



City of Hamilton

CITY COUNCIL ADDENDUM

Wednesday, February 14, 2018, 5:00 P.M.
Council Chambers, Hamilton City Hall
71 Main Street West

5. COMMUNICATIONS

- *5.18 Correspondence from George O'Neill, CEO, REALTOR Association of Hamilton-Burlington in support of the discussion paper, Promoting Code Compliant, Safe, Clean and Healthy Rental Housing.
- Recommendation: Be received and referred to the consideration of Item 15 of the Planning Committee Report 18-002.
- *5.19 Correspondence from Brian Beamish, Commissioner, Information and Privacy Commissioner of Ontario respecting a significant privacy issue with the City of Hamilton's proposed use of CCTV images taken by private individuals.
- Recommendation: Be received and referred to the Information Item (f)(i) of the General Issues Committee Report 18-004.
- *5.20 Correspondence from Peter Robinson in opposition to the amending of Zoning By-law No. 6593, respecting lands located at 347 Charlton Avenue West (Bill No. 030).
- Recommendation: Be received and referred to the consideration of Item 10 of the Planning Committee Report 18-002.
- *5.21 Correspondence from Oz Kemal, Partner, MHBC in support, in principle of the proposed Centennial Neighbourhoods Secondary Plan and Transit Oriented Corridor Zoning Extension for Lands Located at 640 Queenston Road.
- Recommendation: Be received and referred to the consideration of Items 16 and 17 of the Planning Committee Report 18-002.

8. NOTICES OF MOTIONS

- *8.1 Community Grants for Ward 3

- *8.2 Removal of Ash Trees at 23 Cullum Drive, Carlisle and 14 Tynedale Court, Carlisle
- *8.3 Acquisition of St. Helen Catholic Elementary School Property at 785 Britannia Avenue
- *8.4 One Time Funding for Residential Care Facilities

February 13, 2018

Mayor Eisenberger and City Councillors
Hamilton City Hall
2nd Floor – 71 Main Street West
Hamilton, ON L8P 4Y5

RE: Rental Licensing Discussion Paper

Dear Mayor Eisenberger and City Councillors,

The REALTORS® Association of Hamilton-Burlington (RAHB) supports the discussion paper, *Promoting Code Compliant, Affordable, Safe, Clean and Healthy Rental Housing*, presented by Brad Clark of Maple Leaf Strategies to the Planning Committee February 6, 2018.

The report clearly outlined how rental housing licensing has not provided the various desired outcomes in other jurisdictions. There is no reason to expect that following the same path would result in a different experience in Hamilton and, in fact, licensing would likely take affordable units out of the rental market.

The report also set out very clearly how the City of Hamilton could, by implementing the recommendations in the report, make it easier for homeowners to create secondary suites, ensure rental units are code-compliant and safe, and use by-laws already in force to remedy complaints about tenants. All this can be accomplished without licensing landlords or rental housing.

We encourage Council to ensure the staff report requested by the Planning Committee (February 6, 2018) is considered by the committee most appropriate to pursue a forward-looking, made-in-Hamilton solution to rental housing issues.

Yours truly,



George O'Neill
CEO
REALTORS® Association of Hamilton-Burlington

GO/vw



VIA ELECTRONIC MAIL

February 13, 2018

Fred Eisenberger
Mayor
City of Hamilton
Hamilton City Hall
2nd Floor, 71 Main Street West
Hamilton, ON L8P 4Y5

Eric Girt
Police Chief
Hamilton Police Service
155 King William Street
Box 1060, LCD1
Hamilton, ON L8N 4C1

Dear Mayor Eisenberger and Chief Girt:

Re: CCTV cameras and private properties

I am writing to you about a significant privacy issue involving the City of Hamilton's proposed use of CCTV images taken by private individuals. Council's General Issues Committee passed a motion on February 7, 2018, that city staff work with the Hamilton Police Service to review the current CCTV by-law applicable to private homes and assess the feasibility of amending it to permit the collection of personal information from public spaces for use by the police.

As you know, my office oversees the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, which applies to municipal government institutions and law enforcement agencies, and sets rules for protecting the privacy rights of Ontarians. The use of surveillance cameras by the city or police, and the collection of images from private cameras, must comply with this law.

In my view, any attempt by the city to permit or encourage the use of private video surveillance cameras, for the purpose of collecting personal information to aid in law enforcement, would undermine privacy rights under *MFIPPA*.

While in some cases CCTV surveillance may enhance public safety and the security of assets, it also poses risks to the privacy of individuals whose personal information may be collected, used and disclosed. The risk to privacy is particularly acute because video surveillance may, and often does, capture the personal information of law-abiding individuals going about their everyday activities. In view of the broad scope of personal information collected, special care must be taken



when considering whether and how to use this technology. To encourage the wholesale collection of personal information by private citizens for use in law enforcement on what appears to be a routine basis, without a warrant, is unjustified and would erode the fundamental right to privacy.

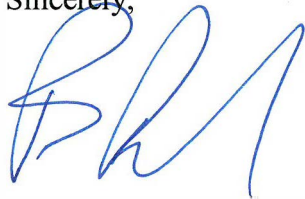
The proposed program would also be a significant extension to the surveillance capability of the city and the police, and could be construed as an attempt by the city and the police to avoid compliance with *MFIPPA*. In addition, the routine collection of surveillance images from private cameras by police may, by itself, be a violation of *MFIPPA*.

In 2015, my office issued *Guidelines for the Use of Video Surveillance* to assist institutions in developing CCTV systems that comply with privacy laws. These guidelines highlight that where justified, proportionate and properly managed, video surveillance can be used in a way that protects the privacy of individuals. In my view, the conditions precedent for the implementation of video surveillance in a privacy protective way do not exist here.

Given the privacy risks arising from the potential for widespread use of video surveillance as an aid to law enforcement in the City of Hamilton, I urge the city to refrain from amending the by-law.

If city staff have any questions about this letter or video surveillance in general, they should contact Renee Barrette, Director of Policy, at 416-326-3461 or renee.barrette@ipc.on.ca.

Sincerely,



Brian Beamish
Commissioner

cc: Rose Caterini, City Clerk
Lisa Barroso, Manager, Records and Freedom of Information, City of Hamilton
Andrea Avery, Freedom of Information Coordinator (A), Hamilton Police Service

MO Admin Assistant

From: Office of the Mayor
Subject: FW: cc. Bill No. 030, Council's Agenda for Feb. 14, 2018

From: Peter Robinson [[mailto:](#)]
Sent: February-13-18 3:24 PM
To: Office of the Mayor; info@aidanjohnson.ca
Subject: cc. Bill No. 030, Council's Agenda for Feb. 14, 2018

Dear Mr. Mayor and City Council,

I wish to express my opposition to amend the zoning of By-law No. 6593, "Respecting Lands Located at 347 Charlton Avenue West," on Feb. 14, 2018.

As succinctly expressed by Wendy Johncox in her letter to Council, not only is a precedent set for other large, building projects in Kirchendale, there will also be problems with parking on Charlton Ave. and traffic congestion. A building with four units is understandable; six units, however, put undue stress on the neighbourhood and its environs.

I ask you to "not" approve this project as it is currently presented to Council.

Respectfully,

Peter Robinson

Peter Robinson, PhD (Theology)

February 14, 2018

Mayor Eisenberger and Councillors
City of Hamilton
71 Main Street West, 2nd Floor
Hamilton, Ontario
L8P 4Y5

Dear Mayor and Councillors

**RE: Proposed Centennial Neighbourhoods Secondary Plan and Transit Oriented Corridor Zoning Extension Respecting Lands Located at 640 Queenston Road
Our File No. 14130J**

MacNaughton Hermsen Britton Clarkson Planning Limited is retained by First Capital Holdings (Ontario) Corporation in relation to their property located 640 Queenston Road (the "subject lands"). The subject lands are approximately 5 hectares in size and are located on the south-west corner of the intersection of Queenston Road and Nash Road. The subject lands are currently occupied by a shopping centre with 14,338 square metres of gross floor area and 818 parking spaces. They are currently designated Mixed Use – Medium Density on Schedule E-1 of the Urban Hamilton Official Plan, Volume 1 and zoned Designed Shopping Centre "G-1 / S-1537" District, Modified.

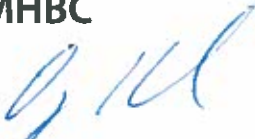
We understand that Council will be considering the approval of the Centennial Neighbourhoods Secondary Plan and an extension of the Transit Oriented Corridor Zoning which includes the subject lands. We support, in principle, the general long-term goals of the regulatory framework. However, we are concerned with the lack of consideration respecting short to medium term development and redevelopment potential of the subject lands. We appreciate that some consideration was given to this matter but we believe that the subject lands, as well as other larger commercial sites in the affected area, will continue to be unduly constrained by the restrictions on the development of drive-through facilities.

We met with staff on November 8, 2017 and November 16, 2017 to discuss a proposal to construct two commercial buildings, one of which will contain a drive-through facility (coffee shop), and to express our concerns regarding prohibition of such facilities. We note that the proposed policy and zoning framework currently before Council maintains the prohibition of drive-through facilities on the subject lands. Our application was submitted on December 19, 2017, and a letter received on February 9, 2018 confirmed our application as complete.

The redevelopment of large format commercial shopping centres requires flexibility in the policy and regulatory framework to allow for incremental change to occur on site while minimizing disruption to the existing commercial operations which support the Sub-Regional Node. As such, we request that Council amend the proposed Official Plan policy and zoning to permit drive-through facilities on the subject lands on an interim basis until such time that the entire site is redeveloped for a mix of uses as contemplated in the Centennial Neighbourhoods Secondary Plan and Transit Oriented Corridor Zone.

Yours truly,

MHBC



Ozkemal, BES, MCIP, RPP
Partner

cc: First Capital Holdings (Ontario) Corporation

CITY OF HAMILTON

NOTICE OF MOTION

Council: February 14, 2018

MOVED BY COUNCILLOR M. GREEN.....

Community Grants for Ward 3

WHEREAS, cell tower revenues from Ward 3 of \$40,628.19 are available in project 3301609603 to provide financial support to community led projects and initiatives that benefit Ward 3;

THEREFORE BE IT RESOLVED:

- (a) That the funding for the following programs and initiatives, to be financed from the Cell Tower Revenues Project 3301609603, be approved:
- (i) That the Sikh Heritage Month Committee is granted funds in the amount of \$2,000 to support Hamilton's first Sikh music concert.
 - (ii) That First Place Resident Representative Organization is granted funds in the amount of \$1,500 to reduce barriers of social isolation, and increase educational programs for seniors through purchase of a television player and locked cabinet for video education and community building.
 - (iii) That Erich's Cupboard is granted funds in the amount of \$1,000 to support Ward 3 Safe Talk Courses. These courses help support and educate residents on suicide awareness.
 - (iv) That The Sexual Assault Centre of Hamilton (SACHA) in the amount of \$1,000 to support Chocolate Fest at 270 Sherman Ave N, and to support survivors and raise awareness of the impact of sexual assault and sexual violence.
 - (v) That Hamilton Hurricanes Football is granted \$1,000 to help support healthy active living and provide equipment and reduce barriers to sports for youth aged 10 to 19 in Hamilton.
 - (vi) That The Kingsway Eagle Worldwide Community Enrichment Group is granted funds in the amount of \$1,500 for the Come to the Table Program.

This program will help provide healthy and fresh food for residents experiencing hardship in Ward 3.

- (vii) That the Hamilton Black History Month Committee is granted funds in the amount of \$5,000 to support the many and community events and programs celebrating black history in Hamilton.
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON

NOTICE OF M O T I O N

Council: February 14, 2018

MOVED BY COUNCILLOR J. PARTRIDGE.....

Removal of Ash Trees at 23 Cullum Drive, Carlisle and 14 Tynedale Court, Carlisle

WHEREAS, the former Town of Flamborough required the installation of trees in the road allowance as part of all new residential construction;

WHEREAS, the trees were often installed by the builder of residential developments;

WHEREAS, the builder of the houses at 23 Cullum Drive and 14 Tynedale Court in Carlisle installed Ash trees on the private side of the property line in error; and,

WHEREAS, the homeowners of 23 Cullum Drive and 14 Tynedale Court, Carlisle, wish to have these dying Ash trees removed under the City of Hamilton’s Emerald Ash Borer Management Program as has been done for their neighbours.

THEREFORE BE IT RESOLVED:

That staff be directed to remove the one Ash tree in front of 23 Cullum Drive, Carlisle, and the two Ash trees in front of 14 Tynedale Court, Carlisle, as part of the Emerald Ash Borer Management Program and that the costs for removal, stumping and replacement be funded from Project ID 4451153001, Emerald Ash Borer (EAB) Management Plan.

CITY OF HAMILTON

NOTICE OF MOTION

Council: February 14, 2018

MOVED BY COUNCILLOR S. MERULLA.....

Acquisition of St. Helen Catholic Elementary School Property at 785 Britannia Avenue

WHEREAS, the St. Helen Catholic Elementary School at 785 Britannia Ave, Hamilton (“the Property”) was closed in 2009 by the Hamilton-Wentworth Catholic District School Board (hereafter HWCDSB), and has been operating as a neighbourhood hub for the McQuesten neighbourhood; and

WHEREAS, the HWCDSB has been generously subsidizing the operating cost of keeping the Property available for community use with the Hamilton Community Foundation and the City of Hamilton since 2009; and

WHEREAS, the McQuesten Neighbourhood Planning Team has been active for over a decade and using the Property as a resource centre while developing the McQuesten Urban Farm on an adjacent piece of land; and

WHEREAS, De Dwa Da Dehs Nye>s Aboriginal Health Centre has expressed interest in relocating their services to the Property, and is currently engaged with the Ministry of Health Capital process for redevelopment; and

WHEREAS, Niwasa Kendaaswin Teg, the Indigenous early years and head start service provider, has obtained funding to support relocating their services to the Property; and

WHEREAS, De Dwa Da Dehs Nye>s and Niwasa have expressed an interest in working with the McQuesten Planning Team and other partners to create the *Biindigen Community Hub* (Anishnaabe for Welcome! Come In!); and

WHEREAS, the *Biindigen Community Hub* will serve as an Indigenous “one-stop” shop for services as well as a sustainable, long-term resource centre for McQuesten and the surrounding neighbourhoods; and

WHEREAS, such a development is consistent with the Truth and Reconciliation Commission of Canada’s Calls to Action by creating a model of reconciliation where Indigenous and non-Indigenous service providers come together to provide a bundle of services and resources to improve the social determinants of health for all people in the community;

WHEREAS, De Dwa Da Dehs Nye>s was one of four projects provincially to receive funding in February 2018 from the Government of Ontario Ministry of Infrastructure's Surplus Property Transition Initiative, which was created to promote the development of community hubs;

WHEREAS, the HWCDSB circulated a Proposal to Sell Real Property for the Property, requiring the delivery of a letter of intent within 90 days of receipt of the Proposal as per the regulation; and,

WHEREAS, the Property has been identified as being of interest for potential acquisition for a City-wide use as identified by the Ward 4 Councillor;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to acquire St. Helen Catholic Elementary School Property at 785 Britannia Avenue, Hamilton from the Hamilton-Wentworth Catholic District School Board (HWCDSB) for the purpose of disposing of the land for the creation of the Biindigen Community Hub;
- (b) That staff be authorized and directed to complete due diligence work in preparation of the acquisition of the Hamilton-Wentworth Catholic District School Board ("HWCDSB") lands located at 785 Britannia Avenue, Hamilton;
- (c) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to present a bona-fide offer to purchase the property located at 785 Britannia Avenue, Hamilton to the Hamilton-Wentworth Catholic District School Board (HWCDSB) on terms and conditions deemed appropriate to the General Manager of Planning and Economic Development;
- (d) That following successful acquisition the Real Estate Section of the Planning and Economic Development Department be authorized and directed to sell the property at 785 Britannia Avenue, Hamilton to De Dwa Da Dehs Nye>s Aboriginal Health Centre on the terms and conditions that the City will be fully reimbursed for all City's costs and fees associated with acquisition and disposition of the property and on such other terms and conditions deemed appropriate to the General Manager of Planning and Economic Development;
- (e) That all costs related to the due diligence, acquisition, and disposition of the property at 785 Britannia Avenue, Hamilton be authorized and funded from the Best Start Reserve and that all net proceeds of sale be returned to the same account;
- (f) That the Mayor and Clerk be authorized to execute all necessary documents in a form satisfactory to the City Solicitor.

CITY OF HAMILTON

NOTICE OF M O T I O N

Council: February 14, 2018

MOVED BY COUNCILLOR T. WHITEHEAD.....

One Time Funding for Residential Care Facilities

WHEREAS, a delegation from the Residential Care Facilities presented at the January 22, 2018 Emergency & Community Services Committee;

WHEREAS, the Residential Care Facilities are currently funded at \$50 per diem, and there has been no per diem or cost of living increase in funding to the Residential Care Facilities since April 1, 2015;

WHEREAS, the average cost per diem for other Residential Care Facilities in Ontario is \$52 per diem;

WHEREAS, in March 2017, through the Long Term Affordable Housing Strategy (LTAHS) the Province released its Supportive Housing Policy Framework with guidelines on a review of the Residential Care Facilities to ensure alignment with Housing First legislation; and

WHEREAS, staff will be using the LTAHS Supportive Housing Policy Framework and Best Practices to conduct a review of the Residential Care Facilities in 2018 with a focus on outcomes and funding models.

THEREFORE BE IT RESOLVED:

That the appropriate staff from Emergency & Community Services be authorized to provide an additional \$200,000 to the Residential Care Facilities Program on a one time basis within existing 2017/2018 CHPI budget to mitigate some of their financial pressures, pending the 2018 review of the Residential Care Facilities.