is a safety issue for the many cars entering and leaving that property on the proposed road because of the curve.

- It is totally out of keeping with the character of the rest of the homes in the neighbourhood that front directly onto York Rd.

Proposing an internal road for the third time shows a blatant disregard for the planning system and the two previous OMB decisions. It is a waste of staff time on taxpayer’s resources. The proposed development is not in-keeping with the character of the neighbourhood and in our opinion does not meet the requirements of the Official Plan policies.

We are asking the City staff to recommend denial of this application.

Yours truly,
Cathy Haggarty    Gerry Haggarty

C.C. Councillor Vanderhoek
### RECOMMENDATION

(a) That **Zoning By-law Amendment Application ZAC-16-001 by Empire (Red Hill) Ltd., (Owner)**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-34 (H1, H2, H3)” Zone, Modified (Blocks 1 – 4) in order to permit the creation of six (6) lots for single detached dwellings for lands located at 2 Glover Mountain Road (Stoney Creek), as shown on Appendix “A” to Report PED18018 be APPROVED, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED18018, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and complies with the Urban Hamilton Official Plan.

(b) That **Zoning By-law Amendment Application ZAC-16-001 by Empire (Red Hill) Ltd., (Owner)**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Conservation / Hazard Land (P5-679) Zone, Modified (Blocks 5 – 8) in order to recognize the Natural Heritage System and provide land for a required...
SUBJECT: Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018) - Page 2 of 29

pond outfall / spillway for lands located at 2 Glover Mountain Road (Stoney Creek) and to create a specific exception to permit a reduced special setback from any building or structure to the Conservation / Hazard Land (P5-679) Zone, Modified, as shown on Appendix “A” to Report PED18018, be APPROVED, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED18018, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and complies with the Urban Hamilton Official Plan.

(c) That Draft Plan of Subdivision Application 25T-201601 by Empire (Red Hill) Ltd., (Owner), to establish a Draft Plan of Subdivision on lands located at 2 Glover Mountain Road (Stoney Creek), as shown in Appendix “A” to Report PED18018 be APPROVED, subject to the following:

(i) That this approval apply to the Draft Plan of Subdivision “2 Glover Mountain Road” 25T-201601, prepared by Armstrong Planning and Project Management, and certified by Douglas E. Hunt, O.L.S., dated November 6, 2015, showing one block for a maximum of four (4) single detached dwellings (Block 1), three (3) blocks for future residential purposes in conjunction with the abutting lands which will yield a maximum of two (2) single detached dwellings (Blocks 2 – 4), one (1) block for the required 30.0 m buffer from the top of the Niagara Escarpment (Block 5), two (2) blocks for open space purposes (Blocks 6 – 7), one (1) block for a pond outfall / spillway easement (Block 8), and one proposed street, shown as Street “A”, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix “D” to Report PED18018.

(ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit. Parkland Credits may be applied on a land value basis to the abutting Draft Plan of Subdivision 25T-2013005R, known as “Red Hill –
SUBJECT: Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018) - Page 3 of 29

Phase 3 / 4” in the event of any over-dedication of parkland from the registration of the Draft Plan of Subdivision (25T-201601).

(iii) There is no City Share for the costs of the servicing works within the draft plan lands.

EXECUTIVE SUMMARY

The applicant has applied for approval of a Zoning By-law Amendment and a Draft Plan of Subdivision for lands located at 2 Glover Mountain Road in Stoney Creek. The proposed applications are to permit the development of up to six (6) lots for single detached dwellings, open space areas and a stormwater management pond outfall / spillway easement. Three blocks will be merged for future residential purposes with existing blocks located within the adjacent Draft Approved Plan of Subdivision 25T-2013005R, known as “Red Hill – Phase 3 / 4”. The proposal also includes the completion of the proposed Street “A”.

The applicant is proposing a Modified Single Residential “R4” Zone, in the City of Stoney Creek Zoning By-law No. 3692-92, for the lands intended for residential purposes, and a Conservation / Hazard Land (P5-679) Zone, Modified in the City of Hamilton Zoning By-law No. 05-200 for the lands proposed to be developed for open space and stormwater management purposes.

A Holding Provision (H1) has been included in the amending Zoning By-law which will prohibit residential development until such time as additional information is provided to demonstrate constructability of a suitable sanitary outlet for Blocks 1 and 2, to the City’s satisfaction. A second Holding Provision (H2) has been included in the amending Zoning By-law which will prohibit residential development until such time as a visual analysis of the Escarpment Brow is finalized to the satisfaction of the City and the Niagara Escarpment Commission for Blocks 1 – 4. A third Holding Provision (H3) has been included in the amending Zoning By-law which will prohibit residential development until such time as Development Permits have been issued by the Niagara Escarpment Commission for the creation of the lots, the road and the spillway / outlet for Blocks 1 – 4, as shown on Appendix “B” to Report PED18018.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement (PPS), conform to the Growth Plan for the Greater Golden Horseshoe, and comply with the Urban Hamilton Official Plan (UHOP). The proposed development is considered to be compatible with, and complementary to, the existing and planned development in the immediate area.

OUR Vision: To be the best place to raise a child and age successfully.
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.
SUBJECT: Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018) - Page 4 of 29

Alternatives for Consideration – See Page 29

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider applications for an Amendment to the Zoning By-law and for approval of a Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Proposal:

The subject lands are located on the southwest portion of Glover Mountain Road, west of First Road West, and south of the Niagara Escarpment brow. The lands contain a single detached dwelling with accessory structures, are irregular in shape, comprising an area of approximately 1.04 ha, and are legally described as Part of Lot 28, Concession 5, Saltfleet, Part 2, 62R-1887. They are municipally known as 2 Glover Mountain Road (see location map attached as Appendix “A” to Report PED18018).

Zoning By-law Amendment:

Application ZAC-16-001 to amend the City of Stoney Creek Zoning By-law No. 3692-92 is required to rezone the subject lands from the Neighbourhood Development “ND” Zone as follows:

- To establish a Site Specific Single Residential “R4” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 for single detached dwellings, as shown as Blocks 1 – 4 on Schedule A of Appendix “B” to Report PED18018; and,

- To establish a Conservation / Hazard Land (P5-679) Zone, Modified in the City of Hamilton Zoning By-law No. 05-200 for the open space areas, the protective buffer from the brow of the Niagara Escarpment, and the stormwater management spillway / outlet and to create a site specific exception to permit a reduced special setback from any building or structure to the Conservation / Hazard Land (P5-679) Zone, Modified, as shown as Blocks 5 – 8 on Schedule A of Appendix “C” to Report PED18018, because the draft plan and zoning incorporate the required buffers from the natural features.

OUR Vision: To be the best place to raise a child and age successfully.
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.
The applicant has requested to apply the regulations of the Single Residential “R4-31” Zone to provide for a consistent overall development with the surrounding “Red Hill – Phase 3 / 4” Subdivision. However, a modification is required to the Single Residential “R4-31” Zone with respect to maximum height to implement the visual analysis required by the Secondary Plan.

**Draft Plan of Subdivision:**

The proposed Draft Plan of Subdivision (see Appendix “E” of Report PED18018) is intended to create:

- Four (4) lots for single detached dwellings (Block 1);
- Three (3) blocks for future residential purposes with an intended yield of two (2) lots for single detached dwellings (Blocks 2 – 4);
- One (1) block for the required 30.0 m buffer from the top of the Niagara Escarpment (Block 5);
- Two (2) blocks for open space purposes (Blocks 6 – 7);
- One (1) block for a pond outfall / spillway easement (Block 8); and,
- One (1) proposed internal public street (shown as Street “A”).

Access to the proposed development will be via Street “A” identified on the Draft Approved “Red Hill Phase 3 / 4” Plan of Subdivision. The total unit yield for this Draft Plan of Subdivision would be a maximum of six (6) single detached dwellings.

**Chronology**

November 24, 2015: Zoning By-law Amendment Application ZAC-16-001 and Plan of Subdivision Application 25T-201601 received.


December 16, 2015: Notice of Complete Application and Preliminary Circulation mailed to seven (7) property owners within 120 m of the subject lands.
SUBJECT: Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018) - Page 6 of 29

January 22, 2016: Public Notice Sign posted on site.

January 24, 2018: Public Notice Sign updated with date of Public Meeting.

February 2, 2018: Circulation of the Notice of Public Meeting to seven (7) property owners within 120 m of the subject lands.

Details of submitted applications:

Location: Part of Lot 28, Concession 5, Saltfleet, Part 2 62R-1887 T-W, AB349439, City of Hamilton (2 Glover Mountain Road)

Owner: Empire (Red Hill) Ltd.

Agent: Armstrong Planning and Project Management

Property Description:

<table>
<thead>
<tr>
<th>Property Description</th>
<th>Lot Area</th>
<th>approx. 1.04 ha</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Lot Frontage</td>
<td>0 m</td>
</tr>
<tr>
<td></td>
<td>Lot Depth</td>
<td>approx. 97.1 m</td>
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</table>

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Detached Dwelling with accessory structures</td>
<td>Neighbourhood Development “ND” Zone</td>
<td></td>
</tr>
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</table>

Surrounding Land Uses:

<table>
<thead>
<tr>
<th>North:</th>
<th>South:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Niagara Escarpment Brow</td>
<td>Vacant Land to be developed as part of the “Red Hill – Phase 3 / 4” Subdivision</td>
</tr>
<tr>
<td>Conservation / Hazard Land (P5) Zone and “AA” (Agricultural) District</td>
<td>Conservation / Hazard Land (P5) Zone and Single Residential “R4-32” Zone</td>
</tr>
</tbody>
</table>

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.
**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

Staff note that the current Cultural Heritage policies of the UHOP have not yet been updated in accordance with the PPS (2014). As such, the following policy of the PPS also (2014) applies:

>“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

A Stage 1-2 archaeological assessment (P013-1118-2015) was submitted as part of the subject applications. The Ministry of Tourism, Culture, and Sport has entered the report into the Public Register of Archaeological Reports and municipal staff concur with the

### East:
Vacant Land to be developed as part of the "Red Hill – Phase 3 / 4" Subdivision
Conservation / Hazard Land (P5) Zone and Single Residential “R4-32 (H)” Zone, Modified with a Holding Provision

### West:
Vacant Land to be developed as part of the "Red Hill – Phase 3 / 4" Subdivision
Conservation / Hazard Land (P5) and Single Residential “R4-32 (H)” Zone, Modified with a Holding Provision
recommendations made in the report. Accordingly, the archaeological interest on the subject property has been satisfied.

As the application for changes in zoning and a plan of subdivision complies with the Official Plan and the relevant policies pertaining to Cultural Heritage in the PPS, 2014, it is staff’s opinion that the application is:

- consistent with Section 3 of the *Planning Act*; and,

- consistent with the Provincial Policy Statement.

**Growth Plan for the Greater Golden Horseshoe (2017)**

The new Growth Plan for the Greater Golden Horseshoe became effective on July 1, 2017 and as a result it impacts the planning decision of the development applications on the subject lands.

The development of the subject lands are within the delineated built boundary of the City of Hamilton and will contribute to the achievement of complete communities and supports local infrastructure while contributing to a range of housing forms and tenures.

The subject development provides for open space and has demonstrated that there are no negative impacts on key natural heritage features or key hydrologic features through the approved Environmental Impact Statement (EIS) prepared by Ecoplans Limited (February 2011, revised November 2011) and MMM Group (September 2016; revised March 2017) and also includes a Karst Mitigation / Contingency Plan addendum prepared by Terra Dynamics Consulting Inc. (February 25, 2016) or their functions which conforms to the Growth Plan (2017), including the following policies:

“4.2.2.3 Within the Natural Heritage System:

a) new development or site alteration will demonstrate that:

i) there are no negative impacts on key natural heritage features or key hydrologic features or their functions.”

It is Staff’s opinion that the application for changes in zoning and a plan of subdivision conforms with the applicable policies of the Growth Plan (2017).
Niagara Escarpment Plan (NEP)

The subject lands are located along the Escarpment Brow and have been designated “Escarpment Urban Area” within the Niagara Escarpment Plan (NEP), with a small portion falling within the “Escarpment Natural Area” designation.

Development Objective 1 in Section 1.7 of the NEP states that “all development should be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape.”

Development Objective 2 in Section 1.7 states that “new development shall not encroach into the Escarpment Natural or Escarpment Protection Areas.”

Staff note that at the time of preparation of this Report the applicant was in the process of finalizing the Visual Impact Analysis (VIA) to determine the final maximum height zoning provision for the single detached dwellings. At the time of preparation of this Report, the maximum height proposed in the VIA is 2 storeys (10.3 metres), which may be further reduced as a result of the finalized VIA. After consultation with the Niagara Escarpment Commission (NEC) staff are recommending that a Holding Provision be placed over Blocks 1 - 4 to prohibit residential development until the VIA has been approved by the City and NEC.

The applicant also included a 30.0 m buffer from the brow of the Escarpment, intended to be zoned as Conservation / Hazard Land (P5-679) Zone, Modified in order to preserve the natural environment abutting the Escarpment Brow. Accordingly, residential development will be contained within the Urban Area designation, and the proposal conforms to the NEP in this regard.

Section 2.4.1 of the NEP states that “lot creation … within Urban Areas … may be permitted subject to conformity with official plans and / or secondary plans and, where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan, and the criteria set out under Part 2, Development Criteria.”

Further, Section 2.4.5 states that “the size and configuration of new lots shall be subject to the requirements of official plans and / or secondary plans, and where applicable, zoning by-laws and the objectives of the designation.”

As discussed in further detail below, the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications comply with the policies of Volume 1 of the UHOP and
the Nash Neighbourhood Secondary Plan in Volume 2 of the UHOP. Accordingly, after consultation with the NEC, staff are satisfied that the proposal conforms to the NEP, subject to the issuance of a Development Permit from the NEC and a finalized VIA. The NEC conditionally approved Development Permit (W/S/2016-107-483) on November 2, 2017. Upon clearance of the conditions of the Development Permit, the permit can be issued. Additional NEC Development Permits are required for the creation of the road and the creation of the single detached dwelling lots. Issuance of the additional Development Permits from NEC is required prior to development of the subject lands. At the time of preparation of this report, the additional NEC Development Permits have not been issued. A Holding Provision has been included in the amending Zoning By-law to ensure that all NEC Development Permits are issued and that all conditions have been cleared.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations, and shown outside of the Built Boundary on Appendix “G” – Boundaries Map. The subject lands are further identified as “Low Density Residential 2” on Map B.7.5-1 in the Nash Neighbourhood Secondary Plan.

The following policies, amongst others, are applicable to the subject applications.

Built Form and Compatibility:

“E3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

a) residential dwellings, including second dwelling units and housing with supports; and,

b) open space and parks.”

As the proposal is for single detached dwellings, open space areas, and protection of hazard lands, the proposal complies with the intent and purpose of the Neighbourhood General policies.
Archeology

With respect to archeological concern, the UHOP identifies applicable policy under Section B.3.4.4.2:

“B.3.4.4.2 In areas of archeological potential identified on Appendix F-4 – Archaeological Potential, an archeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act:

b) zoning by-law amendments unless the development proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance; and,

c) plans of subdivision.

B.3.4.4.4 Archaeological assessments shall be prepared in accordance with any applicable guidelines and Policy F.3.2.4 - Archaeological Assessments.”

As noted previously, archeology has been addressed.

Urban Design

The UHOP has a detailed set of policies related to urban design. The following policies, amongst others, apply to this proposal.

“B.3.3.2.8 Urban design should promote environmental sustainability by:

b) integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design;

c) encouraging on-site stormwater management and infiltration through the use of techniques and technologies, including stormwater management ponds, green roofs, and vegetated swales.”

The proposed development has been integrated with the natural environment and protected through the establishment of a Conservation / Hazard Land (P5-679) Zone, Modified. This approach will facilitate the mixture of public and private open space and
the protection of natural features. Finally, a block within the proposed development has been set aside for a stormwater management spillway / outfall allowing for onsite management of stormwater.

“B.3.3.5 Views and Vistas

Public views and vistas are significant visual compositions of important public and historic buildings, natural heritage and open space features, landmarks, and skylines which enhance the overall physical character of an area when viewed from the public realm. Vistas are generally panoramic in nature while views usually refer to a strong individual feature often framed by its surroundings.

Views and vistas created in newly developing areas play a large role in creating a sense of place and neighbourhood identity.

Examples of existing significant vistas include the panorama of the Niagara Escarpment, Hamilton Harbour and the Downtown skyline as viewed from various vantage points throughout the City. Examples of views include significant historic and public buildings, natural heritage features, and monuments.

B.3.3.5.2 Views and vistas shall be achieved through alignment of rights-of-way, layout of pedestrian circulation and open space systems, and the siting of major features, public uses, and built form.”

The proposed road pattern is oriented parallel to the Escarpment Brow with residential lots, an open space buffer area located directly adjacent to the brow and a restriction on building heights subject to approval of the VIA, thereby protecting views for future residents.

Based on the foregoing, the proposal complies with the applicable policies of Volume 1 of the UHOP.

Nash Neighbourhood Secondary Plan – Volume 2

The subject lands are designated “Low Density Residential 2,” “Natural Open Space” and abuts the “Escarpment” on Map B.7.5-1 – Nash Neighbourhood Secondary Plan Land Use Plan. The following policies, amongst others, apply.
“B.7.5.1 e) Integration of new parks and open spaces with existing natural open spaces to provide new passive recreation resources and designations and to establish linkages creating an interconnected system of parks and open space;

B.7.5.1 f) Identification, protection, conservation and wise management of the tangible and intangible cultural heritage resources of the City of Hamilton for present and future generations. Where feasible, natural heritage elements that remain on site shall be considered for integration into the Nash Neighbourhood Community; and,

B.7.5.1 g) Enhancement of the physical and visual connections to the Niagara Escarpment and Environmentally Significant Areas through the layout and design of the community including placement of parks / open space areas and the creation of streetscapes that create and protect views."

The proposal complies with the above-noted policies because it integrates conservation / hazard lands with the Niagara Escarpment natural area along the Brow in order to provide appropriate protection, buffering and linkages.

“B.7.5.2.d) i) Establish a network of connected open space accessible to all residents with natural and cultural features integrated into open space areas and providing a strong link to the open space associated with the Niagara Escarpment and Environmentally Significant Areas;

B.7.5.2.d) iii) Ensure the preservation and enhancement of significant environmental features, including the Niagara Escarpment, Environmentally Significant Areas, and the valley lands associated with Felker’s Creek;

B.7.5.2.d) v) Provide opportunities for recreation where they do not impact natural heritage features; and,

B.7.5.2.d) vi) Conserve the natural beauty and distinctive character of the Niagara Escarpment landscape."

The applicants have included open space blocks within the subject Draft Plan. Staff note that the blocks are intended as buffers between the Escarpment Brow and residential development and are not deemed to be viable for parkland development. The open space blocks are intended to remain in private ownership and Staff are assured that no uses beyond the permitted uses in the Conservation / Hazard Land (P5-679) Zone, Modified will occur. A site specific exception is required to permit a reduced
special setback from any building or structure to the Conservation / Hazard Land (P5-679) Zone, Modified. Staff support the reduction in the special setback because the open space blocks incorporate the required buffers to the natural features. As well, the applicant will require an NEC Development Permit prior to construction and as a result, staff are satisfied that the open space lands will be adequately protected.

Accordingly, the proposal satisfies the above policies in that it creates a network of open space that is accessible to all residents and provides a link to the Niagara Escarpment. The buffer areas provide preservation of the Escarpment and Environmentally Significant Area by prohibiting encroachment toward the Brow.

Furthermore, the “Low Density Residential 2” policies of Section B.7.5.4 of Volume 2 apply.

“B.7.5.4.1 In addition to Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to lands designated Low Density Residential 2 and 2h on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:

a) Low Density Residential 2 Designation:

i) Single detached, semi-detached, duplex and street townhouses shall be permitted.

ii) Notwithstanding Policy E.3.4.4 of Volume 1, the density of development shall range from 20 to 35 units per net residential hectare.

iii) The maximum height of dwelling units shall be no more than three storeys.

v) The location of Low Density Residential 2 is in the interior of residential neighbourhoods adjacent to local and/or collector roads.”

The subject application consists exclusively of single detached dwellings with a maximum height that will be determined by the Visual Impact Assessment (VIA). At the time of preparation of this report and based on the VIA reviewed by City Staff, the proposed height is a maximum of 2 storeys (maximum of 10.3 metres), however there is a Holding Provision that can be removed subject to the VIA being completed and the final height provision being determined. The residential density contained solely within the subject Plan of Subdivision will be approximately 28.6 units per net residential hectare. Lastly, the proposed single detached dwellings are intended to be located...
within the interior of the residential neighbourhood. Accordingly, the proposal complies with the above policies.

The northernmost portions the subject lands fall within the “Natural Open Space” designation and abut “The Niagara Escarpment” on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan. Accordingly, the following policies apply:

“B.7.5.6.7 Prior to any lands being considered for development within 100 metres of lands designated Natural Open Space on Map B.7.5-1 - Nash Neighbourhood – Land Use Plan, an Environmental Impact Statement shall be undertaken by the proponent and approved by the City and the Hamilton Conservation Authority to determine the appropriate setbacks from the Core Area.

B.7.5.6.8 Any development must address the retention of Core Areas and other wooded areas included within the Natural Open Space designation identified on Map B.7.5-1 - Nash Neighbourhood - Land Use Plan as follows:

(b) A minimum 10 metre wide planted buffer from identified Environmentally Significant Areas shall be included as part of these natural areas and included as part of the open space system.

B.7.5.6.9 Development proposals for land within 150 metres of the Niagara Escarpment shall have a maximum height of no more than two storeys. Prior to the approval of a draft plan of subdivision and/or zoning by-law, a visual analysis shall be required to determine the maximum building height and minimum setbacks to ensure that no component of the building mass is visible above the skyline of the Niagara Escarpment from below the Escarpment brow (edge). The visual analysis must be to the satisfaction of the City and the Niagara Escarpment Commission. (Note: the skyline includes the escarpment brow – the uppermost point of the escarpment slope or face, and the tree line. Buildings should not be visible through trees above the brow, the most obvious break in slope associated with underlying bedrock).”

Staff note that an Environmental Impact Statement (EIS) was prepared by Ecoplans Limited (February 2011; revised November 2011) and MMM Group (September 2016; revised March 2017) for the lands subject to the “Red Hill – Phase 3 / 4” Subdivision, and identified that the subject lands at 2 Glover Mountain Road would contain a drainage ditch across the property and that the area consisted of low quality vegetation.
Staff also note that an “EIS Response to Environmentally Significant Areas Impact Evaluation Group (ESAIEG) Recommendation 5: Escarpment Springs” was prepared, dated July 2013. Based on this addendum, a Karst Mitigation / Contingency Plan was required and prepared by Terra Dynamics Consulting Inc. (Feb. 25, 2016). The EIS was approved (June 1, 2017) with mitigation measures that have been identified on pages 56 to 58 of the EIS (Sept. 2016) which are to be included as Conditions of Approval (Condition Nos. 14 - 17 of Appendix “D” to Report PED18018). The additional mitigation measures include:

- Stewardship signage located adjacent to Block 5;
- Stewardship brochures to educate homeowners about the adjacent Natural Heritage System;
- Fencing along Block 5 with appropriate access for maintenance of the stormwater management outlet; and,
- Groundwater monitoring as outlined within the Karst Assessment.

To address the requirement of the required 10 m vegetation protection zone (VPZ) from the ESA and the 30 m wide open space adjacent to the Niagara Escarpment Brow, the applicant has provided the necessary buffers and these lands will be zoned Conservation / Hazard Land (P5-679) Zone, Modified.

Further, a Visual Impact Analysis (VIA) was being finalized at the time of preparation of this report and that an initial draft was submitted as part of the “Red Hill – Phase 3 / 4” Draft Plan of Subdivision. The VIA will determine the maximum height provision that will be in the Zoning By-law for any buildings within 150 m of the Escarpment Brow. At the time of preparation of this Report, the maximum height is proposed to be 2 storeys (10.3 metres), which may be further reduced as a result of the finalized VIA. At the time of preparation of this Report, City Staff have reviewed the VIA and are awaiting final approval by the NEC. Accordingly, the proposed residential zoning currently contains a Holding Provision until the VIA has been approved by NEC.

“B.7.5.2 g) ii) Design and implement a stormwater management system that is integrated with the open space system and which mitigates impacts on the natural environment; and,

B.7.5.6.5 No development, except infrastructure works, utilities and a low impact trail network (subject to confirmation that the works are suitable by an
Environment Impact Statement), shall be permitted on lands designated Natural Open Space.”

Based on the objectives of the Nash Neighbourhood Secondary Plan, a stormwater management system is to be designed and implemented to integrate with the open space system and mitigate impacts on the natural environment.

In review, the development as a whole complies with the policies of the Nash Neighbourhood Secondary Plan.

City of Hamilton Staging of Development

Finally, Policy F.1.14.1.21 of Volume 1 identifies that: “Council shall approve only those plans of subdivision that meet the following criteria:

"a) the plan of subdivision conforms to the policies and land use designations of this Plan;

b) the plan of subdivision implements the City’s staging of development program;

c) the plan of subdivision can be supplied with adequate services and community facilities;

d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;

e) the plan of subdivision can be integrated with adjacent lands and roadways;

f) the plan of subdivision shall not adversely impact municipal finances; and,

g) the plan of subdivision meets all requirements of the Planning Act.”

The subject lands have been identified in the City of Hamilton’s Staging of Development Plan. The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and complies with the UHOP. As a result, it will not adversely impact upon the transportation system, it respects the natural environment, and it is well integrated into the existing development in the area, being the “Red Hill – Phase 1 / 2” and “Red Hill – Phase 3 / 4” Plans of Subdivision. Therefore, the proposal complies with the City’s Staging of Development policies.
SUBJECT: Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018) - Page 18 of 29

City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are currently zoned Neighbourhood Development “ND” Zone in the City of Stoney Creek Zoning By-law No. 3692-92.

The Neighbourhood Development “ND” Zone is a future development Zone and only permits agricultural uses (with exception to poultry farms, mushroom farms, fur farms, piggeries, hatcheries, kennels and also excluding any residential use not existing at the date of the passing of the By-law (December 8, 1992). It also permits one single detached dwelling, and buildings or structures accessory thereto existing at the date of passing of this By-law, in addition to urban farms, community gardens, and greenhouses subject to Site Plan Control under the City’s Site Plan Control By-law.

The effect of this Zoning By-law Amendment will be to allow for the development of a maximum of six (6) single detached dwellings consistent with the approved development on the adjacent lands. The proposed zoning for the subject lands will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

City of Hamilton Zoning By-law No. 05-200

The effect of the Zoning By-law Amendment is to incorporate lands into Zoning By-law No. 05-200 and zoned Conservation / Hazard Land (P5-679) Zone, Modified to allow for the development of natural buffers, open space, and a pond outfall / spillway easement and to create a site specific exception to permit a reduced special setback from any building or structure to the Conservation / Hazard Land (P5-679) Zone, Modified. The proposed zoning will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

RELEVANT CONSULTATION

The following Departments / Agencies had no comments or objections:

- Hydro One

The following Departments / Agencies have provided comments on the application:

Operations Support, Strategic Planning Section, Corporate Assets and Strategic Planning Division (Public Works Department) has noted that the subject lands are eligible for waste collection services. They have requested that the following note be added to the Draft Plan drawing: “This property is eligible for weekly collection of
Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City’s Solid Waste Management By-law 09-067, as amended”.

Operations Support staff also stipulated the following requirements for waste collection:

“1. Road layout must be designed to permit the continuous forward movement of collection vehicles, including the radius of a cul-de-sac turning circle. Continuous forward movement must be provided exclusive of any parking spaces and stored snow. A drive through access route, a 13 metre radius turning circle or a turnaround area allowing for a maximum three-point turn of not more than one truck length are all acceptable options for accommodating this requirement.

2. The City of Hamilton is committed to providing safe and effective waste collection service and will fully comply with Ontario Occupational Health and Safety Act (OHSA) regulations at all times. Section 104(1) of the 2012 OHSA, Ontario Regulation 213/91 states: “Every project shall be planned and organized so that vehicles, machines and equipment are not operated in reverse or are operated in reverse as little as possible.”

3. Waste collection service will commence when the development is substantially completed and there is free and clear access. The developer or owner is required to contact the Public Work Department to request the start of waste collection service. A site visit by Public Works staff is required prior to the start of waste collection service.

4. Prior to the commencement of City waste collection service, the developer is responsible for the collection of all waste (garbage, recycling, organics, etc.) from any and all occupied properties / units.

5. Construction material will not be collected: collection arrangements must be made with a private contractor.

6. For collection of waste on Private Roads (Condominium roads), an Agreement for On-Site Collection of Municipal Solid Waste must be executed and submitted to the City prior to the start of service.

7. On collection day, the collection area shall be in an accessible location, free and clear of any construction debris, vehicles and stored snow.
8. Individual waste containers, blue boxes and green carts will be collected curbside in front of each property when possible.

Forestry and Horticulture Section (Public Works Department) staff advised that there are no Municipal Tree Assets located on site, and therefore have no concerns. Staff further note that in accordance with the New Developments Tree Planting Policy, the City of Hamilton collects cash-in-lieu for residential subdivisions. The Forestry and Horticulture Section will provide clearance of a Street Tree Planting condition upon receipt of a plan depicting new trees and a cash payment as shown in item 2.8 of the completed Subdivision Agreement.

Corridor Management (Public Works Department) advised that staff review and developer construction of municipal roadways / pedestrian facilities / street lighting, etc. pertaining to the proposed six (6) residential lots will form part of a comprehensive review of the adjacent lands included in the Draft Plan of Subdivision “Red Hill Phase 3 / 4”.

Hamilton Conservation Authority staff reviewed the revised Terms of Reference by MMM Group, dated May 2016 and subsequently requested further assessment of karst features and the identification of drainage patterns. An updated Karst Assessment was completed by Terra – Dynamics Consulting Inc., dated February 25, 2016. A Terms of Reference, Spring Inventory and Monitoring Program dated May 6, 2016 was added to address concerns expressed by Hamilton Conservation Authority with the Karst Assessment (February 25, 2016). Thereafter, Staff from Hamilton Conservation Authority has reviewed Terra – Dynamics Consulting Inc.’s report and are generally satisfied. Hamilton Conservation Authority recommended that the final karst assessment include recommendations for maintaining a water balance within the Phase 3 & 4 lands and include an analysis of whether the construction of the stormwater management facility would negatively impact base flow to the Veever’s Spring. This has been addressed as Condition No. 18 of Appendix “D” to Report PED18018.

It was identified that an outlet for the stormwater management pond was required on the subject property. Hamilton Conservation Authority, Niagara Escarpment Commission and the City of Hamilton are reviewing the structural design of the outlet to ensure that the embankment separating the SWM pond from the Escarpment Brow is structurally sound and will withstand all anticipated loads in the event that the inlet structure becomes blocked.

Niagara Escarpment Commission staff advised that the majority of the subject property is located within the Niagara Escarpment Development Control Area. The proposed Zoning By-law Amendment will have no legal effect within the Development
Control Area just as the current Zoning By-law, according to Regulation 826 / 90, as amended. However, should this regulation be amended in the future to exclude the remainder of this property, the zoning which is ultimately approved would take effect.

The implementation of development proposals under Development Control is pursuant to Regulation 828 / 90, as amended, which calls for the requirement to obtain a development permit from the Niagara Escarpment Commission (NEC) unless the class of development which is proposed is specifically exempt from this requirement by the regulation.

The City is not permitted by the provisions of the Niagara Escarpment Plan Development Area (NEPDA) to make a decision on the subject applications until Development Permits are issued by the NEC to allow the proposed development within the area of Development Control. Subsequently, the proponent submitted the required Development Permit applications for NEC review. The development permit (W / S / 2016-107 / 483) was conditionally approved on November 2, 2017 to permit the construction of the stormwater outlet. A second Development Permit application was submitted on December 13, 2017 for lot creation, road creation and tree removal on the subject lands. At the time of the preparation of this report, the second Development Permit was not issued.

The approval of the subject rezoning and draft plan of subdivision applications does not preclude the requirement to obtain the NEC Development Permits and clear all associated conditions.

NEC Staff subsequently commented that “the City can include a holding provision which would allow acceptable heights to be determined after the zoning by-law is passed. NEC staff would have no issue with the City proceeding in this manner, as long as the by-law was crafted to ensure NEC satisfaction with the proposed heights (by way of a VIA) prior to lifting the holding provision.” As a result a Holding Provision has been included, which can be removed when the NEC issues the final Development Permits with all conditions cleared. At the time of preparation of this report, the maximum height is proposed to be 2 storeys (10.3 metres), which may be further reduced as a result of the finalized VIA. As well, a Holding Provision has been included where the final NEC Development Permits must be issued and will accordingly be required prior to registration of the subject Plan of Subdivision.

**Union Gas** has requested that as a condition of final approval, the owner / developer is required to provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Union Gas. This requirement is a Standard Condition of Draft Approval.
SUBJECT: Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018) - Page 22 of 29

PUBLIC CONSULTATION

In accordance with the provisions of the Planning Act and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the proposal was sent to seven (7) property owners within 120 m of the subject lands on December 16, 2015. A Public Notice sign was posted on the property on January 7, 2016, and updated with the Public Meeting date on January 24, 2018. One letter was received in support of this application and is attached as Appendix “F” to Report PED18018 and summarized in the Analysis and Rationale for Recommendation section of this report. The Notice of the Public Meeting was given in accordance with the provisions of the Planning Act. At the time of submission of the application, there were no requirements under the Planning Act to provide a Public Consultation Strategy.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the PPS and conforms to the Niagara Escarpment Plan and Growth Plan for the Greater Golden Horseshoe (Places to Grow);

   (ii) It complies with the UHOP and the Nash Neighbourhood Secondary Plan; and,

   (iii) The proposed development is compatible with existing residential land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, while making efficient use of a vacant parcel of land and existing infrastructure within the urban boundary.

2. The applicant has requested amendments to City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 05-200 for lands located at 2 Glover Mountain Road. By way of these applications, the applicant is seeking to permit the development of up to four single detached dwellings, three future residential blocks (to be merged with the surrounding “Red Hill – Phase 3 / 4” Subdivision, together yielding a total of two additional dwelling units), one buffer block for the Niagara Escarpment, two open space blocks, and one pond outfall / spillway easement block.

   The requested amendment to Stoney Creek By-law No. 3692-92 includes site-specific regulations for the single detached dwellings.
Single Residential “R4” Zone (see Appendix “C” to Report PED18018):

The applicant is seeking to implement the Single Residential “R4-31” Zone, Modified in the City of Stoney Creek Zoning By-law No. 3692-92 on the subject property. Staff note that the Single Residential “R4-31” Zone, Modified, was approved by By-law 14-180 for the “Red Hill – Phase 1 / 2” Subdivision, therefore Staff support the implementation of the Site Specific Provisions of the Single Residential “R4-31” Zone, Modified on the subject property.

The proposed Zoning By-law Amendment is required to permit the proposed Draft Plan of Subdivision which permits the completion of the encompassing Draft Approved Red Hill Phase 2 Subdivision. Staff are supportive of the change in zoning because it is consistent with Provincial Policy, conforms to the Urban Hamilton Official Plan and facilitates the development of the subdivision to be consistent with the Staging of Development Report 2017 Update and development in the immediate area.

Holding Provisions have been included in the proposed zone to prevent residential development until such a time as the constructability of a suitable sanitary outlet has been demonstrated (H1), the maximum height has been determined based on a finalized Visual Impact Assessment (H2) and all required NEC development permits have been issued (H3).

The applicant is seeking further modification related to maximum building height to meet requirements of the Niagara Escarpment Commission. The specific modifications to the By-law are as follows.

Maximum Building Height:

The Single Residential “R4-31” Zone, Modified does not contain site-specific building height requirements, and accordingly defers to the parent zone’s requirements. The Single Residential “R4” Zone requires a maximum building height of 11.0 metres.

A Visual Impact Assessment (VIA) of the escarpment brow was undertaken, to determine the extent of the modification to maximum building height and as of the time of preparation of this Report, has not been approved. The proposed maximum height is 2 storeys (10.3 metres), which may be further reduced as a result of the finalized VIA. A Holding Provision (H2) has been included in the proposed zoning and can be removed upon approval of the VIA by the City and the Niagara Escarpment Commission. Upon approval of the VIA, the maximum
height will be finalized to the roof peak from the average grade at the front of the house, but will not exceed 10.3 metres.

As the proposed modification is to protect existing views and vistas of the escarpment, staff support the requested modification.

3. The proposed development of Blocks 1 - 4 of the Draft Plan of Subdivision requires that a Holding Provision (H1) be lifted prior to development proceeding. The Holding Provision (H1) has been included in order to ensure that an adequate sanitary outlet is provided for the lands adjacent to the north side of Street ‘A’ which are zoned Conservation / Hazard Land (P5-679) Zone, Modified and that Development Permits have been issued by the Niagara Escarpment Commission for the creation of the lots, the road and the spillway / outlet.

Removal of the Holding Provision (H1) is conditional upon the owner providing additional information to demonstrate constructability of a suitable sanitary outlet for these lands to the satisfaction of the Manager of Development Approvals, Growth Management and issuance of Development Permits by the Niagara Escarpment Commission.

4. The purpose of the Amendment to Zoning By-law No. 05-200 is to remove the subject lands which are zoned Neighbourhood Development “ND” Zone in the City of Stoney Creek By-law No. 3692-92 and add them to the Hamilton Zoning By-law No. 05-200. The intent is to rezone them as Conservation / Hazard Land (P5-679) Zone, Modified to permit the development of passive open space, stormwater management ponds, and natural buffers (refer to Appendix “C” to Report PED18018). The proposed development will conform to all of the requirements of the Conservation / Hazard Land (P5-679) Zone, Modified.

As well, Provision 4.23 d) in Zoning By-law No. 05-200 requires that a minimum setback of 7.5 metres from a Conservation / Hazard Land (P5-679) Zone, Modified to all buildings or structures. The applicant proposes a reduced side yard and rear yard that is consistent with Single Residential “R4-31” Zone, Modified as the open space blocks incorporate the required buffers. As well, NEC permits are required at the time of construction, which will further protect the lands located within the Conservation / Hazard Land (P5-679) Zone, Modified. As such, staff are satisfied that the proposal complies with the intent of the relevant policies set out in the UHOP and are supportive of the Zoning By-law Amendment.
SUBJECT: Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018) - Page 25 of 29

5. The proposed Plan of Subdivision will consist of a total of eight (8) blocks with one block for four single detached dwellings (Block 1), three blocks for up to two single detached dwellings (Blocks 2 – 4 to be merged with the adjacent “Red Hill – Phase 3 / 4” Subdivision), one block for a 30.0 m buffer to the Niagara Escarpment brow (Block 5), two blocks for open space (Blocks 6 - 7), and one block for a 10 m wide stormwater management outfall / spillway easement (Block 8), in addition to one proposed street (Street “A”).

In review of Sub-section 51(24) of the Planning Act, to assess the appropriateness of the proposed subdivision, staff advise that:

(a) It is consistent with the PPS;

(b) Through the phasing of development within the Nash Neighbourhood Secondary Plan, the proposal represents a logical and timely extension of existing development and services, and is in the public interest;

(c) It complies with the applicable policies of the Official Plan;

(d) The lands can be appropriately used for the use for which it is to be subdivided;

(e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;

(f) The dimensions and shape of the lots are appropriate;

(g) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of Draft Plan approval and Subdivision Agreement;

(h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as standard conditions of Draft Plan approval;

(i) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of Draft Plan approval and Subdivision Agreement;

(j) School Boards have advised that adequate school sites are available to accommodate the anticipated student yield of this subdivision;
(k) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the Plan of Subdivision; and,

(m) The proposed development of the subject land is interrelated with the encompassing Draft Approved development located at 435 First Street which is known as Red Hill Phase 2 and consists of lots for single detached dwellings and blocks for street townhouses.

6. A general vegetation inventory was prepared by Ecoplans Limited (February 2013, revised April 16, 2013) and by MMM Group (November 1, 2013, November 6, 2013) and only focused on the vegetation that would be impacted by the watermain that was required to connect to the Victory Phase 1 subdivision. Since there may be trees impacted by this development, as a condition of Draft Plan approval, a comprehensive Tree Protection Plan (TPP) will be required. Condition 5.10 of the City’s Standard Subdivision agreement requires such study, and so this issue will be addressed in this manner.

7. Proposed architectural design for the residential lots and any private open space within the Draft Plan of Subdivision 25T-201601 should be subject to architectural control to ensure compatibility with existing development. Specifically, the subject property must meet the relevant urban design objectives and requirements pertaining to the ‘Empire Lush – Architectural and Urban Design Guidelines – Red Hill (Areas 1 &2), and the Nash Lands (Condition No. 19 in Appendix “D” to Report PED18018).

8. The groundwater levels within the drainage channel and the groundwater flow from Veever’s spring should be monitored during the excavation of the drainage channel at the SWM outlet to the satisfaction of the Senior Director of Growth Management (Condition No. 18 in Appendix “D” to Report PED18018). If excavation takes place in summer when there is no spring flow, monitoring should take place after a significant storm event and in fall when the groundwater table beneath the site rises and flow from the spring begins its annual flow cycle to ensure that no negative impacts have occurred.

9. The proximity of the residential blocks to the open space blocks will require the residential blocks be subject to site plan control as per the By-law No. 03-294 (Site Plan Control By-law). This will ensure that development and any subsequent changes do not adversely affect the abutting natural areas. In this regard a special condition of draft plan approval will require the Owner to acknowledge that the lands are subject to site plan control.
10. **Engineering Details:**

The information provided on the Draft Plan indicates that the existing dwelling on the property is within the required setback from the top of the Escarpment. Staff note that the City requires that the existing buildings be demolished and the existing services decommissioned / abandoned prior to any grading works on the site (included as Condition No. 1 in Appendix “D” to Report PED18018).

It appears that the width of Block 8 intended to provide for installation of a storm outfall for the future SWM facility at the adjacent subdivision does not provide for installation of a proper turning circle or a hammerhead for access of a maintenance vehicle to the outfall structure. Accordingly, the requirement has been included as Condition No. 13 in Appendix “D” to Report PED18018.

Staff note that Blocks 6 and 7, identified on the Draft Plan as “Open Space” Blocks, are not suitable for parkland development. Therefore, there is no City share for sewers, watermain or road works associated with installation of Street ‘A’ on the Draft Plan.

Block 2 is to remain undeveloped until it is merged with the adjacent westerly lands (Condition No. 12 in Appendix “D” to Report PED18018).

The timing of servicing works for the Draft Plan lands is conditional upon completion of the servicing works on the adjacent development (“Red Hill – Phase 3 / 4” Subdivision (25T-201301)). However, the City does not have an issue if the engineering design and construction for both developments are carried out simultaneously.

Staff note that the previous servicing study for the adjacent development (“Red Hill – Phase 3 / 4” Subdivision (25T-201301)), did not demonstrate that an adequate sanitary outlet is provided for the lands adjacent to the north side of Street ‘A’ on the subject Draft Plan. Therefore, staff recommends that an ‘H’ Holding Provision be placed over Blocks 1 - 4 on the proposed Draft Plan. Removal of the Holding Provision (H1) is conditional upon the owner providing additional information to demonstrate constructability of a suitable sanitary outlet for these lands, to the satisfaction of the Manager of Engineering Approvals, Growth Management Division.

As a result, the owner must demonstrate that adequate municipal services are available at the east and west limit of Street ‘A; to the satisfaction of the Senior
Director, Growth Management Division which is included as Condition No. 4 in Appendix “D” to Report PED18018.

Cost estimate schedules are to be included in the engineering design to construct municipal sidewalks as per the current City of Hamilton policy in force at the time of the engineering plan submission at the Owner’s expense (Condition No. 5 in Appendix “D” to Report PED18018).

Furthermore, staff have included conditions relating to the requirement of a plan / procedure dealing with dust control and street cleaning issues throughout construction (Condition No. 2, in Appendix “D” to Report PED18018).

Staff also require an erosion flow exceedance analysis for the downstream system with consideration of future development of the lands within subcatchments 308, as per the Davis Creek Subwatershed Study (Condition No. 3 in Appendix “D” to Report PED18018).

The applicant is required to provide engineering design and cost estimates for the construction of municipal sidewalks and for the installation of a 1.8 m high vinyl coated chain link fence between private and public properties, pursuant to Condition Nos. 6 and 17 of Appendix “D” to Report PED18018. The applicant is also required to submit a detailed sump pump design as per Condition No. 7 in Appendix “D” to Report PED18018.

Staff require an on-street parking plan to demonstrate that the proposed lot frontages will provide for appropriate on-street parking rates as per Condition No. 8 in Appendix “D” to Report PED18018.

The applicant is required to submit a rock removal protocol and vibration monitoring plan with associated cost estimates as well the protocol and plans being subject to a third party peer review as per Condition Nos. 9 and 10 in Appendix “D” to Report PED18018. As well, the applicant is required to conduct a pre-condition survey of residences within 100 metres of the subject property and notify residents of rock removal within 200 metres of the subject property during that phase of construction as per Condition No. 11 in Appendix “D” to Report PED18018.

11. As per the Planning Act and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to seven (7) property owners within 120 m of the subject lands on December 16, 2015, and a Public Notice sign was posted on the property on January 7, 2016. In total, one
letter was received from an interested party in support of the proposal (see Appendix “F” to Report PED18018).

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could not be developed for the proposed residential draft plan of subdivision. The lands could be developed in accordance with the Neighbourhood Development “ND” Zone which permits minor agricultural uses, one single detached dwelling, a greenhouse and / or accessory buildings and structures.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth
Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities
Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure
Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Location Map
Appendix “B”: Zoning By-law No. 3692-92 Amendment
Appendix “C”: Zoning By-law No. 05-200 Amendment
Appendix “D”: Special Conditions for Draft Plan of Subdivision
Appendix “E”: Draft Plan of Subdivision
Appendix “F”: Public Submission

JR:jp
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-16-001/25T-201601
Date: January 12, 2018

Appendix "A" Scale: N.T.S. Planner/Technician: JR/VS

Subject Property
2 Glover Mountain Rd, Stoney Creek

Change in Zoning from Neighbourhood Development "ND" Zone to Conservation / Hazard Land (P5) Zone in the City of Hamilton Zoning By-law 05-200 and to Single Residential "R4-34 (H3, H4, H5)," Modified in the City of Stoney Creek Zoning By-law 3692-82

Key Map - Ward 9

N.T.S.
WHEREAS the City of Hamilton Act 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

WHEREAS the Council of the City of Hamilton, in adopting Item of Report PED 18018 of the Planning Committee, at its meeting held on the 20th day of February, 2018, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided; and

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 11 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:

   (a) by changing the zoning from the from Neighbourhood Development “ND” Zone to Single Residential “R4-34(H1, H2, H3)” Zone, Modified (Blocks 1 – 4);
2. That Subsection 6.5.7, "Special Exemptions" of Section 6.5 Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “R4-34(H1, H2, H3)”, as follows:

“R4-34(H1, H2, H3)” 2 Glover Mountain Road, Schedule “A”, Map No. 1352

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), and (g) of Section 6.5.3 “Zone Regulations” of the Single Residential “R4” Zone and Section 4.19 “Yard Encroachments”, the regulations of the Single Residential “R4-31” Zone, Modified, as established under By-law No. 14-180, shall apply on those lands zoned “R4-34” by this By-law, and the following shall also apply:

(a) Maximum Building Height 10.3 metres (2 storeys) and the elevation of the peak of the roof shall be a maximum of 196 masl.

Notwithstanding the provision of Section 3.8 “Holding Zones”, on those lands zoned “R4-34 (H3, H4, H5)” by this By-law, the Holding symbol (H1) may be removed and thereby give effect to the “R4-34” Zone provisions in Section 2 above, upon completion of the following:

(a) That the constructability of a suitable sanitary outlet for these lands has been demonstrated to the satisfaction of the Manager of Engineering Approvals, Growth Management Division.

Notwithstanding the provision of Section 3.8 “Holding Zones”, on those lands zoned “R4-34 (H1, H2, H3)” by this By-law, the Holding symbol (H2) may be removed and thereby give effect to the “R4-34” Zone provisions in Section 2 above, upon completion of the following:

(a) That a visual analysis is finalized including determination of the maximum building height as a Metre Above Sea Level (MASL) to the satisfaction of the Director of Planning and Chief Planner and the Niagara Escarpment Commission.

Notwithstanding the provision of Section 3.8 “Holding Zones”, on those lands zoned “R4-34 (H1, H2, H3)” by this By-law, the Holding symbol (H3) may be removed and thereby give effect to the “R4-34” Zone provisions in Section 2 above, upon completion of the following:
To Amend Zoning By-law 3692 (Stoney Creek)  
Respecting lands located at 2 Glover Mountain Road  
(Stoney Creek)

Page 3 of 4

(a) That the Niagara Escarpment Commission (NEC) issue development permits for the creation of the lots, the road and the outlet / spillway and all conditions of the development permits are cleared to the satisfaction of Manager of Engineering Approvals, Growth Management Division.

That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this __________ day of _____, 2018

_________________________________________  
F. Eisenberger  
Mayor

_________________________________________  
R. Caterini  
City Clerk

ZAC-16-001  
25T-201601
To Amend Zoning By-law 3692 (Stoney Creek)
Respecting lands located at 2 Glover Mountain Road
(Stoney Creek)

This is Schedule "A" to By-law No. 18-
Passed the .......... day of ...................., 2018

Schedule "A"

Map Forming Part of By-law No. 18-_____
to Amend By-law No. 3692-92

Subject Property
2 Glover Mountain Road

Change in Zoning from Neighbourhood Development "ND" Zone to the Single Residential "R4-34 (H1, H2, H3)" Zone, Modified
Refer to By-law No. 05-200
CITY OF HAMILTON

BY-LAW NO._____

To Amend Zoning By-law No. 05-200 (Hamilton)
Respecting lands located at 2 Glover Mountain Road
(Stoney Creek)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to different areas incorporated into the City by virtue of the City of Hamilton Act 1999, Statutes of Ontario, 1999 Chap.14;

WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

WHEREAS the Council of the City of Hamilton, in adopting Item of Report PED18018 of the Planning Committee, at its meeting held on the 20th day of February 2018, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 1352 of Schedule “A” – Zoning Maps of By-law No.05-200, be amended as follows:
   
a) by adding to the City of Hamilton Zoning By-law No. 05-200, the lands the extent and boundaries of which are shown as schedule “A” to this By-law;

   b) by establishing a Conservation / Hazard Land (P5-679) Zone, Modified, to the lands, the extent and boundaries of which are shown as “Blocks 5-8” hereto annexed as Schedule “A”;

2. That Schedule “C” – Special Exceptions of By-law No. 05-200, is amended, by adding the following special provision:
   
a) Notwithstanding Section 4.23 d), the minimum setback from any building or structure to Conservation / Hazard Land (P5) Zone will be 1.2 metres for any residential side yards and will be 7.0 metres for any rear yards.
To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting lands located at 2 Glover Mountain Road  
(Stoney Creek)

3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

4. That this By-law No. _______ shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as provided by the said Subsection

PASSED and ENACTED this __________ day of ____ , 2018

____________________________________  ________________________________
F. Eisenberger                      R. Caterini
Mayor                             City Clerk

ZAC-16-001
25T-201601
Appendix “C” to Report PED18018

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting lands located at 2 Glover Mountain Road
(Stoney Creek)

Schedule "A"

Map Forming Part of
By-law No. 18-_____

2 Glover Mountain Road
Lands to be zoned Conservation / Hazard (P5, 879) Zone, Modified

Refer to By-law No. 3692-92

Mayor

Clerk
Appendix “D”
Special Conditions

That this approval for the Revised Draft Plan of Subdivision, 25T-201601, prepared by Armstrong Planning & Project Management and certified by Douglas E. Hunt, O.L.S., dated November 6, 2015, consisting of four blocks (Blocks 1-4) to be used for four single detached dwellings, one block (Block 5) for the required 30.0 m buffer from the top of the Niagara Escarpment, two blocks (Blocks 6 and 7) for open space purposes, one block (Block 8) for a pond outfall/spillway easement and one proposed internal road known as Street “A” be received and endorsed by City Council with the following special conditions;

Development Engineering Conditions

1. That, prior to preliminary grading, the Owner shall demonstrate that the existing building has been demolished and existing private services decommissioned / abandoned to the satisfaction of the Senior Director, Growth Management Division.

2. That, prior to preliminary grading, the Owner provides, to the satisfaction of the Senior Director, Growth Management Division, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including home construction until final assumption. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor / agent contact information so that the City can direct works be completed as necessary.

3. That, prior to preliminary grading, the Owner shall complete an erosion flow exceedance analysis for the downstream system with consideration of future development of the lands within subcatchments 308, as per the Davis Creek Subwatershed Study, to the satisfaction of the Senior Director, Growth Management Division.

4. That, prior to servicing, the owner demonstrates that adequate municipal services are available at the east and west limit of Street ‘A’ to the satisfaction of the Senior Director, Growth Management Division.

5. That, prior to servicing, the Owner shall include in the engineering design and cost estimate schedules provision to construct municipal sidewalks as per the
current City of Hamilton policy in force at the time of the engineering plan submission at their expense, to the satisfaction of the Senior Director, Growth Management Division.

6. That, prior to servicing, the Owner shall include in the engineering design and cost estimate schedules provision for installation of a 1.8m high vinyl coated chain link fence between the private and public properties, at their expense, and to the satisfaction of the Senior Director, Growth Management Division.

7. That, prior to servicing, the Owner shall submit a detailed sump pump design to include a secondary relief/overflow on surface and back-up power unit, if required by the City. The pump design shall consider the weeping tile inflow based on the groundwater and severe wet weather conditions, to the satisfaction of the Senior Director, Growth Management Division.

8. That, prior to servicing, the Owner prepare an on-street parking plan to demonstrate the proposed lot frontage provide for a 40% on-street parking of the total number of dwelling units to the satisfaction of the Senior Director, Growth Management Division.

9. That, prior to servicing, the Owner shall submit a rock removal protocol and vibration monitoring plan and associated cost estimates, prepared by a licensed Professional Engineer. The cost to implement the Owner’s blasting protocol and vibration monitoring plan shall be included in the engineering cost schedules, to the satisfaction of the Senior Director, Growth Management Division. Furthermore, the Owner agrees to pay for a preconstruction survey and monitoring costs during blasting / rock removal activities for the telecommunicating tower located on the Special Policy Area ‘A’.

10. That, prior to servicing, the Owner agrees that a third party peer review of the proposed blasting protocol and vibration monitoring plan shall be completed. Furthermore, the owner agrees to pay for the peer review and to provide a cash payment to the City in advance of the peer review, if required, to the satisfaction of the Senior Director, Growth Management Division.

11. That, prior to servicing, where services are to be constructed in rock, the Owner shall conduct a pre-condition survey of residences within 100 metres and notify residents of rock removal within 200 metres of that phase of construction, to the satisfaction of the Senior Director, Growth Management Division.
12. The Owner agrees that Block 2 will remain undevelopable until such time as Block 2 is merged with the adjacent westerly lands, to the satisfaction of the Senior Director, Growth Management Division.

13. That, prior to registration of the plan, the owner demonstrates that the size of Block 8, the storm outfall block, is sufficient to provide for installation of a turning circle or hammerhead at the end of the maintenance road to the satisfaction of the Senior Director, Growth Management Division.

**Natural Heritage Planning Conditions:**

14. That prior to any grading and servicing works, the mitigation measures as outlined on pages 56 to 58 within the Environmental Impact Statement (EIS) prepared by MMM Group (Sept. 2016) be implemented to the satisfaction of the Director of Planning and Chief Planner.

15. That prior to registration, stewardship signage be placed by the Owner at the rear of the lots abutting the Core Areas to the satisfaction of the Director of Planning and Chief Planner and that the Owner acknowledge in wiring that Blocks 1-4, both inclusive are subject to site plan control.

16. That prior to registration, a stewardship brochure be designed by the Owner to the satisfaction of the Director of Planning and Chief Planner.

The stewardship brochures will be distributed to all future homeowners and will describe the importance of the natural areas and how the homeowner can minimize their impact on these features.

17. That prior to registration, a 1.8 m high black vinyl coated heavy duty chain link fence is to be placed along the boundary of Block 5 with appropriate access for maintenance of the stormwater management outlet to the satisfaction of the Director of Growth Management.

18. That prior to any grading and servicing, groundwater levels within the drainage channel and the groundwater flow from Veever’s spring should be monitored during the excavation of the drainage channel at the SWM outlet to the satisfaction of the Senior Director of Growth Management. If excavation takes place in summer when there is no spring flow, monitoring should take place after a significant storm event and in fall when the groundwater table beneath the site rises and flow from the spring begins its annual flow cycle.
Urban Design

19. The Owner agrees to retain a qualified Urban Designer / Architect to administer architectural development standards for those lots subject to architectural control prior to acceptance of a building permit application, to the satisfaction of the Director of Planning. Furthermore, the Owner agrees to adhere to those lots identified in the Urban Design / Architectural Guidelines, and submit building plans for the lots to the City’s Urban Designer / Architect for review and approval prior to the acceptance of a building permit application.

City Cost Sharing

There is no City Share for the costs of servicing workings with the draft plan lands.

NOTES TO DRAFT PLAN APPROVAL

- Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.

- That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit; all in accordance with the Financial Policies for Development, and the City’s Parkland Dedication By-law, as approved by Council.

- This property is eligible for weekly collection of Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City’s Solid Waste By-law 09-067, as amended.
Appendix “F” to Report PED18018
Page 1 of 1

Robert Czarkos, CEng MICE
Planning + Economic Development Dept.
Director Planning, Heritage + Economic - Suburban Team
71 Poinciana Cove, West St. Peter's, Hamilton, ON, L8P 4Y3

Re: Inc; M-DO-1427-70161

Dear Sirs:

I am the son of the late Mr. James King at 527 King St W, West
Street Canada. We knew his 2 children in Hamilton area.

I am in favor of the leaves for the Province and 2 more or 3 children
for the hospital located at 268 King St W. Very father their family, they wish
this would create 4 lots for residential development and their lots would
be taken some area.

Thanking you for the opportunity to offer my comments.

Paul King

Rick Nixey
<table>
<thead>
<tr>
<th>TO:</th>
<th>Chair and Members Planning Committee</th>
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<tbody>
<tr>
<td>COMMITTEE DATE:</td>
<td>February 20, 2018</td>
</tr>
<tr>
<td>SUBJECT/REPORT NO:</td>
<td>Equitable Access to City's Taxi System for All Persons with Disabilities (PED16232(b)) (City Wide)</td>
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<td>WARD(S) AFFECTED:</td>
<td>City Wide</td>
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<tr>
<td>PREPARED BY:</td>
<td>Dawn Johnson (905) 546-2424 Ext. 5809 Luis Ferreira (905) 546-2424 Ext. 3087</td>
</tr>
<tr>
<td>SUBMITTED BY:</td>
<td>Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department</td>
</tr>
</tbody>
</table>

**RECOMMENDATION**

(a) That 18 accessible taxi plates (ATP) be issued in 2018;

(b) That, subject to the approval of Recommendation (a) of Report PED16232(b) respecting 18 accessible taxi plates (ATP) being issued in 2018, the following be approved:

   (i) That an accessible priority list (APL) be created;

   (ii) That an annual fee of $57 (including applicable HST) to be placed on the APL be approved and added to the User Fee and Charges By-law 17-137;

   (iii) That amendments in the form attached as Appendix “A” to Report PED16232(b), respecting amendments to Schedule 25 (Taxicabs) of the By-law to License and Regulate Various Business, being By-law No. 07-170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

   (iv) That the implementation schedule as outlined in Report PED16232 which was approved by Council on December 14, 2016, Item 2(b) of the Planning Committee Report 16-021, be amended to permit the release of an additional 18 accessible taxi plates (ATP) to qualified licensed drivers within the Hamilton Taxicab Industry, in accordance with the criteria outlined in Appendix “B” attached to Report PED16232(b);
(v) That the current complaint process be enhanced to include a direct phone line option and solid web complaint portal;

(vi) That to achieve compliance with the Accessibility for Ontarians with Disabilities Act, 2005, S.O, 2005, c.11 (AODA) standards and to support the Advisory Committee for Persons with Disabilities (ACPD) with the on-demand accessible taxicab initiative, any future issuance of accessible taxi plates (ATP) be at the discretion of the Director of Licensing and By-law Services;

(vii) That Report PED16232(b) respecting Equitable Access to City's Taxi System for All Persons with Disabilities be brought to the next Advisory Committee for Persons with Disabilities (ACPD) Committee Meeting as information only;

(viii) That 0.25 full-time equivalent (FTE) be approved for program administration and increased enforcement of accessible complaints, to be fully funded from the revenues generated from annual renewals of the accessible plates and Personal Transportation Providers (PTP) revenue;

(c) That the item respecting Equitable Access to City's Taxi System for All Persons with Disabilities be considered complete and removed from the Advisory Committee for Persons with Disabilities (ACPD) Outstanding Business List.

EXECUTIVE SUMMARY

Staff was given approval to issue a total of 18 ATP over three years commencing in 2017. The first six ATP were offered to those listed on the Priority List (PL) where only three ATP were actually issued due to very little interest. The remaining three plates were offered to qualified taxicab drivers through a lottery process.

Due to the positive interest of taxicab drivers who are not on the PL and addressing the direction from Council regarding on-demand accessible taxicab service, we are now seeking approval to issue 18 ATP in addition to the six ATP already issued in 2017. This proposal increases the total number of ATP from the current 22 to 40. The remaining interested taxicab drivers who are unable to obtain an ATP will be placed on the newly created APL for any future issuance.

In addition to seeking approval for the issuance of an additional 18 ATP, Licensing and By-law Services has enhanced the current complaint process to include a direct phone option and web complaint form. This new process supports service enhancements and improvements for the disabled community.
Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The issuance of 18 additional accessible taxi plates will generate a one-time revenue increase of $81,000 with additional annual revenue generation of $11,000 from plate renewals.

The creation of an APL would generate annual revenues of approximately $4,500 based on the current interest.

Staffing: The addition of (0.25) FTE, at an annual cost of $25,000, to support program administration and increased enforcement of accessible complaints. FTE to be funded by increased license fees from annual plate renewals and PTP revenue, which will ensure full cost recovery.

Legal: Appropriate notice under the City’s Public Notice By-law No. 07-351 has been adhered to.

HISTORICAL BACKGROUND

On October 24, 2012, Council approved the Planning Committee Report 12-016, Item 10, directing staff to issue 16 accessible taxicab plates in 2013 to deliver taxicab services in accordance with the Accessibility for Ontarians with Disability Act, 2005 (AODA).

On December 14, 2016, Council approved the Planning Committee Report 16-021, Item 2, directing staff to issue a total of 18 accessible plates equally over three years commencing with the first six in 2017.

On May 10, 2017, Council approved GIC Report 17-010, Item 8, directing the City’s Director of Licensing to review and address the lack of on-demand accessible taxicabs in full consultation with members of the ACPD; and, that staff be directed to report back to the ACPD on steps to be actively taken to ensure full and equitable access to the City’s taxi system for all persons with disabilities.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

INTERGRATED ACCESSIBILITY STANDARDS Part IV, s. 79(1)
RELEVANT CONSULTATION

Legal Services, Finance and Administration, Hamilton Cab, Blue Line Cab and ACPD (Transportation Working Group) were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

In September 2017, following consultation with the Taxicab Industry and the ACPD (Transportation Working Group), it was determined that there was a need for additional accessible taxicabs, more efficient management of complaints and amendments to the Business Licensing By-law 07-170 to strengthen accessible taxicab service delivery.

The issuance of additional accessible taxicab plates will support the need to meet the standards outlined in the AODA requiring on-demand accessible taxicab service.

Accessible Taxicab Statistics

- An average of 868 accessible taxicab rides per month;
- A monthly average of approximately 115 ride refusals or denials;
- Numerous complaints per month related to access to available accessible taxicabs (which will be monitored with the approval of this Report);
- Average of 45 driver no-shows per month;
- With the additional six ATP issued in 2017, the ratio is 1:25,381 (based on population of 558,397);
- Approval of the issuance of 18 ATP as proposed, the ratio will be 1:13,960 (based on population 558,397);
- The release of the six accessible plates in December 2017 brought the current total to 22 which equates to approximately 4.9% of the total taxicab fleet servicing our residents; and,
- Releasing an additional 18 plates this year as proposed would increase the total number of accessible vehicles to 40, improving the ratio to 8.9% of the taxicab fleet.

Although this is still a relatively small number of accessible taxicabs in relation to the 449 regular taxicabs servicing our community, it almost doubles the existing accessible taxicab fleet.

As part of an ongoing initiative to support the accessible taxicab service within the industry, we will continue to monitor and work with the Brokers and the ACPD (Transportation Working Group) to bring forward continuous improvements and working towards providing on-demand service.
The issuing of these additional plates will support the improvement of the transportation needs of our community, as well as working towards compliance with the regulations outlined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O, 2005, c.11.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation
Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities
Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Economic Prosperity and Growth
Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: By-law Amending Schedule 25 (Taxicabs)
Appendix “B”: Criteria for the Issuance of Accessible Taxi Plates

KL/DJ/LF/st
CITY OF HAMILTON
BY-LAW NO.

To Amend By-law No. 07-170, being a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to licence and regulate various businesses being City of Hamilton By-law No. 07-170; and

WHEREAS this By-law amends Schedule 25 (Taxicabs);

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Section 1(1) is amended by adding the following definitions in alphabetical order:
   a) “accessible priority list” means the list of applications for an accessible taxicab owner licence maintained by the Director of Licensing and made available to the public with names set out thereon in chronological order as to the date and time of receipt;
   b) “new accessible taxicab owner’s licence” means an accessible taxicab owner’s licence issued, transferred or purchased after September 2017, except renewals existing at the date of the enactment of this schedule;

2. Section 13 is amended by adding a new subsection (m) as follows:
   (m) to impose conditions on any accessible taxicab owner’s licence issued by the City, transferred or purchased after September 2017 requiring the accessible taxicab to be in service and available for dispatched calls on:
   a) specified days of the week; and,
   b) specified times of the 24-hour period of any day.

3. Section 16 is amended by deleting subsection (v).
4. Section 17 is amended by deleting and replacing subsection (2) with a new subsection (2):

(2) New accessible taxicab owner licence plates shall be issued:

a) first to individuals on the priority list; and,

b) second to individuals on the accessible priority list.

5. Section 18 is amended by adding a new subsection (m) as follows:

(m) where the licensed broker fails to dispatch an accessible taxicab on a priority basis to a person with a disability who requests such service.

6. Section 20 is amended by adding a new subsection (5) as follows:

(5) Notwithstanding any other provision of this schedule, the Director of Licensing may authorize the issuance of additional accessible taxicab plates at his / her discretion.

7. Section 21 is amended by adding subsection (1) behind section 21 so that it reads 21(1) and adding a new subsection (2) as follows:

(2) Names of licensed taxicab drivers shall be placed on the accessible priority list in chronological order from date of application.

8. Section 22 is amended by adding a new subsection (3) as follows:

(3) Notwithstanding the closure of the priority list, the accessible priority list shall remain open allowing licensed drivers to be added to the list in order of application date.

9. Section 23 is amended by adding a new subsection (9) as follows:

(9) Persons whose names are on the accessible priority list must comply with all sub-sections of this Section 23.

10. Section 24 is amended by adding a new subsection (9) as follows:

(9) Persons whose names are on the accessible priority list must comply with all subsections of this Section 24.

11. Section 25 is amended by adding a new subsection (3) as follows:
To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

(3) Persons whose names are on the accessible priority list must comply with all subsections of this Section 25.

12. Section 26 is amended by adding a new subsection (3) as follows:

(3) Subsections (1) and (2) of this Section 26 also applies to individuals on the accessible priority list.

13. Section 38(1) is amended by deleting and replacing subsection (a) with:

(a) submitted by such person to the Director of Licensing for testing and inspection at any time as directed;

14. Section 38(1) is amended by deleting subsection (e).

15. Section 41(4) is amended by adding a new subsection (c) as follows:

(c) proof of insurance in the amount of $2,000,000.

16. Section 42(2) is amended by deleting and replacing subsection (b) with the following:

(b) a taxicab that is accessible, as determined by the Director of Licensing from time to time, and is no more than five (5) years old when first approved as a taxicab under section 56(5), shall be no more than ten (10) years old.

17. Section 47 is amended by deleting and replacing subsection (1)(Z) to (1)(z), lower case (z)

18. Section 50(1) is amended by adding a closed bracket after (o so that it reads (o).

19. Section 54(1) is deleted and replaced it with the following:

(1) This schedule shall be administered by the Director of Licensing with delegation of the enforcement to any Municipal Officer.

20. Section 54(2) is amended by adding a new subsection (e) as follows:

(e) issue an administrative penalty notice for any contraventions of this Schedule.
To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

21. The amendments in this By-law include any necessary grammatical, numbering and lettering changes as necessary.

PASSED this day of , 2018.

____________________________    ______________________________
Fred Eisenberger               Rose Caterini
Mayor                           City Clerk
To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

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<td>Is this by-law derived from the approval of a Committee Report? Yes</td>
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<td>Committee: Planning Report No.: PED16232(b) Date: 02/20/2018</td>
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<td>Ward(s) or City Wide: City Wide (MM/DD/YYYY)</td>
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<tr>
<th>Prepared by: Luis Ferreira Phone No: Ext.3087</th>
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CRITERIA FOR THE ISSUANCE OF ACCESSIBLE TAXICAB PLATES

- Offer individuals currently on the Priority List (PL) accessible taxicab plates. Individuals will be contacted in writing offering the opportunity to purchase an accessible taxicab plate.

- Each individual that is contacted will have thirty (30) days to confirm with the City of Hamilton, Licensing Section, in writing, if they would like to purchase an accessible taxicab plate.

- Individuals on the Priority List will be given the right of first refusal of accessible taxicab plates before opening the opportunity to all qualified licenced taxicab drivers on the Accessible Priority List (APL).

- A one year minimum as a licensed taxicab driver with the appropriate endorsement will be the requirement to qualify to be placed on the list.

- Only those meeting the above qualification will be considered.

- Those successful taxicab drivers will be contacted directly by the City.
**TO:** Chair and Members
Planning Committee

**COMMITTEE DATE:** February 20, 2018

**SUBJECT/REPORT NO:** Business Licensing By-law 07-170 – Replacement of Taxicab Tariff / Fares (Appendix 1 of Schedule 25) (PED18045) (City Wide)

**WARD(S) AFFECTED:** City Wide

**PREPARED BY:** Luis Ferreira
(905) 546-2424 Ext. 3087

**SUBMITTED BY:** Ken Leendertse
Director, Licensing and By-law Services
Planning and Economic Development Department

**SIGNATURE:**

**RECOMMENDATION**

That the Business Licensing By-law 07-170 be amended by replacing Taxicab Tariff / Fares Meter and By Agreement Rates (Appendix 1 of Schedule 25), in accordance with the amending By-law, attached as Appendix “A” to Report PED18045, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

**EXECUTIVE SUMMARY**

Taxicab stakeholders have for some time complained about the current Taxicab Tariff / Fares as set out in Appendix 1 of Schedule 25 of the Business Licensing By-law No. 07-170 (Licensing By-law). As a consequence of the penny being discontinued, these stakeholders feel that the current $0.13 charge on distance and waiting time while under engagement is confusing to the general public as the meter calculates the cost of the trip by this denomination resulting in an odd fare at the end of each trip. It would be more efficient if the meter advanced by $0.10 instead of $0.13 as this would remove the requirement of having to round up or down the cost of the trip.

By reducing the Tariff / Fare amount as proposed, together with a corresponding reduction in the distance and time, we maintain the status quo of the cost of a taxicab trip while addressing concerns brought forward by the taxicab stakeholders.

Upon examination of Appendix 1 of Schedule 25 of the Licensing By-law, it was determined that implementing the proposed recommendations would simultaneously...
update the Tariff / Fare amount to today’s standards and address a concern raised by the taxicab industry, while having no negative impact on taxicab customers.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing / Legal: N/A

HISTORICAL BACKGROUND

The Municipal Act, 2001 provides Council with the authority to regulate any business, wholly or in part, carried out within its jurisdiction, including the authority to license and restrict the amount taxicabs can charge customers. The current Licensing By-law is a compilation of amendments passed by Council over many years and currently contains requirements that no longer serve its original purpose.

Upon examination of Appendix 1 of Schedule 25 of the Licensing By-law 07-170, it was determined that implementing the proposed recommendations would simultaneously update the Tariff/Fare amount to today’s standards, address a concern raised by our friends in the taxicab industry while having no negative impact on taxicab customers.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

In addition to the City’s Legal Services, the Industry Stakeholders (Taxicab Brokers, Owners and Drivers) were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Taxicab Tariff / Fares are currently regulated by Appendix 1 of Schedule 25 of the Business Licensing By-law No. 07-170. Taxicab Brokers, Owners and Drivers have voiced their concern with regard to the current $0.13 charged for each additional 72.1 meters or part thereof as well as the $0.13 charged for waiting time while under engagement for each fourteen (14) seconds, which results in a taxicab ride of $5.72 for 1,009 meters travelled.

In consultation with the Taxicab stakeholders, it is recommended that the taxicab meter fares / tariffs be amended as follows:
$0.13 charged for each additional 72.1 meters or part thereof be amended to reflect $0.10 charged for each additional 55.6 meters or part thereof; and,

$0.13 for waiting time while under engagement for each 14 seconds be amended to reflect $0.10 for waiting time while under engagement for each 11 seconds.

These changes would equate to a taxicab ride of $5.70 for 1,000.8 meters travelled which is a negligible difference and would have no impact on taxicab customers.

**ALTERNATIVES FOR CONSIDERATION**

N/A

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement & Participation**

*Hamilton has* an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**Economic Prosperity and Growth**

*Hamilton has* a prosperous and diverse local economy where people have opportunities to grow and develop.

**Healthy and Safe Communities**

*Hamilton is* a safe and supportive city where people are active, healthy, and have a high quality of life.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A”: Draft By-law and Appendix 1 of Schedule 25 (Taxicab Tariff / Fares)

KL/LF/st
CITY OF HAMILTON

BY-LAW NO.

To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a By-law to License and Regulate Various Businesses being City of Hamilton By-law No. 07-170; and

WHEREAS this By-law deletes and replaces Appendix 1 of Schedule 25 – Taxicabs;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Appendix 1 of Schedule 25 of By-law 07-170 is deleted and replaced with Appendix “A” attached hereto.
2. This By-law comes into force on the day it is passed.

PASSED this day of , 2018.

______________________________  ________________________________
Fred Eisenberger               Rose Caterini
Mayor                          City Clerk
Appendix “A”

SCHEDULE 25
TAXICABS

Appendix 1 (Taxicab Tariff/Fares)
Meter and By Agreement Rates

The Meter and By Agreement Rates as approved by Council are set as follows:

For the first 71.4 meters or part thereof $3.90
For each additional 55.6 meters or part thereof $0.10 ($1.80)
For waiting time while under engagement for each eleven (11) seconds $0.10
Livery or meter cabs by agreement (per hour) $37.00

Senior Citizens receive a 10% reduction on the above Meter Rates calculated on the highest Full Dollar registered on the taxi meter.

The above rate includes the Harmonized Sales Tax.

In accordance with section 68 of this By-law, promotional discount fares are prohibited subject to the written consent of the Director of Licensing.
### Executive Summary

On November 3, 2016, the Minister of Government and Consumer Services introduced Bill 59, *Putting Consumers First Act* (Consumer Protection Statute Law Amendment), 2016. The Bill 59 amendments to the *Payday Loans Act, 2008* and *Municipal Act, 2001* expand the municipal authority to limit the number and location of payday loans establishments within the City.

On December 12, 2017, Bill 59 received Royal Assent. The amendment to allow local municipalities to regulate the location and number of payday loans establishments has been proclaimed by the Lieutenant Governor into force and effective January 1, 2018. This Report proposes changes to Licensing By-law, Schedule 11 - Payday Loans, to be in line with the newly enacted provincial legislation.

### Alternatives for Consideration – Not Applicable
FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing / Legal: N/A

HISTORICAL BACKGROUND

In July 2015, Councillor Matthew Green presented a Motion to Council calling on the Provincial Government to strengthen the protections afforded by the Payday Loans Act, 2008 and to assist municipalities in limiting the numbers and locations of these cheque cashing outlets.

Council further requested that staff research the feasibility of licensing payday loans establishments within the City and the requirement for locations to post their rates and supply debt counselling information. On February 24, 2016, Council approved Item 6 of Planning Committee Report 16-003 to license payday loans businesses under the Licensing By-law.

The Bill 59 amendments to the Payday Loans Act, 2008 and Municipal Act, 2001 that expand the municipal authority to limit the number and location of payday loans establishments within the City is the catalyst for the proposed changes to Payday Loans (Schedule 11).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

In addition to the City’s Legal Services, Frank Denton and Shane Gallagher from the Ministry of Government and Consumer Services were also consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The relevant portions of the amendments in Bill 59, relative to the Municipal Act, 2001 and the Payday Loans Act, 2008, expands the City’s authority to limit the number and location of payday loans establishments within the City. Currently, the City licenses 30 payday loans establishments.

The proposed Payday Loans (Schedule 11) limits the number of payday loans establishments to a maximum of 15 and no more than one location per Ward. It also recognizes and permits the 30 locations, where establishments currently licensed with the City, may operate provided the premises continues to be used for such purposes,
the business owner maintains their licence and the business carried on therein is in compliance with this By-law.

Approving the proposed Payday Loans (Schedule 11) ensures the City has used all authority granted to it by the Province to reduce the risk to consumers who use alternative financial services. It is recommended that the proposed Schedule 11 be adopted.

In addition to expanding the municipality’s authority, Bill 59 also includes the following additional regulatory changes which remain under the Provincial regime that will come into force on July 1, 2018:

- Mandatory extended payment plan for borrowers with three or more loans with the same lender within a 63-day period;
- Loan limit of 50 per cent of a borrower’s net pay per loan;
- The cost of borrowing a payday loan must be disclosed as an annual percentage rate in advertisements and agreements;
- Maximum fee for cashing government-issued cheques capped at $2 plus one per cent of the face value of the cheque, or $10, whichever is less; and,
- Mandatory provision for a receipt when cashing government-issued cheques.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation
Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities
Hamilton is a safe and supportive City where people are active, healthy and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Amending By-law (Payday Loans - Schedule 11)

KL/ RU/ st
CITY OF HAMILTON
BY-LAW NO.

To Amend By-law 07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a By-law to License and Regulate Various Businesses being City of Hamilton By-law No. 07-170;

WHEREAS section 154.1 of the Municipal Act, 2001 authorizes the City of Hamilton to define the location and limit the number of payday loans establishments; and

WHEREAS this By-law deletes and replaces Schedule 11 – Payday Loans Businesses;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 11 of By-law No. 07-170 is repealed and replaced with Appendix “A” attached hereto.

2. Despite the repeal of Schedule 2 under section 1:
   a. the Schedule shall continue to apply to proceedings in respect of offences that occurred before its repeal; and,
   b. all licences issued under the Schedule that are in effect at the time of the repeal shall be deemed to be licences as issued under this Schedule, with all necessary modifications, and all the rules, requirements and regulations of this Schedule shall apply.

3. This By-law comes into force on the day it is passed.

PASSED this day of , 2018.
To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

_________________________  ____________________________
Fred Eisenberger            Rose Caterini
Mayor                      City Clerk
APPENDIX “A”

SCHEDULE 11

PAYDAY LOANS BUSINESSES

DEFINITIONS

1. In this Schedule:

   “chartered bank annual consumer loan rate” means the most recent chartered bank – consumer loan rate set out in Table 176-0043 of the Bank of Canada Financial Market Statistics; and,

   “payday loans business” means a person or entity licensed as a lender or a loan broker under the Payday Loans Act, 2008.

LICENSING

General

2. Every payday loans business shall hold the applicable current and valid licence under this Schedule.

3. Before a licence may be issued, every applicant for a licence, in addition to complying with the General Provisions of this By-law, shall submit, for approval of the Issuer of Licences:
To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

(a) Proof of a current and valid licence as a lender or a loan broker under the Payday Loans Act, 2008;

(b) accurate, scale representations of the posters that will be displayed in accordance with sections 8 and 9; and,

(c) the credit counselling information that will be given in accordance with section 10.

4. No new payday loans business shall be issued a licence for a location listed in section 7.

5. No payday loans business shall be located and no payday loans business licence shall be issued except for in areas as permitted by sections 6 and 7.

(a) No more than 15 payday loans business licences shall be issued; and,

(b) No more than one payday loans business licence shall be issued per ward.

6. Council may consider a request to substitute a new location for an existing payday loans business location provided that any requested new location shall be restricted by ward and no more than one location per ward shall be permitted.

7. Despite section 6, the premises at the following municipal addresses licensed and in actual use as payday loans businesses in the City on November 1, 2016, are deemed to be a location where a payday loans business is permitted to operate and eligible to be licensed only for so long as the premises continues to be used for such purposes, the business owner maintains their licence, and the business carried on therein is in compliance with this By-law:

(a) 736 Queenston Road;

(b) 970 Upper James Street;
To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

(c) 152 Hwy 8, Unit 158;
(d) 61 King Street East;
(e) 1392 Main Street East;
(f) 460 Main Street West;
(g) 483 Hwy 8;
(h) 1 Wilson Street;
(i) 836 Upper James Street;
(j) 1655 Main Street West;
(k) 1056 Barton Street East;
(l) 314 Queenston Road, Unit F;
(m) 58 Centennial Parkway North;
(n) 309 Grays Road;
(o) 1120 Fennell Avenue East;
(p) 529 Concession Street;
(q) 732 Queenston Road;
(r) 219 King Street East;
(s) 1299 Barton Street East, Building K;
(t) 147 Locke Street South;
(u) 534 Concession Street;
(v) 127 King Street East;
(w) 13 King Street East, Suite 1;
(x) 858 Upper James Street;
(y) 478 King Street East, Unit 2;
(z) 1116 Barton Street East, Unit 1;
To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

(aa) 77 James Street North, Unit 223;
(bb) 695 Queenston Road;
(cc) 833 Upper James Street; and,
(dd) 1062 Barton Street East.

Poster for Rates

8. Every payday loans business shall display a poster at each of the offices authorized by its Payday Loans Act, 2008 licence that:

(a) has been approved in advance by the Issuer of Licences;
(b) is in English;
(c) is visible to any person immediately upon entering the office;
(d) is of a minimum size of 61 centimetres in width by 91 centimetres in length; and,
(e) consists of:

(i) in 144 point font, a heading setting out the words “Our Annual Interest Rate” and the amount of the payday loans business’s annual interest rate, which may be shown on a replaceable card attached to the face of the poster or by any other similar means, immediately below the heading;

(ii) in 144 point font, a heading setting out the words “Chartered Bank – Annual Consumer Loan Rate” and the chartered bank annual consumer loan rate, which may be shown on a replaceable card attached to the face of the poster, immediately below the heading; and,

(iii) in 34 point font and below 4(e)(i) and 4(e)(ii) the words “This poster is required under Schedule 11 of the City of Hamilton’s Business Licensing By-law No. 07-170.”
To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

Poster for Credit Counselling

9. Every payday loans business shall display a poster at each of the offices authorized by its Payday Loans Act, 2008 licence that:

(a) has been approved in advance by the Issuer of Licences;

(b) is in English;

(c) is visible to any person immediately upon entering the office;

(d) is of a minimum size of 61 centimetres in width by 91 centimetres in length; and,

(e) consists of:

(i) in 144 point font, a heading setting out the words “Credit Counselling”;

(ii) in 144 point font, a heading setting out the word “Contact” followed by one or more of the following credit counselling agencies:

(1) Credit Counselling Canada
(2) Canadian Association of Credit Counselling Services
(3) Ontario Association of Credit Counselling Service
(4) Canadian Association of Independent Credit Counselling Agencies

together with their respective telephone number and email address; and

(iii) in 34 point font and below 5(e)(i) and 5(e)(ii) the words “This poster is required under Schedule 11 of the City of Hamilton’s Business Licensing By-law No. 07-170.”
Credit Counselling Information

10. Every payday loans business shall ensure that each person who attends at its offices is given, immediately upon him or her expressing an interest in a loan, credit counselling information that has been approved in advance by the Issuer of Licences.
TO: Chair and Members Planning Committee

COMMITTEE DATE: February 20, 2018

SUBJECT/REPORT NO: Comprehensive Review of Discharge of Firearms By-law 05-114 (PED16107(a)) (City Wide) (Outstanding Business List Item)

WARD(S) AFFECTED: City Wide

PREPARED BY: Robert Ustrzycki (905) 546-2424 Ext. 4721

SUBMITTED BY: Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department

SIGNATURE:

RECOMMENDATION

That the Licensing and By-law Services staff be directed to consult with Legal Services and develop and bring forward to the Planning Committee an updated By-law to repeal and replace City of Hamilton Discharge of Firearms By-law 05-114 that incorporates the recent and future urban developments in the City and includes the key aspects generated by the public engagement process as contained in Report PED16107(a).

EXECUTIVE SUMMARY

The City Solicitor, through Report LS15020 (Regulating Guns and / or Ammunition) dated August 10, 2015, informed the General Issues Committee that the Discharge of Firearms By-law is in need of updating. As a result, staff was directed to undertake a comprehensive review of the Discharge of Firearms By-law, including stakeholder consultation, for recommendations for an effective, updated By-law that incorporates the recent and future urban developments in the City.

This Report provides the results of the work done to date including public engagement, consultations, and the establishment / review of a Working Group as part of the comprehensive review of the Discharge of Firearms By-law.

Alternatives for Consideration – Not Applicable
FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing / Legal: N/A

HISTORICAL BACKGROUND

The City of Hamilton Discharge of Firearms By-law, enacted on May 11, 2005 regulates where firearms may be discharged in the City for the safety of the inhabitants. The current By-law is a compilation of the former Municipalities of the City (Report PD05119, Harmonization of Discharge of Firearm By-law, dated April 15, 2005) with no revision since its day of passing.

On August 10, 2015 General Issues Committee received Report LS15020 (Regulating Guns and / or Ammunition) regarding options with respect to the City’s authority over guns and / or ammunition. General Issues Committee was informed by the City Solicitor that the Discharge of Firearms By-law is in need of updating, that would require consultation with the stakeholders, and be modified to clearly reinforce the Federal and Provincial regulation of firearms.

At its meeting of September 23, 2015, Council approved information item h(ii) of Planning Committee Report 15-014 which reads as follows:

(a) That Municipal Law Enforcement (MLE) staff, in consultation with Legal Services and Planning staff as well as the Hamilton Police Service, undertake a comprehensive review of the Discharge of Firearms By-law No. 05-114, including stakeholder consultation; and,

(b) That staff be directed to report back with recommendations for the most effective Discharge of Firearms By-law including, but not limited to, consideration of where the discharge of firearms is permitted.

On May 25, 2016 City Council approved Item 8.1 of Planning Committee Report 16-010 to receive staff Discharge Firearms Report (PED16107) informing Members of Council that more analysis is needed to update the substantive provisions of the By-law, and outlining the process intended by staff to:

- Establish a working group to review public comments, the overlapping jurisdictions, respective roles, safety issues, criteria for high risk areas, strategies and tasks necessary for an enforcement/administration/communication plan;
- Consult with City Councillors representing rural Wards;
- Consult with the numerous stakeholders and property owners having interest; and,
- Conduct a broader research of best practices in other jurisdictions.

OUR Vision: To be the best place to raise a child and age successfully.
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.
POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City of Hamilton Discharge of Firearms By-law 05-114.

Staff considered the following applicable Provincial and Federal legislation:

- Conservation Authorities Act, R.S.O. 1990, c. C.27;
- Protection of Livestock & Poultry from Dogs Act, R.S.O. 1990, c. L.24;
- Animal Health Act 2009, S.O. 2009, c. 31;
- Trespass to Property Act, R.S.O. 1990, c. T.21;
- Occupiers Liability Act, R.S.O. 1990, c. O.2;
- Criminal Code, R.S.C., 1985, c. C-46;
- Firearms Act, S.C. 1995, c. 39; and,

RELEVANT CONSULTATION

Public Engagement

City staff hosted public consultations with stakeholders and affected persons to gain community feedback (detailed in “Analysis and Rationale” section of this Report).

Councillors for Wards 11, 12, 14 and 15 were consulted in this review and facilitated arrangements for the Open Public Meetings in the rural community.

The following internal departments were consulted in preparation of this Report:

- Planning;
- Legal Services;
- Public Works (Parks);
- Community and Emergency Services (Recreation);
- Senior Project Manager for Indigenous Community Affairs; and,
- Agricultural / Rural Affairs Sub-committee.

A Working Group (advisory group) was established from key professionals with extensive experience and knowledge in the administration, enforcement, education and use of firearms and public safety from the following agencies:

- Hamilton Municipal Law Enforcement;
- Hamilton Police Services;

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.
ANALYSIS AND RATIONALE FOR RECOMMENDATION

The goal and objective of the comprehensive review of the Discharge Firearms By-law is:

1. Update the Schedule map(s) where the discharge of firearms is prohibited, to incorporate recent and future urban development; and,

2. Determine if the current provisions provides clear understanding of its provisions, balances the varied needs of the community, maintains public safety, and reinforces Federal / Provincial firearm regulations.

Staff incorporated the recent and future development into the Discharge of Firearms By-law Schedule Map(s) for public consultation. The consultation map, attached as Appendix “A: to this Report, provides clear, well defined identification of the areas where the discharge of firearms is currently prohibited, and denoting the proposed expanded prohibited areas for public consultation.

Public Consultation

Staff research identified 43 stakeholders (Associations, Organizations, Clubs and Agencies) linked to the discharge of recreational firearms / bows within the City of Hamilton. Invitations to a meeting of stakeholders at City Hall on January 26, 2017 provided the opportunity for comment and questions to City staff (Stakeholders List and Summary of Meeting is attached as Appendix “B” to this Report).

Following the stakeholders meeting, arrangements for open public meetings were made for the general public to comment to City staff on boundary changes and any proposed By-law changes. Notice was provided through media releases, public notices, and personal invitation for persons on record with the City as having interest to attend. A total of three open public meetings were held from February 13, 2017 to March 1, 2017 in Glanbrook, Rockton and Ancaster (Summary of Meetings is attached as Appendix “C” to this Report).

In addition to providing a platform for public comment, the open public meetings and consultation allowed participants the opportunity to seek clarification and to ask questions relating to the administration and enforcement of the Discharge Firearms By-law. Appendix “C” to this Report provides summaries of the three open public meetings.
Approximately 85 citizens attended the meetings. The public consultations provided a broad and diverse outlook to examine the current By-law and formulate the following fundamental improvements to the By-law:

- Simplify the overall structure of the By-law and mapping;
- Provide better wording and understanding;
- Eliminate any ambiguity;
- Provide separate regulations for archery;
- Improve public education and communication; and,
- Improved and unified enforcement.

Key Aspects of the Comprehensive Review

The Working Group considered carefully all of the comments, recommendations and concerns received through the public consultation / engagement process. The minutes of these meetings are attached as Appendix “D” to this Report. The review analyzed the boundary expansion, the substantive issues and any changes to the Discharge Firearms By-law. To balance the overall needs of the community the Working Group also examined:

- Overlapping jurisdictions of MLE, Police, MNR their respective roles;
- Safety issues;
- Criteria for high risk areas;
- Best practices of 23 Ontario municipalities; and,
- Strategies for an enforcement and communication plan.

Boundary Changes

The use of maps is the best tool to direct / assist and meet the visual needs of the reader to identify the areas prohibited in the By-law. It was realized that without an intimate knowledge of the geography of the City of Hamilton the current By-law maps offered little assistance to the reader. Members of the Working Group agreed with public comments that the current maps are unclear and confusing, and that the boundaries are in need of updating to reflect the recent and future urban developments.

Members of the Working Group concluded that details denoting the prohibited areas need to be accurate, with identifiable physical boundaries. Any expansion or reduction of existing prohibition boundaries should be reasoned; reflect the principles of public safety, and evidence based upon:

- Urban development;
- Density threshold;
- Type / use of buildings and property (e.g. dwelling, commercial, institutional);
• Population density;
• Number of incidents / complaints;
• Public roads / trails; and,
• Volume of traffic.

The consultation maps in Appendix “A” to this Report represent those areas where the discharge of firearms is currently prohibited and includes the current and future development in the City. The current By-law recognizes most recent urban development and with the exception of the City rural settlements requires little modification to capture the recent and future urban expansion. The present By-law map identifies five of the 17 rural settlements in the City. The property density of the rural settlements merits the inclusion of all 17 rural settlements to the boundary maps as prohibited.

The majority of public opinion supports:

1. Extending the prohibited areas as denoted in the consultation maps, with minor adjustments for borderlines to follow identifiable physical boundaries (i.e. public roads, watercourses); and,

2. Including all seventeen rural settlement areas as prohibited.

Scope and Exceptions

The primary issue for a Discharge of Firearms By-law is public safety in the discharge of recreational firearms / bows. To consider what is in the best interest of all the inhabitants, the By-law must be easily understood and enforceable, and fair to all persons by not being too restrictive or more lenient. Users of recreational firearms / bows undertake extensive training / education, and must adhere to stringent rules in order to maintain permits. The criminal, unsafe, careless, or illegal use / activities involving firearms is properly dealt with under the Criminal Code, Firearms Act and other applicable Federal / Provincial legislation. It was abundantly clear from the consultation meetings that the general intent and purpose of the By-law underscore the recreational use of firearms in the preamble and Short Title name of the By-law.

The present By-law exempts the following lawful and sanctioned uses:

• Farmers (protection of crops, livestock);
• Police agencies;
• Educational institutions (archery);
• National Defence; and,
• Shooting ranges, gun / skeet clubs, and similar organizations regulated by the Firearms Act and approved through the Chief Firearms Office where the regulations and level of inspection exceeds any municipal By-law.
Meetings with stakeholders and public consultation identified the following potential additions to the general exemptions provided in the current By-law:

- Licensed trappers;
- Starter pistols;
- Ceremonial (memorial services, funerals and military services);
- Theatrical props (blanks);
- Military re-enactments (blanks);
- Indoor use of archery, paintball and airguns;
- Dog trials; and,
- Sanctioned events.

Considering the demographics of the City, there was consensus that the exemption permit process currently in place is the best solution dealing with extraordinary circumstances where the general provisions may not be reasonable. Although no application has come forward since the passing of the By-law, continuing this practice allows for specific exceptions not envisaged by the general provisions of the By-law or the Schedule maps. MLE staff recognizes and acknowledges that the current permit application process requires improvement. Adopting the same criteria used by the Working Group for high risk areas improves the approval procedure, and delegating permit appeals to the appropriate Committee relieves Council of that function.

General Provisions (Buffer Zones)

The current By-law requires a distance of 100m for the discharge of firearms and bows from specified high risk or populated locations. Public opinion favoured a reduced limit of 50m for bows / archery while maintaining the current 100m distance for firearms. Adopting both limits is consistent with best practices in other jurisdictions as an appropriate distance from the following settings:

- Dwelling, building or structure (express permission of owner);
- Schools;
- Parks;
- Public trails;
- Churches;
- Community Centres;
- Cemetery;
- Hospitals;
- Urban properties / subdivisions / settlement areas;
- Private / public golf courses (except season closures);
- Private / public campgrounds / picnic areas (except season closures); and,
- Conservation lands and areas.
The current By-law is silent to airports and registered aerodromes in the City of Hamilton. Staff research to best practices in other municipalities suggests a distance of 300m. There was no challenge or concern to adding this requirement to the By-law.

Highways and railway lands are suitably dealt with under the applicable laws, and the current provision in the By-law regarding direction of discharge (ensure projectiles remain on site).

Definitions

The various definitions of a firearm from other legislation / jurisdictions were examined. There was agreement that bow / archery remain outside the definition of firearm; and that any reference to a firearm as a weapon be removed.

There was no contrary argument that the expressed verbal or written permission of the property owner was required for each person discharging a firearm. There was consensus that the express permission of the owner of a dwelling / building / structure was required for the discharge of any firearm within 100m (50m for bows) thereof.

Conservation Authorities are considered a private landowner and the express permission of the Authority is required allowing these agencies the flexibility to regulate their respective lands accordingly.

There must be clarity in describing locations / settings to recognize the diverse uses therein. As example, camp sites or walking / public trails are better described as 'managed' areas; or buildings / structures that are 'occupied'.

Enforcement

Four enforcement agencies (MNR, Police, City By-law, Conservation Authorities) have overlapping responsibilities and obligations to enforce 11 applicable (3 Federal, 8 Provincial) legislations relating to the activities surrounding the recreational use of firearms.

The general public has a misunderstanding of the By-law and are frustrated by the lack of response, public education, and disconnect of the enforcement agencies. There is need for the related enforcement agencies to meet and discuss solutions for calls to be directed to the correct service for action or information. Improved service levels are provided through partnerships, sharing of information and contacts. MLE staff are continuing to engage in discussions and consultation with other enforcement agencies and authorities to develop an effective Enforcement Strategy.
MLE staff concludes that enforcement of the Discharge of Firearms By-law may be improved with the issuance of Municipal Orders to the property owner / lessee to discontinue allowing or permitting the discharge of firearms from their property. The Municipal Order is an educational tool issued in the first instance before taking enforcement steps. Once issued, having presumed knowledge of the By-law, a charge would follow for disobeying the order.

**Communication**

An effective communication plan is the best tool available to inform the public of their legal obligations and prevent contraventions of the By-law. Members of the public are seeking accurate information in a user friendly format. Most prefer the creation of an information pamphlet containing maps, excerpts from the By-law and related legislation, and contact information for enforcement agencies. This information may be posted on the City’s website, along with hard copies available at strategic locations for public viewing.

To summarize, Report PED16107(a) represents the key aspects of the comprehensive review with the reasonable due diligence of the Working Group to review the public comments and take into account conditions for public safety. MLE staff will continue consultation with the related enforcement agencies and authorities to:

- Establish an effective communication strategy;
- Develop pamphlets and handouts of the Discharge Firearms By-law and Schedule maps; and,
- Research the use of on-line interactive maps on the City’s website.

**ALTERNATIVES FOR CONSIDERATION**

N/A

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement & Participation**

*Hamilton has* an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**Economic Prosperity and Growth**

*Hamilton has* a prosperous and diverse local economy where people have opportunities to grow and develop.
Healthy and Safe Communities

*Hamilton is* a safe and supportive city where people are active, healthy, and have a high quality of life.

Culture and Diversity

*Hamilton is* a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Consultation Maps
Appendix “B”: Stakeholders List and Summary of Meeting
Appendix “C”: Summaries of Open Public Meetings
Appendix “D”: Minutes of Working Group Meetings

KL/RU/st
This is Schedule "A" to By-law No. 17-
Passed the ........... day of ....................., 2017

Schedule "A"

Map Forming Part of By-law No. 17-____
to Amend By-law No. 05-144

Subject Property
Detail 1 - Carlisle

- Firearms & Bows Prohibited
- Firearms & Bows Boundary Expansion Area
- Firearms & Bows Permitted
This is Schedule "A" to By-law No. 17-
Passed the ........... day of ......................., 2017

Mayor

Clerk

Schedule "A"

Map Forming Part of By-law No. 17-______ to Amend By-law No. 05-144

Subject Property
Detail 2 - Lynden

- Firearms & Bows Prohibited
- Firearms & Bows Boundary Expansion Area
- Firearms & Bows Permitted
This is Schedule "A" to By-law No. 17-
Passed the .......... day of ......................., 2017

Schedule "A"

Map Forming Part of By-law No. 17-____
to Amend By-law No. 05-144

Subject Property

- Firearms & Bows Prohibited
- Firearms & Bows Boundary Expansion Area
- Firearms & Bows Permitted
This is Schedule "A" to By-law No. 17-

Passed the ........ day of ....................., 2017

Mayor

Clerk

Subject Property

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

Firearms & Bows Prohibited

Firearms & Bows Boundary Expansion Area

Firearms & Bows Permitted

Schedule "A"

Map Forming Part of By-law No. 17-

to Amend By-law No. 05-144

File Name/Number:
Detail 4 to Schedule A & B

Planner/Technician:
RU/VS

Scale:
N.T.S.

Date:
January 3, 2017

Page 229 of 293
This is Schedule "A" to By-law No. 17-
Passed the .......... day of ...................., 2017

Schedule "A"
Map Forming Part of By-law No. 17-____
to Amend By-law No. 05-144

Subject Property
Detail 5 - Rockton
Firearms & Bows Boundary Expansion Area
Firearms & Bows Permitted

Mayor

Clerk

Scale:
N.T.S.

File Name/Number:
Detail 5 to Schedule A & B

Date:
January 3, 2017

Planner/Technician:
RU/VS

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
This is Schedule "A" to By-law No. 17-
Passed the .......... day of .................................., 2017

Schedule "A"
Map Forming Part of By-law No. 17-_____
to Amend By-law No. 05-144

Subject Property
Detail 6 - Sheffield

- Firearms & Bows Boundary Expansion Area
- Firearms & Bows Permitted
This is Schedule "A" to By-law No. 17-
Passed the .......... day of ................., 2017

Schedule "A"
Map Forming Part of
By-law No. 17-____
to Amend By-law No. 05-144

Subject Property
Detail 7 - Kirkwall

Firearms & Bows Boundary Expansion Area
Firearms & Bows Permitted
This is Schedule "A" to By-law No. 17-
Passed the .......... day of ..................., 2017

Mayor

Clerk

**Schedule "A"**

**Map Forming Part of By-law No. 17-_____**

to Amend By-law No. 05-144

Subject Property

- Firearms & Bows Boundary Expansion Area
- Firearms & Bows Permitted

**Scale:**
N.T.S.

**File Name/Number:**
Detail 8 to Schedule A & B

**Date:**
January 3, 2017

**Planner/Technician:**
RU/VS

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
This is Schedule "A" to By-law No. 17-

Passed the ........ day of ......................, 2017

Mayor

Clerk

Subject Property

Map Forming Part of By-law No. 17-____

to Amend By-law No. 05-144

Firearms & Bows Boundary Expansion Area

Firearms & Bows Permitted
This is Schedule "A" to By-law No. 17-

Passed the ........... day of ......................, 2017

Schedule "A"

Map Forming Part of By-law No. 17-_____

to Amend By-law No. 05-144

Subject Property

Firearms & Bows Boundary Expansion Area

Firearms & Bows Permitted
This is Schedule "A" to By-law No. 17-

Passed the .......... day of ......................., 2017

Schedule "A"

Map Forming Part of
By-law No. 17-_____

to Amend By-law No. 05-144

Subject Property

Detail 11 - Flamborough Centre

- Firearms & Bows Boundary Expansion Area
- Firearms & Bows Permitted

Scale: N.T.S.

File Name/Number: Detail 11 to Schedule A & B

Date: January 3, 2017

Planner/Technician: RU/VS

Mayor

Clerk

Appendix "A" to Report PED16107(a) - Page 12 of 18
This is Schedule "A" to By-law No. 17-

Passed the .......... day of .................., 2017

Schedule "A"

Map Forming Part of By-law No. 17-_____ to Amend By-law No. 05-144

Subject Property

Firearms & Bows Boundary Expansion Area

Firearms & Bows Permitted

Scale: N.T.S.

File Name/Number: Detail 12 to Schedule A & B

Date: January 3, 2017

Planner/Technician: RU/VS

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
This is Schedule "A" to By-law No. 17-

Passed the .......... day of ....................., 2017

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Mayor

Clerk

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Schedule "A"

Map Forming Part of By-law No. 17-______

to Amend By-law No. 05-144

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Subject Property

Detail 13 - Alberon

Firearms & Bows Boundary Expansion Area

Firearms & Bows Permitted

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Scale: N.T.S.

File Name/Number: Detail 13 to Schedule A & B

Date: January 3, 2017

Planner/Technician: RU/VS

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
This is Schedule "A" to By-law No. 17-
Passed the .......... day of .................., 2017

Schedule "A"
Map Forming Part of By-law No. 17-[Redacted] to Amend By-law No. 05-144

Subject Property
Detail 14 - Woodburn
- Firearms & Bows Boundary Expansion Area
- Firearms & Bows Permitted

Mayor

Clerk

File Name/Number:
Detail 14 to Schedule A & B

Scale:
N.T.S.

Date:
January 3, 2017

Planner/Technician:
RU/VS

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
This is Schedule "A" to By-law No. 17-
Passed the .......... day of ......................, 2017

Schedule "A"
Map Forming Part of By-law No. 17-_____
to Amend By-law No. 05-144

Subject Property
Detail 15 - Troy

- Firearms & Bows Boundary Expansion Area
- Firearms & Bows Permitted
This is Schedule "A" to By-law No. 17-
Passed the ........... day of ..................., 2017

Schedule "A"

Map Forming Part of By-law No. 17-_______
to Amend By-law No. 05-144

Subject Property
Detail 16 - Orkney

Firearms & Bows Boundary Expansion Area
Firearms & Bows Permitted

Scale: N.T.S.
File Name/Number: Detail 16 to Schedule A & B
Date: January 4, 2017
Planner/Technician: RU/VS

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
This is Schedule "A" to By-law No. 17-

Passed the .......... day of ....................., 2017

Mayor

Clerk

Schedule "A"

Map Forming Part of By-law No. 17-______

to Amend By-law No.

Subject Property

Detail 17 - Binbrook

Firearms & Bows Prohibited

Firearms & Bows Boundary Expansion Area

Firearms & Bows Permitted

Scale: N.T.S.

File Name/Number: Detail 17 to Schedule A & B

Date: January 4, 2017

Planner/Technician: RU/VS

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Stakeholders List

Ministry of Natural Resources (MNR)
Grand River Conservation Authority
Niagara Peninsula Conservation Authority
Agricultural & Rural Affairs Advisory Committee
Binbrook Agricultural Society
Rockton Agricultural Society
Ancaster Agricultural Fair
Ontario Federation of Anglers & Hunters (OFAH)
The Association Sportsman Club
Canadian Shooting Sports
Canadian Outdoor Heritage Alliance
Ontario Archers Association
Canadian Coalition for Firearm Rights
Haudenosaunee Wildlife & Habitat Authority
Halton Conservation Authority
Hamilton Angling and Hunting Association
Hamilton Trap / Skeet Club
Hamilton Rod & Gun Club
Hamilton District Board of Education
Hamilton International Airport
Stoney Creek Agricultural Airport
Dundas Plaza Airport Runway (Skydive Swoop)
Rockton Aerodrome (Sosa Glider Flying Club)
Silverdale Gun Club
Hamilton Gun Club
Ontario Provincial Trap Association
Mount Hope Mossy Heads
Brockley Archery Club
Waterdown Rod & Gun Club
Wentworth Shooting Sports Club
Dundas Valley Longbeards
Firearm Safety Education Services Ontario
Bruce Trail Association
Royal Canadian Legion (Dundas Branch 36)
Royal Canadian Legion (Mount Hamilton Branch 163)
Royal Canadian Legion (Hamilton Branch 315)
Royal Canadian Legion (Waterdown Branch 551)
Royal Canadian Legion (Stoney Creek Legion 662)
Royal Canadian Legion (East Hamilton Branch 58)
Royal Canadian Legion (Lyden)
Niagara Escarpment Commission (NEC)
CN Railway
Fish and Wildlife Heritage Commission
COMPREHENSIVE REVIEW OF DISCHARGE FIREARMS BY-LAW

STAKEHOLDERS MEETING

January 26, 2017 Room 264, City Hall, 7pm

Invitation was sent to 43 identified stakeholders (clubs, organizations, associations) on January 4 & 5. Three agencies sent regrets (had discussion with R. Ustrzycki) identifying an additional stakeholder for consideration (Chief Firearms Office, OPP Supt. Bryan Martin 905-329-5522). 9 organizations sent delegates to the meeting (sign-in sheet).

The meeting commenced with a Power point presentation by R Ustrzycki outlining the goal, objectives and direction of the comprehensive review, followed by a Q & A to respond to any questions to record the following concerns / suggestions for review by the Working Group.

Buffer Zone for schools

Representation from the HWSB questioned the reasoning behind the 100m buffer zone and concerns with nearby residents of gun shots during hunting seasons (unrecorded). The delegate was provided with the current provisions in the City by-law (100m buffer zone), research of best practices in other jurisdictions (100m firearm / 50m bow), hunting regulations for Hamilton wildlife units (information / facts from other participants), City by-law enforcement records for 5 years (2 complaints: 0 charges). Delegate satisfied that 100m buffer zone for firearms have not been problematic.

Consensus of all participants that the By-law should provide for a reduced buffer zone (50m) for archery

Representative from CN police in consultation with CN’s firearms officer, are seeking a similar 100m / 50m buffer zone for railway lands (right of way). Railway Act prohibits anyone from trespassing (Contraventions Act) on CN lands, but is silent to hunting in close proximity to the tracks.

Consultation Maps and Expansion Areas

Representative from Royal Canadian Legion Br500 concerns regarding the expansion area was addressed by the detailed maps showing their property lying outside the prohibited area.
It was the consensus of the participants that denoting the various settlement areas in the City-Wide map is exhaustive and confusing. Relying on the general provisions (i.e. buffer zones), there seemed no need to include those areas in the map.

**Exemption**

The Board of Education was seeking an exemption for schools providing archery instruction. The delegation was directed to the City by-law which currently provides such exemption for schools.

Members of shooting ranges / clubs were also directed to the current By-law exemptions for licensed gun clubs (shooting ranges regulated by the Firearms Act). The participants agreed that the By-law should continue to recognize these sanctioned uses, and there should be more effort to identify the various exemptions to the recreational use of firearms. There should be consideration for naming the gun ranges, sanctioned events and clubs in the By-law.

**Public Engagement**

Participants questioned the number of stakeholders invited to the meeting, noting that the National Firearm Association, Edmonton was not included. City staff will contact the head office for consultation.

Participants were appreciative of the open consultation / dialogue of the stakeholders meetings and requested advance notice of all reports going to Committee / Council. R Ustrzycki undertook to provide advance notice of staff Committee / Council reports to the stakeholders.

**Enforcement**

General public have a misunderstanding of the recreational use of firearms. Land owners are frustrated by the lack of response by police, and public education. Concern was raised to the overlapping jurisdictions of the various enforcement agencies (police, MNR, Conservation, MLE) responding to contraventions of the various applicable laws resulting from the public complaints. A more collaborated effort is needed by these agencies to respond to complaints and educate the public.

**Definitions**

The inclusion of the word *weapon* in the definition of a firearm is darkening its recreational use, adding to the public’s general misunderstanding of its lawful uses. It was the consensus of the participants that the definition should be changed to eliminate the By-law’s association to the word / term *weapon* in its definition.
Overview of By-law

The mapping is outdated and confusing in its present form. It was the consensus of the participants that the overall structure of the By-law and its mapping must be simplified with more emphasis to public education and communication.

Other

Participants suggested the inclusion of City Planning staff to the Working Group. There has been preliminary consultation with the Planning staff. R. Ustrzycki will continue to meet separately with Planning staff at the conclusion of the public consultations as their contributions would fall out of the scope of the Working Group.
A meeting was arranged for members of the public to provide comments to City staff as part of the comprehensive review of the Discharge Firearm By-law. Public Notice of the meeting was posted on City Website on January 16, 2017, including links to the City's Discharge Firearm By-law and consultation maps. Personal invitation was sent to the identified stakeholders (clubs, organizations, associations), and those individuals recognized as having interest to this review.

The following was available, greeting those attending the meeting:

- Large consultation maps for viewing
- Information board for posting questions (for Q & A)
- City map to identify attendees place of residence
- City staff to field any questions prior to the presentation

The meeting commenced with a Power point presentation by R Ustrzycki outlining the goal, objectives and direction of the comprehensive review; followed by a Q & A to respond to any general questions, and compile any comments/concerns for review by the Working Group; closing with an open session for participants to dialogue with City staff.

Buffer Zone

The reasoning behind the 100m buffer zone questioned. The audience was provided with the current provisions in the City by-law (100m buffer zone), and research of best practices in other jurisdictions (100m firearm/ 50m bow). One attendee raised concern with the recent introduction of higher velocity, more powerful crossbows. Considering the City by-law enforcement records for 5 years (2 complaints: 0 charges), most acknowledged that the 100m buffer zone for firearms has not been problematic, and the overall conciliation was for a 50m buffer zone.

Consultation Maps and Expansion Areas

The comments to the consultation maps as forming part of any by-law were varied/mixed. Many of the participants agreed that the maps in the current By-law are
confusing and need to be changed. It was the suggestion of one of the participants that there seemed no need to include a map in any by-law and there should only be reliance on the general provisions (i.e. buffer zones). However, everyone was in agreement that any maps consider the recent and future development.

City staff clarified that the denoted prohibited/regulated areas follow physical/natural boundaries (roads, property lines, etc.). It was pointed out by an individual that the tract of land south of Golf Club Road, between Trinity Church Road and Hendershot Road did not seem to follow any recognizable boundary (to be analyzed by City staff).

**Enforcement**

There was a general concern expressing their frustration with the lack of response and understanding of the various enforcement agencies responding to a contravention. A more collaborated/joint effort and cohesive understanding by these agencies is needed when responding to complaints. More direction and public education is needed how to, and who to report any concern.

**Overview of By-law**

The current By-law is not clear and hard to understand. A suggestion that crossbows be included in the definition of firearms was not well received by the majority. It was the consensus of the participants that the definitions in the By-law should be examined to eliminate any ambiguity.

Additional exemptions are needed to identify shooting/gun clubs and ranges. The audience was directed to the current By-law exemptions for licensed gun clubs (shooting ranges regulated by the Firearms Act) and the provisions for exemption permits.

The mapping is outdated and confusing in its present form. It was the consensus of the participants that the overall structure of the By-law and its mapping must be simplified with more emphasis to public education and communication. There was concern with the unavailability of information for the public (i.e. maps, by-law, regulations, contact information for various enforcement agencies).

**Exemption**

Members of shooting ranges/clubs suggested that the By-law should continue to recognize these sanctioned uses, and there should be more effort to identify the various exemptions to the recreational use of firearms.
Public Engagement

Participants were appreciative of the open consultation/dialogue with the City and were speculating when a new by-law was anticipated. Staff outlined the process going forward, and that the public would still have the opportunity to address Committee/Council as any reports/recommendation are submitted.
A meeting was arranged for members of the public to provide comments to City staff as part of the comprehensive review of the Discharge Firearm By-law. Public Notice of the meeting was posted on the City Website on January 16, 2017, including links to the City’s Discharge Firearm By-law and consultation maps. Personal invitation was sent to the identified stakeholders (clubs, organizations, associations), and those individuals recognized as having interest to this review.

The following was available, greeting those attending the meeting:

- Large consultation maps for viewing
- Information board for posting questions (for Q & A)
- City map to identify attendees place of residence
- City staff to field any questions prior to the presentation

The meeting commenced with a Power point presentation by R Ustrzycksi outlining the goal, objectives and direction of the comprehensive review, followed by a Q & A to respond to the many general questions put forward. The session concluded with an open session for participants to dialogue with City staff to answer any specific questions and collect any additional comments/concerns for review by the Working Group.

**Enforcement**

There was a general concern expressing the frustration with the various enforcement agencies responding to a contravention. The public’s experience is that enforcement agencies are only focused and familiar with their respective legislation, and do not have a universal understanding of all the relevant legislation. There is no apparent sharing of information between these agencies, or when responding to complaints. It was suggested that a firearm hot-line be available to the public to report contraventions. It was also proposed that a process be considered where hunters are unreasonably harassed by unfounded complaints. The common thread to the varied concerns is that more public education and training of enforcement staff is needed.

**Consultation Maps and Expansion Areas**

The comments to the consultation maps as forming part of any by-law were varied / mixed. Most of the participants found maps to be beneficial, but agreed that the current
maps in the By-law are confusing and need to be changed. It would be very helpful if copies of the maps were provided to the hunter when renewing their tags/licenses. There was one suggestion that copies of the maps and by-law be mailed annually to residents in the rural area.

**Buffer Zone**

The participants were directed to the current provisions in the City by-law and the reasoning behind the 100m buffer zone; and staff findings to best practices in other jurisdictions (100m firearm/ 50m bow). There was concern that conservation lands are taking away hunting areas and that the 100m distance should be reduced for public trails or conservation lands. The conservation lands should be improved by posting those areas where the discharge of firearms is prohibited.

There was one suggestion that the City mail the various hunting regulations to all the affected residents annually; and that all prohibited areas/zones in the City be properly posted/signed.

**Concerns with current By-law**

The current By-law is not clear and hard to understand. It was the consensus of the participants that:

- definitions in the By-law should be examined to eliminate any ambiguity
- overall structure of the By-law and its mapping must be simplified with more emphasis to public education and communication.

There following a concerns expressed by individuals that did not necessarily represent the group as a whole:

- The discharge firearms should be allowed on all NEC where lands cannot be developed
- There should be separate definitions/restrictions for different firearms (high powered rifles, shotguns, air guns)
- Crossbows should be included as a firearm and not considered as a bow
- the meaning of a structure better defined (should not include a small garden shed in the backyard)

**Exemption**

The provisions exempting farmers protecting their livestock/crops in the current by-law is confusing and should be better defined to help identify their obligations (circumstances to allow hunting on their lands). There should be more effort to identify
the various exemptions to the recreational use of firearms and that shooting ranges/clubs be better defined in the by-law

Public Engagement

Many of the participants were appreciative of the open consultation/dialogue with the City and were speculating when a new by-law was anticipated. Staff outlined the process going forward, and that the public would still have the opportunity to address Committee/Council as any reports/recommendation are submitted.
A meeting was arranged for members of the public to provide comments to City staff as part of the comprehensive review of the Discharge Firearm By-law. Public Notice of the meeting was posted on the City Website on January 16, 2017, including links to the City’s Discharge Firearm By-law and consultation maps. Personal invitation was sent to the identified stakeholders (clubs, organizations, associations), and those individuals recognized as having interest to this review.

The following was available, greeting those attending the meeting:

- Large consultation maps for viewing
- Information board for posting questions (for Q & A)
- City map to identify attendees place of residence
- City staff to field any questions prior to the presentation

The meeting commenced with a Power point presentation by R Ustrzycki outlining the goal, objectives and direction of the comprehensive review, followed by a Q & A to respond to the many general questions put forward. The session concluded with an open session for participants to dialogue with City staff to answer any specific questions and collect any additional comments/concerns for review by the Working Group.

Enforcement

The public expressed their frustration reporting the discharge of a firearm. There is no apparent direction/instruction for the public to contact the appropriate enforcement agency. There was a sense of dissatisfaction to the apparent disconnect of the enforcement agencies experienced when reporting contraventions.

Better instruction/information is needed, which agency (police, MNR, By-law) to call, and under what circumstances. The information/communication should also include facts concerning the safe use of firearms.
Consultation Maps and Expansion Areas

Most of the participants found the consultation maps to be beneficial, and agreed that the current (old) maps in the By-law are confusing and need to be changed.

Several persons were concerned with the activity at one particular property, and proposed that the boundary to prohibit firearms be extended to the tract of land north east of Copetown, west of Inksetter Road, within Concession 2 and Regional Road 52.

Another participant suggested that the rural area of the Stoney Creek mountain, currently prohibited for the discharge of firearms (bows allowed), be permitted to control the deer population.

Buffer Zone

The participants were directed to the current provisions in the City by-law and the reasoning behind the 100m buffer zone; and staff findings to best practices in other jurisdictions (100m firearm/ 50m bow). There was conciliation that reduced distances be applied to bows, shotguns and muzzleloaders.

Concerns with current By-law

The current By-law is not clear and hard to understand. It was the consensus of the participants that any changes to the by-law should:

- Provide better wording and understanding of the by-law
- Expand/ provide a full definition of a bow
- Eliminate any ambiguity in the definitions
- Simplify the overall structure of the By-law and its mapping
- Emphasis/ have improved public education and communication.

There was a suggestion expressed by one individual that the by-law restricts the use of high power firearms for target practice.

Exemption

The by-law should continue to exempt farmers protecting their livestock/crops, and that there should be more effort to identify and explain the various exemptions to the by-law.
Discharge of Firearms By-law

Working Group - Meeting Minutes

Date: January 5, 2017  9:30am
Location: MR – City Centre – 2nd Floor, 250A

Attendees: R. Ustrzycki, Senior Project Manager, MLE
T. Rodzoniak, Area Firearms Officer, HPS
B. McRea, Zone/Member & Club Services Liaison, OFAH
P. Sertic, MLEO
G. Costie, Director, Conservation Area Services, HCA
R. Kirouac, MLEO

Absent: L. Shewfelt, Coordinator Contract Services, MLE

1. Introductions

Members provided their professional and individual background/experience relating to firearms. Overall, members of the working group are familiar with the relevant legislation, current By-law & Hamilton area. Collectively, the members represent many years of enforcing (criminal & regulatory, legal) and administering (instruction, permit approval, hunter safety) aspects dealing with firearms. Most members are recreational users of firearms and are expected to bring to discussions a balanced safety conscious approach that will meet the various needs of the community.

2. Overview - Scope of Project

R. Ustrzycki presented copies of Terms of Reference containing the following scope of this project:

- Update the Schedule map(s) regulating the discharge of firearms to incorporate recent and future urban development.
- Complete a review of the By-law and provide recommendations that:
  - refines and provides clear interpretation and understanding its provisions
  - acknowledges and recognizes the different aspects of bows vs common firearms
  - balances the varied needs of the community
  - maintains public safety
  - supports fed / prov firearm regulations
A copy of the Contact List identifying the Working Group Members, Internal Consultation/Resources contacts, Stakeholders (over 40 associations, clubs, organizations), and individuals identified as having interest in this project was provided for reference – confidentiality of the contact information was stressed. **R. Ustrzycki to send a copy of the invitation to B. McRea.**

The critical path and timelines for this project was outlined to the members.

### 3. Role of the Working Group

The working group is not a committee of council, but an advisory group that will primarily review/analyse public comments and provide recommended changes to the substantive issues or any changes to the Discharge Firearm By-law. As part of this initiative the working group will review the overlapping jurisdictions, respective roles, safety issues, criteria for high risk areas, best practices, and develop strategies and tasks for an enforcement/administration/communication plan.

Confidentiality is needed to avoid any miscommunication until the final report is submitted to Committee.

### 4. Discussion

A draft copy of comments and issues already put forth by the public was distributed to all members. There was extensive discussion and debate to the items with a view of public safety for a balanced approach to the varied needs of the community.

**Sunday Hunting:**

Sunday hunting was examined by the City several years will not be considered in this comprehensive review. The current by-law does not prohibit the discharge of firearms on Sunday, and is a separate approval process governed through the MNR regulations.

**Overlapping Jurisdictions (respective roles):**

Four enforcement agencies (MNR, Police, City By-law, Conservation Authorities) have overlapping responsibilities and obligations to enforce 9 additional (3 Federal, 8 Provincial) legislation relating the activities surrounding the recreational use of firearms. Improvements and service levels may be available through partnerships, sharing of information and contacts. **R. Ustrzycki will arrange for a separate meeting inviting MNR to a meeting with Police, By-law, and Conservation Authority) to discuss this issue.**
Buffer Zones:
Safe distances from high risk areas (populated locations) were discussed for firearms and bows. It was the consensus of members that the current 100m distance for firearms in the current By-law is sufficient and consistent with current best practices in other jurisdiction for the following locations:

- Dwelling, building or structure
- Schools
- Parks
- Public trails
- Churches
- Community Centres
- Urban properties/subdivisions/settlement areas
- Private/public golf courses (except season closures)
- Private/public campgrounds/picnic areas (except season closures)
- Conservation lands and areas

All members agreed that a distance for the above locations of 50m for bows is consistent with other jurisdictions and appropriate.

For airports and registered aerodromes, adopted a distance of 300m (best practices) would be recommended.

Buffer zones relating to highways are suitably dealt with under the applicable laws, and the current provision in the By-law regarding direction of discharge (ensure projectiles remain on site).

Further information was required regarding setbacks for railways. R Ustrzycki will examine/research the Railway Safety Act and report back to members.

10ac Restriction:
Prohibiting properties less than 10ac in size seemed problematic considering the irregular shape of lands and placement of dwellings/buildings thereon. Members suggested reliance on the 100m setback with no reference to lot size. B. McRea suggested consideration of having the express permission of the building owner, and will forward examples from other jurisdictions to other members.

Express Permission:
It was the consensus of members that the express permission of the property owner was required for each person discharging a firearm. Although written
authority was recommended, it is not a necessary change or requirement of the By-law for successful enforcement.

Conservation Authorities are considered a private landowner and their express permission would be required. This remaining status allows these agencies the flexibility to regulate their respective lands accordingly.

There was consensus that the express permission of the owner of a dwelling/building/structure was required for the discharge of any firearm within 100 m (50m for bows) thereof. [also see above comments in 10ac Restriction].

Definition of Firearm:
Members discussed the various definitions drawn from other legislation/jurisdictions for a firearm. All agreed that bow/archery remain outside the definition of firearm; and that any reference to a firearm as a weapon be removed.

Short Title:
Public comment emphasized that the by-law clearly reference firearms for recreational use. Member responses were divided to: include the term in the short title/name of the By-law; or, a statement to that effect in the scope of the by-law. Further consultation with the stakeholders and public to this issue may be required.

5. Other

Brian Skye, representative to the Haudenosaunee Wildlife & Habitat Authority, attended before commencement of this meeting. He was explained the purpose of comprehensive review and that any proposed changes would not impact any agreements on Conservation lands, and reviewed the consultation map (areas of concern). Mr. Skye left the meeting with an invitation to the Stakeholders meeting on January 26, 2017 and that any further questions or concerns could be directed to R. Ustrzycki.

6. Next Meeting
This meeting was concluded at 1:30pm. The next meeting was scheduled for March 23, 2017 to continue examination/review of issues/concerns following the public consultations.
Discharge of Firearms By-law

Working Group - Meeting Minutes

Date: March 23, 2017 9:30am

Location: MR – City Centre – 2nd Floor, 250A

Attendees: R. Ustrzycki, Senior Project Manager, MLE
T. Rodzoniak, Area Firearms Officer, HPS
B. McRea, Zone/Member & Club Services Liaison, OFAH
P. Sertic, MLEO
G. Costie, Director, Conservation Area Services, HCA
R. Kirouac, MLEO

Absent: L. Shewfelt, Coordinator Contract Services, MLE

1. Review of Previous Meeting Minutes

Item 4 Discussion, Buffer Zones: was amended by adding Conservation lands and areas.

Item 5 Other: G. Costie confirmed the status of Brian Skye as a representative of the Haudenosaunee Wildlife & Habitat Authority. Project records were corrected accordingly

R. Ustrzycki to send a revised version of Minutes to members.

R. Ustrzycki to still arrange a meeting with the enforcement agencies.

2. Update

R. Ustrzycki provided the Working Group a verbal update to the following meetings:

- Stakeholders meeting, January 26, 2017
- Public Consultation, Glanbrook, February 13, 2017
- Public Consultation, Rockton, February 14, 2017
- Public Consultation, Ancaster, March 31, 2017
3. Review of Current By-law

The Working Group reviewed the current provisions of the by-law to become familiar with its provisions to identify any deficiencies, and improvements through the Group’s discussions. This initial review did identify areas in the current By-law that are outdated, confusing (i.e., reference to non-existent/wrong sections) and improperly structured or administered (permit system).

4. Discussion Issues

Stakeholder Meeting, January 26, 2017

A summary of the meeting was distributed to all members for review. There was extensive discussion and debate to the following issues raised by the stakeholders:

Buffer Zone:

It was the consensus of members that the 100m buffer zone remains for firearms, but the distance for archery be reduced to 50m for schools and certain high risk areas. Although arguable from many positions, this distance is consistent with other jurisdictions and considers public perception when the recreational use is for hunting. The discussion evolved into other high risk areas (churches, cemeteries, golf clubs, community centres, private/public parks). There is the public perception that Conservation lands/areas are “safe”, and that there must be clarity in describing locations such as camp sites or walking/public trails as ‘managed’ areas to identify the diverse uses therein.

There was additional discussion in adopting this same standard (100m/50m) to the CN Police proposal for railway lands and public roads. Reliance on the 8m provision under the Fish & Wildlife Conservation Act and directional regulation for projectiles was examined in contrast to the public perception/culture of the inhabitants. At the initial meeting, the Group considered that buffer zones relating to highways are suitably dealt with under the applicable laws, and the current provision in the By-law regarding direction of discharge (ensure projectiles remain on site). Considering the divergent uses and broad demographics, discussions to an appropriate buffer zone was tabled until the end of this review (public consultation meetings).
Maps:
It was the consensus of members that the current mapping is outdated and needs to be improved. Public opinion throughout the consultation process was mixed; varying from detailed maps (similar to the consultation maps), no maps with full reliance on the general provisions, or a map with no mention of the settlement maps.

The Group discussed the various options from the common readers (general public), enforcement agencies and adjudicators perspective. Copies of the City of Ottawa Discharge Firearm By-law were distributed for members to review its mapping provisions.

Overall, the use of maps is the best tool to direct/assist and meet the visual needs of the reader to identify the prohibited areas. Details denoting the prohibited areas need to accurate, with identifiable physical boundaries (i.e. road, watercourse). Members agree that the expansion areas (rural settlement areas) that recognize the urban growth that exceeds those areas currently prohibited in the By-law be included. Those areas that denote the future urban expansion should not be included unless development is expected to occur shortly. R. Ustrzycki will consult with the Planning Department regarding the tract of land both side of Golf Club Rd, from Trinity Church Rd to Hendershot Rd portion identified in the City-wide.

Exceptions
The current by-law recognizes general and specific exemptions to the by-law. Members considered and agreed with the Stakeholder organizations that the by-law should continue to recognize these lawful and sanctioned uses; in particular, shooting ranges, gun/skeet clubs, and similar organizations regulated by the Firearms Act and approved through the Chief Firearms Office where the regulations and level of inspection exceeds any municipal by-law.

It was the consensus of members there should be more effort to identify the various exemptions for inclusion in the scope and exemption section of the by-law. However, the group agreed that naming the specific organization/club in the by-law would be problematic and that generic/type/class descriptions be used.
Members identified that the indoor use of archery and airguns, or use of starter pistols and military re-enactments (blanks) as potential exemptions, although further discussion is required on this subject to reach a conclusion.

Enforcement:
The general public has a misunderstanding of the by-law and are frustrated by the lack of response, public education, and disconnect of the enforcement agencies (police, MNR, MLE, Conservation Auth.). Group members recognized this issue as a continual public concern during all public meetings, and acknowledged the need for the related enforcement agencies to meet separately to discuss solutions and enforcement strategy to improve service levels. Public education and a communication strategy for the public should form part of the discussion.

R. Ustrzycki will make the arrangements for a separate meeting.

Definitions:
The Group discussed the removal of the word weapon from the definition of firearm, and agreed that the term does not fall within the general intent and purpose of the by-law to regulate the lawful use of recreational firearms and bows. Members will be forwarding any example/recommendations to the definition of firearms for review.

5. Next Meeting
This meeting was concluded at 1:45pm. The next meeting was scheduled for April 20, 2017 to continue examination/review of issues/concerns following the public consultations.
Discharge of Firearms By-law

Working Group - Meeting Minutes

Date: April 20, 2017 10:30am
Location: MR – City Centre – 2nd Floor, 250A
Attendees: R. Ustrzycki, Senior Project Manager, MLE
T. Rodzoniak, Area Firearms Officer, HPS
B. McRea, Zone/Member & Club Services Liaison, OFAH
P. Sertic, MLEO
G. Costie, Director, Conservation Area Services, HCA
R. Kirouac, MLEO

Absent: L. Shewfelt, Coordinator Contract Services, MLE

1. New Business

Lynne Shewfelt stepping down from the Working Group

2. Review of Previous Meeting Minutes

No changes. Minutes were accepted by the Working Group

3. Discussion Issues

Summaries of the Public Consultation Meetings were distributed to members of the Working Group prior to the meeting. Members reviewed and commented to the public concerns received at the information sessions.

Glanbrook Municipal Service Centre, February 13, 2017

Buffer Zone

The reasoning behind the 100m firearm and 50m archery distance was re-examined. It was the consensus of members this remains as a safe distance for the recreational use of firearms/bow as a general provision and for high risk areas. Further discussion to identify those areas that would benefit from either a greater or less distance was set aside to the end of the meeting.

Consultation Maps and Expansion areas
Members were in agreement with public comments that the current maps are unclear and confusing. The boundaries are in need of updating to reflect the recent and future urban developments and presented in a different, user friendly, format. Consideration should be given to the use of on-line interactive maps on the City website to allow for viewing the prohibited/permitted areas for specific properties.

R. Ustrzycki will consult with the Planning Department regarding the tract of land both side of Golf Club Rd, from Trinity Church Rd to Hendershot Rd portion identified in the City-wide map to determine the time frame for development and construction.

Enforcement

Members acknowledge the disconnect between the enforcement agencies (police, MNR, MLE, Conservation Auth.). To reduce the public’s frustration and recurring issues, public education needs to be improved with better communication and support from the MNR.

R. Ustrzycki will make the arrangements for a separate meeting with the enforcement agencies to discuss a public education in a communication strategy and enforcement strategy.

Overview of By-law

Members discussed the public comment that crossbows be included in the definition of firearm. This inclusion/comment is not found in other by-laws. Members concluded that the 500ft+/second velocity marker found in the Criminal Code to be problematic to enforce. It was the consensus of members that crossbows remain in the definition of bows, and that any change to the definition of a firearm should remove the term ‘weapon’.

The public concern with the lack of information was discussed. Members discussed the creation of an education pamphlet, but agreed that an information package be developed for inclusion to the City website with the inclusion of maps, excerpts from the by-law & other related legislation, and contact information for enforcement agencies. All members agreed an
information package would be an excellent tool for the public and all enforcement agencies.

Exemption

In addition to the exemptions for police, military, shooting/gun clubs and ranges, the following should be recognized as an exemption in the by-law:

- Indoor use for archery, air/pellet guns, paint ball guns
- Military re-enactments (using blanks)
- Starter pistols (blanks)
- Trappers
- Farmers

A further examination into best practices in other jurisdictions and the Federal Regulation to the Firearms Act is needed to determine other exemptions that may be included in the scope of the by-law, or as a specific exemption.

Rockton Fairgrounds, February 14, 2017

Enforcement

The Working Group recognized and acknowledged the public’ frustration at this meeting with the various enforcement agencies. The agencies require a better understanding of everyone’s role so calls may directed to the correct service for information or action.

Members disagreed with the public comment that a hot-line be established for hunting contraventions. The Working Group favoured the use of the hot-line currently in place (911, police emergency calls, 1-800-MNR-TIPS) for any hunting or related incidents. Although public perception favours a single source for all matters relating to the discharge of firearms, referral to the appropriate agency eliminates the release of inaccurate information (Officially Induced Error).

Consultation Maps and Expansion Areas

A consensus was reached that the current maps need to be updated, and that information is readily available on the City website.
Buffer Zone

There was a public concern that Conservation owned lands were taking away hunting areas and that the current 100m distance be reduced for public trails on conservation lands. It was confirmed there are no changes made to those lands that Conservation permit hunting, but that newly acquired Conservation lands merely have a different use. This matter was discussed further at the conclusion of the meeting.

Member discussion concluded that the public suggestion for the City to annually mail out the various hunting regulations to all residents in the rural area, and all prohibited area/zones and property posted/signed was unrealistic, and would be available on the City website.

Concerns with Current By-law

The Working Group received and acknowledged the public concern that the current by-law is hard to understand. There was public suggestion to include crossbows as a firearm, and that separate definitions/restrictions be in place for different firearms (high powered rifles, shotguns, air guns). Members determined that these suggestions would be difficult to administer and enforce. It was concluded that the definitions should remain with the two general categories of firearms and bows. All agreed that the public suggestion to allow the discharge of firearms on all NEC lands to be problematic.

The Working Group considered the definition of ‘structure’ and application of the 100m setback from a structure/dwelling. A previous meeting adopted the experience in the Township of Cavan Monaghan where the distance requirement may be reduced with the permission of the owner, thereby accommodating the varied demographics. It was the consensus of members that the definition of structure considers the actual uses within the building (e.g., whether occupied).

R Ustrzycki to research and re-examine the definition for a dwelling and adopt the best interpretation for this by-law.

Members agree with the public concerns that the mapping must be simplified with more emphasis toward public education and communication.
Exemption

Members of the working group agreed with the public comments that there should be more effort to identify the various exemptions to the recreational use of firearms. Members discussed expanding the exemptions for farmers to any person protecting their property from animals. Considering the intent of the applicable Provincial/Federal legislation in this regard, the majority of members opted for this exemption to remain with farmers.

Further discussion to the possible exclusions was deferred following conclusion of the public comment reviews.

Ancaster Old Town Hall, March 3, 2017

Enforcement

The frustration with the various enforcement agencies is a recurring public concern. Members of the Working Group continue to advocate that the agencies require a better understanding of everyone’s role so calls may directed to the appropriate agency for service.

Consultation Maps and Expansion Areas

Most of the participants found the consultation maps to be beneficial, and Members agree that the current maps need to be updated.

The expansion of the firearm prohibition boundary, extending the tract of land within Concession 2 and Regional Road 52, northeast of Copetown, west of Inksetter Road, was discussed. Members recognize this particular public concern targets a specific person within that area. Examining the demographics, members were not in agreement that the boundary should be expanded for a person that has merely become a nuisance to some of the neighbouring residents.

There was a public suggestion that firearms in the rural area of the Stoney Creek Mountain be allowed to control deer populations. It was the consensus of Members there was no scientific basis to support growing deer populations,
and that wildlife management falls within the jurisdiction of the MNR. To do otherwise does not meet the general intent and purpose of the By-law that has for decades prohibited the discharge of firearms in the former municipality of Stoney Creek.

**Buffer Zone**

There was consensus that the 100m for all firearms (50m for bows) as the best practice overall and the creation of separate standards for shotguns and muzzleloaders would be problematic.

Discussion was held regarding written permission, and verbal permission of the landowner. Members unanimously agreed that the wording for the landowners permission allow for both alternatives as “*the expressed verbal – or – written permission*”.

**Concerns with Current By-law**

The concern that the current by-law is hard to understand is the primary issue presented at all public meetings, summarized as:

- Providing better wording and understanding
- Eliminating any ambiguity to the definitions
- Simplifying the overall structure of the By-law and its mapping
- More emphasis to public education and communication

There was a suggestion expressed from one individual regarding the unsafe use of high power firearms for target practicing. Members agreed that the suggestion was aiming toward a specific person, and that the careless/unsafe of firearms is criminal in nature which falls outside the scope of the By-law.

The related noise from gun ranges or target shooting was discussed. Additional public concern of this nature, received outside of the public meetings, was also considered. Members agreed that the City’s Noise Control By-law would be the appropriate means to address these concerns.

**Final Discussions**

All members were in agreement that the general intent and purpose of a Discharge Firearms By-law is for the lawful recreational use of firearms and
bows. The criminal, unsafe, careless, or illegal use/activities involving firearms is properly dealt with under the Criminal Code, Firearms Act and other applicable Federal/Provincial legislation. Generally speaking, recreational users are responsible individuals that follow strict Federal and Provincial regulations for the possession and safe use of the related activities.

**Buffer Zones**

There was discussion how buffer zones would be applied in different locations (e.g., public trails on private lands). All were in agreement that the 100m distance for firearms and 50m for bows was a reasonable distance under most circumstances. Safety and public perception was tantamount to have this distance requirement for the following:

- Schools
- Recreational properties (community centres, sportsfields)
- Private and public golf courses
- Managed public trails
- Campgrounds
- Campgrounds
- Cemetery
- Hospitals

The possibility of hunting during off-season times was discussed. Although no consensus was reached, the requirement for the expressed verbal or written permission of the landowner would be sufficient to apply under these circumstances.

The Working Group, following best practices in other jurisdictions agreed that a 300m buffer zone around airports and registered aerodromes is preferred. **R Ustrzycki will be speaking with the three airport/aerodromes in this regard.**

The Group concluded that the distance requirement relating to highways and railway tracks are best dealt with the current provision in the By-law regarding direction of discharge (ensure projectiles remain on site), and hunting regulations by the MNR.

Considering the demographics of the City, there was consensus that exemption permit process currently in place is the best solution dealing with
extraordinary circumstances where the general provisions may not be reasonable.

Exceptions

The current by-law recognizes general and specific exemptions to the by-law. Members considered and agreed that the by-law should continue to recognize the following lawful and sanctioned uses:

- farmers
- police agencies
- educational institutions (archery)
- national defence
- shooting ranges, gun/skeet clubs, and similar organizations regulated by the Firearms Act and approved through the Chief Firearms Office where the regulations and level of inspection exceeds any municipal by-law

It was the consensus of Members there should be more effort to identify the other exemptions for inclusion in the scope and exemption section of the By-law, that may be found in other Federal/Provincial legislation. Members identified the following uses as potential additions to the By-law exemptions:

- Indoor use of archery and airguns
- Licensed trappers
- Starter pistols
- Theatrical props (blanks)
- Military re-enactments (blanks)
- Dog trials
- NASP (educational)
- Sanctioned events

R. Ustrzycki to research the applicable laws and regulations to identify these exemptions

Boundary Expansion

Maps:

Members discussed the various public suggestions and options to improve the current outdated maps. Overall, the use of maps is the best tool to
direct/assist and meet the visual needs of the reader to identify the prohibited areas. Members agree that the expansion areas (rural settlement areas) that recognize the urban growth that exceeds those areas currently prohibited in the By-law be included. Details denoting the prohibited areas need to accurate, with identifiable physical boundaries (i.e. road, watercourse).

Those areas that denote the future urban expansion should not be included unless development is expected to occur shortly. **R. Ustrzycki will consult with the Planning Department regarding the tract of land both side of Golf Club Rd, from Trinity Church Rd to Hendershot Rd portion identified in the City-wide.**

The area west of Clearview/Oakhill Estates (Jerseyville Road W), identified by G. Costie, requires further examination to extend the prohibition boundary for those lands where the discharge of firearms/bows is not likely (i.e., Robert E. Wade Ancaster Community Park). **R. Ustrzycki will review the aerial maps and consult with the appropriate agencies and landowners.**

**R. Ustrzycki will review further the Inksetter area discussed at the Ancaster Public Meeting to determine if the boundary needs to be expanded.**

**Enforcement**

Members of the Working Group acknowledge and recognize as a recurring public concern with the lack of response, public education, and disconnect of the enforcement agencies (police, MNR, MLE, Conservation Auth.) answering complaints. Members stress the need for the related enforcement agencies to meet and discuss solutions for an enforcement strategy to improve service levels. This discussion should also consider public education and a communication strategy.

**R. Ustrzycki will make the arrangements for a separate meeting.**
High Risk Areas

Members reflected upon the principles of public safety to establish those areas prohibiting the discharge of firearms/bows. Expansion of existing prohibition boundaries should not be arbitrary, but evidence based on:

- urban development
- density threshold
- type/use of buildings and property (e.g., dwelling, commercial, institutional)
- population density
- number of incidents/complaints
- public roads/trails
- volume of traffic

4. Next Meeting

This meeting and work by the Working Group in this review was concluded. The City extended its appreciation for the tremendous effort, dedication, and invaluable contributions from members of the Working Group. R Ustrzycki will keep members apprised of the continued work to this comprehensive review, and forward any draft report to the members. Members agreed to return to the table if required.
RECOMMENDATION

(a) That staff be directed to commence an Animal Adoption Pilot Program and report back to the Planning Committee at the end of an 18 month term regarding the impact on current operations and the City’s animal rescue partners;

(b) That the General Manager of Planning and Economic Development be authorized to execute all necessary documents to implement Recommendation (a) in a form satisfactory to the City Solicitor;

(c) That the item respecting The Feasibility of Establishing a City Animal Adoption Service, in Partnership with the HBSPCA, be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

Council directed staff to assess the feasibility of establishing a City Animal Adoption Service, in partnership with the Hamilton - Burlington Society for the Prevention of Cruelty to Animals (HBSPCA). Animal Services works collaboratively with over 30 animal rescue partners to find homes for the City’s adoptable animals in absence of a municipal adoption service. The HBSPCA is the main stakeholder and take approximately one third of the City’s animals. Other rescue partners also take approximately one third of the City’s animals. The HBSPCA and other rescue partners do not have the capacity to take all of the City’s animals and therefore healthy adoptable animals remain waiting in the shelter.
Animal adoption is the main avenue for finding homes for shelter animals and is the best practice utilized by area municipalities. A municipal adoption program is a natural extension of the services that Animal Services provides to the community. Animal Services is requesting to expand the City’s role and commitment to saving the lives of adoptable animals by piloting a municipal adoption program. The pilot will be conducted and assessed over an 18 month period. Adoptions will be facilitated at the shelter, satellite locations and through electronic adoption methods.

Providing a municipally-operated animal adoption service, with the continued collaboration of all stakeholders, will increase the City’s lifesaving potential for the animals brought into the City’s care and create a full service shelter for the community.

Therefore, it is recommended that an Animal Adoption Pilot Program be established by Animal Services and that staff report back after an 18 month term with the impact the program has had on the shelter operations, rescue partners and the community.

**Alternatives for Consideration – See Appendix “E”**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The Adoption Service is a revenue neutral program. It is estimated that some of the cost for sheltering and medical treatment may be recovered through the adoption fees charged for each animal.

Staffing: An 18 month pilot project will determine if the Adoption Service can be accommodated within the existing staff complement and with the enhancement of a volunteer program.

Legal: The City has the authority to adopt out the animals that it impounds. Under the Section 103(1)(b) of the Municipal Act, 2001, S.O. 2001, c. 25 power has been granted to the City to sell impounded animals (i) if they have not been claimed within a reasonable time, (ii) if the expenses of the municipality respecting the impounding of the animals are not paid, or (iii) at such time and in such manner as provided in the [municipalities] by-law. The City has established For Responsible Animal Ownership, By-Law No. 12-031 which allows, under section 11, for the City, after the expiration of the redemption period, to sell the dogs, cats, and other animals that the City has impounded.

Animal adoption fees for the Animal Adoption Pilot Program will have to be established. The City of Hamilton’s Public Notice Policy By-Law, By-Law No. 07-351, requires that public notice be given of a minimum of one Committee meeting to consider the enactment of a fee, charge or rate by-law. A separate report regarding the proposed animal adoption fees will
have to be brought to Council for consideration. The animal adoption fees will have to be added to the City’s User Fees and Charges for Services, Activities or the Use of Property by-law.

Historically, the HBSPCA has operated under the notion that they have first right to any of the City’s adoptable animals. The City disagrees with HBSPCA and does not have a record of any formal executed agreement between the City and the HBSPCA regarding this right.

HISTORICAL BACKGROUND

In 2002 the HBSPCA did not renew their contract with City of Hamilton to provide animal control but agreed to continue adopting the City’s animals. Hamilton Animal Control was established in a building shared with the HBSPCA in January 2003.

In 2004 Hamilton Animal Control began to form additional partnerships with rescue organizations to take excess adoptable animals in an effort to avoid euthanizing healthy adoptable animals.

In 2012 Hamilton Animal Control utilized best practices in managing shelter intake by discontinuing the practice of picking up healthy stray cats for euthanasia.

On February 11, 2015, Council directed staff to assess the feasibility of establishing a City Animal Adoption Service, in partnership with the HBSPCA, and report back to the Planning Committee accordingly.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

- Legal Services
- HBSPCA and Rescue Partners
- Citizens of Hamilton were engaged through public survey
- PetSmart Charities and PetSmart Canada
- Cities of Burlington, Toronto, Markham, Mississauga, Guelph, Brampton, Ottawa and London

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Hamilton Animal Services (HAS) operates an open admission tax based animal shelter. HAS accepts all companion animals regardless of species, medical, temperament or...
behavioural condition. Animals that come into the shelter are lost, have strayed from their home, or have been surrendered by an owner that can no longer provide it with care.

Staff works to reunite lost pets with their owners and to find placement for animals that come into the City’s shelter. HAS does not provide a public adoption service for domestic animals and therefore must rely on the animal rescue partners to rehome the City’s adoptable animals as the alternative would be euthanasia. Animals that come into the municipal shelter that are not claimed by their owners are given to the HBSPCA or other rescue partners at no cost.

In 2016 HAS sheltered 3,248 dogs and cats. The HBSPCA took approximately 37% of the dogs and cats for their adoption program. An additional 33% of the City’s dogs and cats were given to rescue partners for their adoption programs.

The HBSPCA has operated under the premise that they have first selection of the City’s animals for their adoption program. This arrangement began in 2003 when the HBSPCA did not renew their contract to provide animal control services for Hamilton, Ancaster and Dundas but continued to rescue the City’s animals for their adoption program. The animals from Stoney Creek, Flamborough and Glenbrook were not included in this arrangement as Stoney Creek operated a municipal adoption service at the Jones Road Shelter. Flamborough and Glenbrook animal adoption services were under private contracts.

The intention of the original arrangement was for HAS to receive revenue from the intake of animals through owner surrender fees and dog licensing fees and for HBSPCA to receive revenue from the adoption fees.

Current State Analysis
Although an agreement between the City of Hamilton and HBSPCA was never executed, historically the HBSPCA has operated under the premise of “first right of refusal” when selecting animals at HAS for adoption.

The HBSPCA does not have the capacity to rescue all of the adoptable animals that come into the municipal shelter. As a result, City staff spends a considerable amount of time contacting and developing relationships with other rescue organizations in an effort to provide positive outcomes for the surplus of animals in the HAS shelter. The City has over 30 rescue partners that help with the overflow of animals that are not rescued by the HBSPCA’s adoption program.

One of the most challenging issues for rescue organizations is the capacity to humanely care for the volume of animals needing to be adopted. Even with the HBSPCA and rescue partners taking the City’s animals, approximately one third of animals remain in the shelter. Shelter Statistics are attached to this Report as Appendix “A”. There is a
need for a municipal adoption service in the community to help find homes for the remaining animals left in the shelter.

HAS is mandated by Provincial law to hold stray domestic animals for a minimum period of three days for an owner to claim the animal. All animals that come into the shelter are given flea treatment and vaccinated upon intake to prevent the spread of illness in the shelter. These medical costs are approximately $19.38 per cat. The basic cost for feeding and sheltering a cat is approximately $10 per day. Holding a cat for the minimum three-day stray period plus basic medical treatment cost the City approximately $49.38 per cat. Less than 8% of the cats are claimed by their owner.

During the stray period, the HBSPCA will mark the animals they would like considered for their adoption program if the animal is not claimed by the owner. After the stray period, adoptable animals are available to be rehomed by the HBSPCA. Any animal not selected by the HBSPCA can then be selected by one of the City’s rescue partners.

From June through August, 2017, the length of stay (LOS) for shelter animals varied from three days to 78 days. The average LOS for an animal waiting to be taken by HBSPCA or rescue organization for their adoption programs was ten days, however, some of this time is a direct result of HAS policy of holding strays for three days.

The extended LOS periods also increases costs in animal care and medical expenses. Sheltering costs plus any additional medical expenses acquired during the extended LOS are not recovered as animals are transferred to outside agencies at no charge.

An adoption program would allow the City to recover some of these costs through adoption fees.

**Table 1: Cost to the City for the basic sheltering of cats in 2016 Animal Services**

<table>
<thead>
<tr>
<th>Number of Cats</th>
<th>Triage Expense</th>
<th>Daily Food &amp; Sheltering</th>
<th>Food &amp; Shelter for 3 Day Hold</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost per cat</td>
<td>$19.38</td>
<td>$10</td>
<td>$30</td>
<td>$49.38</td>
</tr>
<tr>
<td>Transferred to HBSPCA 680 cats</td>
<td>$13,178</td>
<td>$6,800</td>
<td>$20,400</td>
<td>$33,578</td>
</tr>
<tr>
<td>Transferred to Rescue 710 cats</td>
<td>$13,760</td>
<td>$7,100</td>
<td>$21,300</td>
<td>$35,060</td>
</tr>
<tr>
<td>Total transferred to outside adoption programs 1,390 cats</td>
<td>$26,938</td>
<td>$13,900</td>
<td>$41,700</td>
<td>$68,638</td>
</tr>
</tbody>
</table>

Although HAS no longer euthanize healthy animals to create intake space for more animals, the health and mental state of an animal can deteriorate while waiting in the shelter for a rescue to come forward. An animal that was once considered healthy can
become stressed, sick or aggressive in the shelter environment. Unfortunately, the end result is euthanasia for poor health, behavioural or temperament reasons.

When the number of animals at the City’s shelter reaches capacity, and partnering organizations are also at capacity, the unfortunate result is closing the shelter to the intake of animals, mainly cats. When the shelter closes to intake, the City is not providing services to the public or animals in need.

There is a loss of revenue associated with intake fees during the closure periods. In 2016 the shelter closed for the intake of cats on three occasions for a combined total of 26 days. The City has no control over when the rescue partners will take animals from the shelter and this has a direct impact on the function as an animal shelter open to the public.

**Best Practices of Area Municipalities**

As part of the review, staff researched and discussed best practices with other municipal shelters. Most municipalities that operate an animal shelter also have an adoption program to rehome lost, unclaimed, and owner surrendered animals. Some municipalities contract the services out to a private contractor or organization. Information concerning other Municipal Animal Shelters is attached to this Report as Appendix “B”.

Most municipalities only utilize rescue groups and humane societies to rehome the animals that are not suitable for the municipal adoption program such as animals that have medical issues or require rehabilitation.

The City, in the absence of an adoption service, has been supplying the adoptable animals to the HBSPCA first and then offering the remaining adoptable animals to rescue organizations. Therefore, the City has been generally left with those animals that are difficult to rehome.

Takeaways from the other municipal adoption programs are:

- Adoption is an important element in reducing euthanasia. For every adoptable pet that comes into the shelter there needs to be homes for them to go to;
- Adoption pricing needs to be flexible to allow special needs animals to be adopted, i.e. bonded pair, seniors, or medical cases;
- Adoptions will gain traction over time: Flood social media with ads, use City’s website for pet of the week, low cost promotions, discount days, no cost days, etc.;
- Utilize satellite partners; veterinary clinics, flower shops, pet food stores, libraries, place animals in area businesses. It encourages adopters to be patrons of the business or organization;
• “Finder Interested Form”: If a person brings an animal in and it is not claimed, they can have it back after it is spayed/neutered and vaccinated;
• Adopter agrees to take the pet to local veterinarian for free vet exam within three days. Engage veterinarian community in providing free vet exams. Creates a relationship with a veterinarian for future care; and,
• Use a tiered adoption price system to reduce length of stay for cats in the shelter. This will provide better health for cats, maintain capacity and reduce shelter care costs for older cats.

Public Engagement
Staff actively engaged the community in the consideration for a municipal adoption service through an on-line survey. Over 560 people responded to a series of questions concerning animal adoption. Results of the survey are attached to this Report as Appendix “C”.

The public survey indicated 88% support for providing a municipal adoption service and 92% of respondents indicated that they would consider adopting from HAS in future.

The public was asked if a fee should be charged to the HBSPCA or rescue organizations for animals that are given away in effort to recover some of the costs associated with shelter care. The public was split on this response; 33% in favour, 47% opposed and 20% was uncertain.

Rescue partners were also surveyed regarding a municipal adoption service and their capacity to take animals. Seventeen of the 21 rescue organizations that responded were in favour of HAS providing an adoption service and would continue to collaborate and work with HAS to find homes for adoptable animals. Their capacity to care for animals ranged from two to 35 animals with an average capacity of eight animals.

Many rescue partners expressed concern over HAS working solely with HBSPCA in that it would leave rescues with sick animals or ones with behavioural issues.

Cat Adoption Pilot at Satellite Location
As part of the feasibility study for a municipal Animal Adoption Service, staff piloted a cat adoption program through PetSmart Charities of Canada at the PetSmart Stoney Creek location. The framework for an adoption program was established using this satellite location to showcase the animals.

The adoption fee used for the pilot program was benchmarked at $150 per cat as this is the average cat adoption fee charged by area municipalities. Senior or medical issue cats were adopted at a discounted fee. The cats selected for the test were adults, seniors, kittens and minor medical cases.
The adoption pilot was very well received and supported by the public on social media. In two months of operation, over 30 cats and kittens were adopted through the pilot.

The adoption pilot operated as a revenue neutral program as outlined in the Pilot Cost Analysis attached to this Report as Appendix “D”. It is estimated that a minimum of 200 cats could be adopted annually using satellite locations such as pet food stores, veterinary clinics and local businesses to showcase the adoptable animals.

The mission of the program was to rehome adoptable shelter animals. As such, any cat that did not present well in the store-type environment was offered to rescue partners. These adoptable cats were already vaccinated and altered which is a welcomed cost relief for the rescue partners. HAS understand that collaboration is important in finding homes for animals and supports and recommends the continuation of working with HBSPCA and rescue partners to place every adoptable animal in a permanent home.

Staff acknowledges the value and impact that providing an adoption program will have on the lives of the animals that they care for daily. Many staff donated personal time toward creating the framework for an adoption program and operating the pilot. Staff were fully engaged and empowered by the adoption program.

**Stoney Creek Shelter – 345 Jones Road**

A municipal adoption service was provided at the Jones Road Animal Shelter in Stoney Creek until 2006. The shelter was closed after considerable reduction to the shelter’s operating budget and a cost benefit analysis indicated that not enough animals were being adopted to cover the cost of operating the shelter.

The Jones Road Shelter has recently been prepared as a rabies confinement area. Public Health has utilized this facility for a low-cost rabies vaccination clinic. This facility can be used as an education facility for responsible pet ownership, community outreach for citizens and their pets, dog bite prevention and City staff training.

It is estimated that to operate an adoption service from this facility would require a minimum annual budget of approximately $220,000 to cover two FTE staffing and building operating costs. This estimate does not include start-up costs, food and medical and transportation expenses associated with caring for the animals. Operating animal adoption from the Stoney Creek facility is not feasible at this time as no budget enhancement has been requested with the adoption pilot recommendation. However, the Stoney Creek shelter could be utilized for temporary adoption events and microchip clinics.
Engaging the Community

Medical care is a major expense in operating an adoption program. As a responsible animal shelter, it is necessary that all adoptable dogs and cats are sterilized and vaccinated against rabies prior to being placed for adoption. Local veterinarians are supportive of the adoption initiative and have provided the City with a reasonable rate to spay / neuter animals for the adoption program.

The City, as a part of its municipal adoption program, will require all pets to be taken to a qualified veterinarian within 72 hours of adoption. This will not only ensure that the pet is healthy coming from a shelter environment, but it also establishes a relationship with a local veterinarian for the pet’s ongoing care.

In addition, HAS partnered with the University of Guelph Ontario Veterinary College for the spaying / neutering of suitable cats and dogs under the veterinary surgery program. This is an excellent program for the City of Hamilton to be engaged in. The surgery training program is offered to HAS several times a year. Animals are spayed / neutered at no cost to HAS and several animals can be altered in one surgery appointment resulting in minimal transportation costs. Any additional animals that are altered are given to rescue organizations for their adoption program.

Most municipalities utilize volunteers and foster families to assist with the adoption programs. A volunteer / foster program would engage citizens in the adoption plan. Volunteers and foster families would enhance existing operations and promote Animal Services in a positive manner.

The volunteer program has been developed in conjunction with the adoption pilot. A volunteer program will complement the existing services that HAS provides. The animals in the shelter will benefit from the added social attention and the interaction will enrich the lives which in turn will make the animals more adoptable.

Through the use of foster homes, animals that do not do well in a shelter environment can be fostered in a home until ready for adoption. Fostering animals in a home is a much healthier environment than a shelter. As a result, medical costs for these animals and the shelter may be reduced. Also, a foster program will assist with the intake constraint as healthy adoptable animals are transferred into homes and not staying in the shelter.

Donations

HAS receives charitable donations toward medical costs of animals suitable for adoption and to provide comfort and care of animals while staying in the shelter. For example:
A direct donation was received for a special needs cat that had been waiting in the shelter for a lengthy period of time. The donation covered the cost of medical testing and the long term resident cat was able to be adopted from HAS; and,

A significant donation was given to HAS to create a healthier environment for the cats at the Dartnall Road Shelter and provide a “comfort and enrichment area”. The area has been designated as “First Responders Room”. This area of the shelter can also be utilized for potential adopters to interact with cats before adopting.

There is potential for the amount of donations to increase with the establishment of an adoption program. The public may be inclined to donate toward the medical costs of shelter animals if it will help the animal become a viable adoption candidate. Most municipalities accept donations to help better the lives of the shelter animals.

**Measuring Program Outcome**

The animal shelter industry has changed considerably over the past 15 years. Most shelters have seen a decline in the number of animals entering the shelter. Past practice was to bring the cats into the shelter and euthanize. Staff discontinued the practice of picking up healthy stray cats in effort to manage the intake volume.

Present focus is on educating owners on the responsibility of having a pet; providing their pet with identification, spaying / neutering their pet and to acquire the pet from a reputable source or consider adoptions. All of these areas affect the operation of the animal shelter. An adoption program is another avenue for positive progressive change for the shelter.

The metrics used to measure the success of an adoption program will be;

- Number of animals adopted;
- Length of stay (LOS);
- Live release rate (live outcomes for domestic animals);
- Euthanasia rate;
- Impact on Animal Services staff and financial statistics; and,
- Impact on community partners / stakeholders.

There are many intangible benefits to the City providing an adoption service.
### Benefits of an Adoption Program

- **Societal Benefits**
  - Pets can enrich the health and well-being of their owners
  - Rescuing an animal can be emotionally rewarding
  - Adopting a shelter animal saves lives
  - Improve image of City of Hamilton and HAS (no longer a “kill shelter”)
  - Positive humane outcomes for animals waiting in shelter
  - Engaging community in volunteering and fostering
  - Being part of the solution of rehoming adoptable pets
  - Stopping the cycle of unwanted litters by ensuring sterilization before leaving shelter
  - Educating public on responsible ownership thus reducing number of animals entering shelter
  - Increase in revenue through public donations to assist adoptable animals
  - Eligible to apply for grants to subsidize food costs, education and animals service related programs
  - Partnering with the community

### Challenges of an Adoption Program

- Additional workload for staff
- Financial pressure of operating a full program
- Full program would require a facility, staff and budget
- Not a profit making initiative
- Impact on HBSPCA’s selection of animals
- Impact on Rescue Partners – concerns expressed that they would be left with medical and elderly animals
<table>
<thead>
<tr>
<th>Benefits of an Adoption Program</th>
<th>Challenges of an Adoption Program</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Work Place Investment</strong></td>
<td></td>
</tr>
<tr>
<td>✓ Staff morale – engaged and empowered, collective ownership for project, pride in work</td>
<td></td>
</tr>
<tr>
<td>✓ Adoption is an investment in employees; staff are supportive and engaged in the workplace</td>
<td></td>
</tr>
<tr>
<td>✓ Aid with employee wellness; shelter environment and euthanasia has high impact on stress and emotional welfare of employees</td>
<td></td>
</tr>
<tr>
<td>✓ With an adoption program, HAS will be able to manage the flow of animals in the shelter</td>
<td></td>
</tr>
<tr>
<td>✓ Enhance existing relationships with rescues and HBSPCA – encourage a team approach. The ultimate goal is to find placement for animals that come into the shelter</td>
<td></td>
</tr>
<tr>
<td>✓ Providing rescue partners with readily adoptable pets through Rescue Roster process</td>
<td></td>
</tr>
<tr>
<td>✓ Ability to apply for pet charity grant</td>
<td></td>
</tr>
</tbody>
</table>

**Partnership with HBSPCA**

Animal Services has partnerships with many rescue organizations in the community including the HBSPCA. Establishing a joint animal adoption program between HAS and HBSPCA would be difficult due to the fundamental differences in both HAS and HBSPCA’s structure and philosophy. Both parties agree that humane and ethical treatment is the best outcome for the animals. However, the mandates for each party differ. HBSPCA is an affiliate of the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) and is responsible for the protection of animals from people. Animal Services is responsible for the protection of people from animals. Furthermore, the HBSPCA is a private organization with private funding sources.

HAS is the pound and is the only party authorized to shelter stray and unowned animals. As such, HAS is under the lens of Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). HAS is legally required to maintain and make available to OMAFRA all records concerning the disposition of all animals that come into the shelter. As per OMAFRA, any animal leaving the shelter to a rescue is still under the responsibility of HAS. All partnering rescue groups are required to sign an agreement to provide, upon request, the adopter’s information for each animal that was given to them by HAS.
Animal Adoption Pilot Program

A municipal adoption service can be provided by HAS and still maintain a collaborative relationship with HBSPCA and rescue partners. All groups share a common purpose in saving animal lives and can work together to achieve the goal.

A municipal adoption program is a natural continuation of animal services for the community. Allowing staff to engage in an 18 month pilot will allow for the assessment of the impact on the HBSPCA and rescue partners operations as well as staff requirements of HAS.

If approved, the initial focus will be on cats as there is an overabundance at the shelter. Prior to adoption, all cats will be;

- Spayed / neutered to eliminate the chance of any additional litters;
- Microchipped and provided with a lifetime cat registration for identification if the cat becomes lost; and,
- Vaccinated against rabies in effort to combat the rabies concern facing the City.

Through adoptions, the City can ensure that all dogs and cats leaving the shelter are altered. This will prevent unwanted litters and could potentially, over time, reduce the number of unwanted animals coming into the shelter.

The adoption fees need to be set at a cost that encourages the public to adopt a shelter pet. The adoption fee would recover some of the sheltering cost as well as the cost of spaying / neutering, vaccinations, microchipping and licensing. The set adoption fees will be the subject of an upcoming report if a municipal adoption program is approved by Council.

Adoptions would be advertised through Facebook, E-Adoptions, featured on the City’s website and through other popular social media avenues such as Petfinder. Potential adopters are utilizing social media and searching for pets electronically rather than touring a local shelter since a visit to a local shelter can be too emotionally difficult for some individuals.

Pets will continue to be showcased through local pet food stores as well as other local businesses. Satellite locations allow the pets to be brought into the communities. The more avenues for adoption will result in more animals being saved.

Any readily adoptable pet that cannot be rehomed by HAS will be offered to rescue partners on a rotation basis in effort to be fair and equitable to all partners.
Adoptions will allow the opportunity for a shelter animal to have a second chance at life. There are never enough adoption opportunities for the animals that come into our care. Limiting adoptions to the existing partners, (HBSPCA and rescue groups) is seriously limiting the lifesaving potential within our City.

ALTERNATIVES FOR CONSIDERATION

See Appendix “E” to this Report for alternatives.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation
Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth
Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities
Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Our People and Performance
Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Animal Services – 2016 Shelter Intake Statistics
Appendix “B”: Municipal Animal Shelters
Appendix “C”: Public Engagement Survey
Appendix “D”: Adoption Pilot Cost Analysis
Appendix “E”: Alternatives for Consideration

KL/SR/st
Animal Services – 2016 Shelter Intake

Animal Services took in and cared for 5411 animals

**ANIMAL INTAKE**

- **Dogs**: 37%
- **Cats**: 38%
- **Other Small Domestic**: 22%
- **Wildlife**: 3%

**DOG INTAKE**

- Owner Surrender: 13%
- Stray: 79%
- Other: 8%

**DOG OUTCOME**

- Euthanized: 13%
- To HBSPCA: 20%
- Back Home to Owner: 59%
- To Rescue: 8%

**CAT INTAKE**

- Owner Surrender: 5%
- Stray: 85%
- Other: 10%

**CAT OUTCOME**

- Euthanized: 25%
- To HBSPCA: 33%
- Back Home to Owner: 7%
- To Rescue: 35%

**OTHER SMALL DOMESTIC ANIMALS INTAKE**

- Owner Surrender: 7%
- Stray: 68%
- Other: 25%

**SMALL DOMESTIC OUTCOME**

- Released: 4%
- To HBSPCA: 48%
- Back Home to Owner: 10%
- To Rescue: 31%
# Municipal Animal Shelters

<table>
<thead>
<tr>
<th>City</th>
<th>City Staff / Contracted</th>
<th>Cat</th>
<th>Dog</th>
<th>Includes Spay / Neuter</th>
<th>Includes Vaccines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toronto</td>
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<td>$75</td>
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<td>Mississauga</td>
<td>City staff</td>
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<td>$121 - $262</td>
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<td><em>Guelph Humane</em></td>
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* City’s Adoption Services contracted out
# Public Engagement Survey

**Should the City of Hamilton Animal Services provide an adoption service in effort to increase the positive outcomes for the animals in our shelter?**

<table>
<thead>
<tr>
<th>Answer Options</th>
<th>Response Percent</th>
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<tbody>
<tr>
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<td>88.3%</td>
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<tr>
<td>No</td>
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**If the City of Hamilton offered an adoption service, would you consider adopting from Animal Services if you wanted a pet in the future?**

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<td>92.4%</td>
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<tr>
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<td>Uncertain</td>
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**Should the City of Hamilton continue to rely on rescue organizations to find homes for animals instead of creating its own adoption service?**

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<tr>
<td>No</td>
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<td>Uncertain</td>
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Presently, the HBSPCA is given the first opportunity to select any of our animals for their adoption program. Any adoptable animal not selected by the HBSPCA can be selected by one of our animal rescue partners. Animals are transferred from the City's animal shelter to the HBSPCA or rescue groups at no charge. Should the City of Hamilton charge a nominal fee for healthy adoptable animals that are given to the HBSPCA and rescue organizations for their adoption programs to help recover some of the medical and sheltering costs associated with these animals?

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## Animal Services Adoption Pilot Analysis
### July to September 2017

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<th>Cat Name</th>
<th>Requires Spay or Neuter</th>
<th>Rabies Vaccinations Completed</th>
<th>Microchipped</th>
<th>Location of Animal</th>
<th>Status of Cat</th>
<th>Medical &amp; Identification Cost</th>
<th>Donations</th>
<th>Adoption Fee</th>
<th>TOTAL Revenue</th>
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<td>Halo</td>
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<td>Yes</td>
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### Current adoption trial costs

- **Medical & Identification Cost**: $3,004.68, 33%
- **Donations**: $200.00, 2%
- **Adoption Fee**: $4,400.00, 48%
- **TOTAL Revenue**: $1,595.32, 17%
## Cat Adoption Cost Benefit Analysis

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<th>Officer</th>
<th>ACA</th>
<th>Operations</th>
<th>Mileage</th>
<th>Sheltering for 5 Days</th>
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<th>Triage</th>
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<th>Fee</th>
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<td>($10.00)</td>
<td>($160.00)</td>
<td>($82.38)</td>
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<td>Female Cat Unaltered @ $150</td>
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<td>$7.75</td>
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<td>($150.00)</td>
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TOTALS: $82.38, $132.38, $6.18, $33.82, $3.82, $86.18, $46.18
# Alternatives for Consideration

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<th>Pros</th>
<th>Cons</th>
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<td>Contract Services Out</td>
<td>Contractor responsible for all outcomes after hold period (i.e adoption, rescue, euthanasia)</td>
<td>• More available intake space</td>
<td>• No control over animal outcomes</td>
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<td>• Loss of community relations</td>
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<td></td>
<td>• Negative impact on HBSPCA and rescue partners</td>
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<td>• Loss of existing partnerships</td>
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<td>• Contract is costly</td>
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<td>• Difficult to monitor and administrate contract</td>
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<td>• Unlikely to find competent bidder</td>
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<tr>
<td>HBSPCA Partnership</td>
<td>Sharing of all costs and benefits for adopted animals</td>
<td>• Collaboration toward common goal</td>
<td>• Limited capacity for animals</td>
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<td>• Recovery of sheltering and medical costs</td>
<td>• Negative impact on donations for HBSPCA</td>
</tr>
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<td></td>
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<td>• Confusion for public over responsibilities and mandates</td>
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<td>• Elimination of other rescue partners</td>
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<td>Charge Fee for Animals transferred to adoption programs</td>
<td>All animals transferred to outside agencies will have a nominal fee</td>
<td>• Cost recovery of medical and sheltering costs</td>
<td>• Unaffordable for rescue organizations</td>
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<td>• Reduction of partners willing to take animals</td>
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<tr>
<td></td>
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<td>• Public not in favour</td>
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<tr>
<td>Adopt Animals from Stoney Creek, Flamborough and Glanbrook only. HBSPCA continues to have first right of refusal for Hamilton, Ancaster and Dundas animals.</td>
<td>These areas were not considered in original arrangement with HBSPCA</td>
<td>• Generate some revenue for shelter animals</td>
<td>• Very confusing for public</td>
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<td>• Difficult to manage and operate</td>
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<td>• Promotes separation between communities</td>
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<tr>
<td>Euthanize after Hold Period</td>
<td>Animals not returned to owner by end of stray hold period are euthanized in queue to create intake space</td>
<td>• Reduce sheltering and food costs</td>
<td>• Public Backlash</td>
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<td>• Not an acceptable option for Animal Community</td>
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<td>• Staff morale</td>
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<td>• Increase in euthanasia costs</td>
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</table>
MOTION

Committee Date: February 20, 2018

MOVED BY COUNCILLOR GREEN..............................................................

SECONED BY COUNCILLOR ...........................................................................

Parking Regulations on a ‘Through Street’

WHEREAS, most major Ontario municipalities restrict parking overnight on major roadways;

WHEREAS, staff are currently undertaking a review of Hamilton Parking By-law 01-218, and

WHEREAS, members of the public have, from time to time, expressed concern with the rationale for overnight parking restrictions on ‘through streets’ and the method of informing motorists where such regulations apply;

THEREFORE BE IT RESOLVED:

That staff be directed to review the rationale for overnight parking restrictions on ‘through streets’ and that this review include a review/summary of overnight parking regulations in other large Ontario municipalities and how they inform motorists of such regulations, and report back to the Planning Committee with recommendations to optimize the effectiveness of the through street system.