



## City of Hamilton

# CITY COUNCIL AGENDA

Wednesday, September 12, 2018, 5:00 P.M.  
Council Chambers, Hamilton City Hall  
71 Main Street West

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### Call to Order

#### 1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with \*)

#### 2. DECLARATIONS OF INTEREST

#### 3. CEREMONIAL ACTIVITIES

#### 4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 August 17, 2018

#### 5. COMMUNICATIONS

5.1 Correspondence from Les F. Jagodich respecting noise adjacent to Highway 403 in Hamilton.

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

5.2 Correspondence from Werner Plessl, Executive Director, Hamilton Waterfront Trust respecting the December 31, 2017 Audited Financial Statements.

Recommendation: Be received.

- 5.3 Correspondence from the Federation of Canadian Municipalities advising the City of Hamilton of the adoption of the resolution respecting Canadian Municipalities Supporting Local Economies in International Trade on June 2, 2018 at their Annual Conference
- Recommendation: Be received.
- 5.4 Correspondence from the Town of Aurora to the Honourable Doug Ford, Premier of Ontario in support of Greenbelt protection.
- Recommendation: Be received.
- 5.5 Correspondence from the Town of Oakville to the Honourable Caroline Mulroney, Attorney General urging the Province to limit and regulate the display and distribution of posters, signs and leaflets that contain disturbing images.
- Recommendation: Be received.
- 5.6 Correspondence from IBI Group respecting the Proposed Changes to the Official Plans and Zoning By-law No. 05-200 relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18194) (Item 6.9), Planning Committee Meeting 18-013.
- Recommendation: Be received and referred to the consideration of Item 9 of the Planning Committee Report 18-013.
- 5.7 Correspondence from Urban Solutions respecting the Official Plan Amendment Application No. UHOPA-17-023, Zoning By-law Amendment Application No. ZAC-17-053, 71 Rebecca Street, Hamilton.
- Recommendation: Be received and referred to the consideration of Item 8 of the Planning Committee Report 18-013.
- 5.8 Correspondence from Karl Stensson representing Sheridan Nurseries respecting the proposed change to the Dunington Grubb Gardens at Gage Park an historical garden for the installation of a Firefighters Memorial.
- Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.
- 5.9 Correspondence from the Honourable Todd Smith, Minister of Government and Consumer Services in response to the Mayor's letter respecting the Payday Loans Act, 2008 and gift cards.
- Recommendation: Be received.
- 5.10 Correspondence from Art Drysdale respecting the proposed change to the Dunington Grubb Gardens at Gage Park for a Firefighters Memorial.
- Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

- 5.11 Correspondence from Raymond Wilson respecting the Application for Approval of the Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) PED18189.

Recommendation: Be received and referred to the consideration of Item 2 of the Planning Committee Report 18-013.

- 5.12 Correspondence from Jon Pegg, Chief of Emergency Management, Ministry of Community Safety and Correctional Services respecting the City of Hamilton's compliance with the Emergency Management and Civil Protection Act (EMCPA) in 2017.

Recommendation: Be received.

- 5.13 Correspondence from Renate Manthei respecting 925 Main Street West and 150 Longwood Road.

Recommendation: Be received and referred to the consideration of Item 3 of the Planning Committee Report 18-013.

- 5.14 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in response to the Mayor's letter respecting an item identified by the City of Hamilton's Advisory Committee for Persons with Disabilities with respect to the Ontario Building Code.

Recommendation: Be received and referred to the Advisory Committee for Persons with Disabilities for information.

- 5.15 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in response to the Mayor's letter respecting the City of Hamilton's experience with the Community Homelessness Prevention Initiative (CHPI).

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities Department for appropriate action.

## **6. COMMITTEE REPORTS**

- 6.1 Planning Committee Report 18-013 - September 4, 2018
- 6.2 General Issues Committee Report 18-017 - September 5, 2018
- 6.3 Audit, Finance & Administration Committee Report 18-012 - September 10, 2018
- 6.4 Healthy & Safe Communities Committee Report 18-009 - September 10, 2018
- 6.5 Special General Issues Committee (AODA) Report 18-018 - September 11, 2018

## **7. MOTIONS**

- 7.1 Amendment to Appendix "D" of Item 12 of the Audit, Finance & Administration Committee Report 18-006 (Grants Sub-Committee Report 18-002, respecting Report GRA18003, 2018 City Enrichment Funding Recommendations)
- 7.2 Amendment to subsections (d), (e) and (f) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update
- 7.3 Item 3 of the School Board Properties Sub-Committee Report 18-001, August 29, 2018 (Referred to Council by GIC at its meeting of September 5, 2018)
- 7.4 Feasibility of Joining a Sidewalk from the Mount Hope Urban Boundary to the John C. Munro International Airport Lands
- 7.5 Request for Review of Decision of the Local Planning Appeal Tribunal in Case No. PL171270 for Zoning By-law Amendment for Lands Located at 952-954 Concession Street (Ward 6)

## **8. NOTICES OF MOTIONS**

- 8.1 Reconsideration of Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing

## **9. STATEMENTS BY MEMBERS**

## **10. PRIVATE AND CONFIDENTIAL**

- 10.1 Closed Session Minutes - August 17, 2018 (distributed under separate cover)

Pursuant to Section 8.1, Sub-section (b), (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (b), (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees; 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.

## **11. BY-LAWS AND CONFIRMING BY-LAW**



- 11.1 251  
To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking  
Schedule 8 (No Parking Zones)  
Schedule 12 (Permit Parking Zones)  
Ward: 1, 2, 3, 7, 9
- 11.2 252  
To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses  
Schedule 24 (Personal Transportation Provider)  
Schedule 25 (Taxi Cabs)  
Ward: City Wide
- 11.3 253  
To Amend Zoning By-law No. 3692-92, as amended by By-law No. 17-186 Respecting Lands Located at 440 First Road West (Stoney Creek)  
ZAH-18-038  
Ward: 9
- 11.4 254  
To Amend Zoning By-law No. 3692-92, as amended by By-law No. 18-055 Respecting Lands Located at 2 Glover Mountain Road (Stoney Creek)  
ZAH-18-044  
Ward: 9
- 11.5 255  
To Amend By-law No. 01-215, Being a By-law to Regulate Traffic  
Schedule 9 (No Right Turn on Red)  
Ward: 6
- 11.6 256  
To Adopt Official Plan Amendment No. 113 to the Urban Hamilton Official Plan Respecting 925 Main Street West and 150 Longwood Road South (Hamilton)  
Ward: 1

11.7 257

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 925 Main Street West and 150 Longwood Road South, Hamilton

ZAC-16-029

Ward: 1

11.8 258

To Adopt Official Plan Amendment No. 19 to the Rural Hamilton Official Plan Respecting 163 and 167 Highway No. 5 West (Flamborough)

Ward: 15

11.9 259

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 163 and 167 Highway No. 5 West, formerly in the Town of Flamborough, now in the City of Hamilton

RHOPA-18-019

ZAC-18-019

Ward: 15

11.10 260

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 5 Hamilton Street North (Flamborough)

ZAR-18-015

Ward: 15

11.11 261

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 5 Hamilton Street North (Flamborough)

ZAR-18-015

Ward: 15

11.12 262

To Amend Zoning By-law No. 6593 Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue (Hamilton)

ZAR-18-027

Ward: 4

- 11.13 263  
To Amend Zoning By-law No. 05-200 Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue (Hamilton)  
ZAR-18-027  
Ward: 4
- 11.14 264  
To Adopt Official Plan Amendment No. 21 to the Rural Hamilton Official Plan Respecting Cannabis Growing and Harvesting Facilities  
Ward: City Wide
- 11.15 265  
To Adopt Official Plan Amendment No. 112 to the Urban Hamilton Official Plan Respecting Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses within Specific Employment Districts  
Ward: City Wide
- 11.16 266  
To Amend Zoning By-law No. 05-200 Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing and Harvesting Facilities  
CI-18-H  
Ward: City Wide
- 11.17 269  
To Permanently Close and Sell a Portion of a Road Allowance Abutting 40 Maple Drive, Stoney Creek, namely Part of Road Allowance between Lots 18 &19, Concession 3, in the Geographic Township of Saltfleet, in the City of Hamilton, designated as Part 1, Plan 62R-20595, being Part of PIN 17319-0569 (LT)  
Ward: 10
- 11.18 273  
To Confirm the Proceedings of City Council

## 12. ADJOURNMENT



## CITY COUNCIL MINUTES 18-016

9:30 a.m.  
Friday, August 17, 2018  
Council Chambers  
Hamilton City Hall  
71 Main Street West

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**Present:** Mayor F. Eisenberger, Deputy Mayor A. VanderBeek  
Councillors T. Whitehead, T. Jackson, C. Collins, S. Merulla, M. Green,  
J. Farr, A. Johnson, D. Conley, M. Pearson, B. Johnson, L. Ferguson,  
R. Pasuta and J. Partridge

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Mississauga and Haudenosaunee nations, and within the lands protected by the “Dish with One Spoon” Wampum Agreement.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

### 1. CORRESPONDENCE

The disposition of the following Item is changed:

- 5.8 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in response to City Council's request for the Minister to exempt the City of Hamilton from the requirement under the Municipal Act respecting the Ward 7 vacancy.

Recommendation: Be received ***and referred to the consideration of Item 8.10***

The following correspondence Items are added:

- 5.19 Correspondence respecting ZAC-13-007 Rezoning of 100 Cumberland Avenue, Hamilton (from "Restricted Light Industry" to "Multiple Dwelling"):

- (a) Roy Morley
- (b) Alex Sears
- (c) Grantley Howell
- (d) John MacKay
- (e) Casey Irvin and Emily Webb
- (f) Victoria Tizzard
- (g) Nick and Gillian Vander Vliet

(h) Victoria Tizzard

Recommendation: Be received and referred to the consideration of Item 6 of the Planning Committee Report 18-012.

5.20 Correspondence from JP Danko respecting the Vacant Ward 7 Council Seat Appointment.

Recommendation: Be received and referred to the consideration of Item 8.10

5.21 Correspondence from Ron Trajano, Chair, DARTS Board of Directors, requesting a meeting between staff members and DARTS to discuss financial considerations for 2018.

Recommendation: Be received and referred to the appropriate staff.

5.22 Correspondence from Todd White, Chair of the Board, Hamilton-Wentworth District School Board respecting the Ancaster Secondary School property (green space) and a possible Heritage Status designation.

Recommendation: Be received and referred to the consideration of Item 18 of the Planning Committee Report.

## **2. MOTIONS**

The following motion is withdrawn:

7.6 Retaining Wall Repair/Replacement Loan Agreements Between the City of Hamilton and the Property Owners, at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton

## **3. ADDED NOTICES OF MOTION**

8.1 Ward 3 Area Rating Funds to Cycling Projects

8.2 No Right Turn on Red for Southbound Right Turn Movements on Upper Ottawa Street to Rymal Road (Ward 6)

8.3 Lighting for Century Street Parkette

8.4 Disposition of Municipal Lands Located between 25 and 41 Douglas Avenue, Hamilton (Ward 3) for the Purpose of Affordable Housing in Perpetuity

8.5 Royal Oak Affordable Housing Project

8.6 Capital Investments at First Place and 30 Sanford Avenue

8.7 Proposed Renewal and Amendment of Barangas On The Beach Existing Lease at Confederation Beach Park

- 8.8 New Stop Controls – Deer Avenue at East 43<sup>rd</sup> Street, Deer Avenue at Sharon Avenue and Everton Place at East 43<sup>rd</sup> Street (Ward 6)
- 8.9 Upgrades to the Edgelake Park Tennis Court and Basketball Court (Stoney Creek)
- 8.10 Ward 7 Appointment

#### 4. ADDED BY-LAWS

- 226 Respecting Removal of Part Lot Control, Part of Block 62, Registered Plan No. 62M- 1141, Municipally known as 49 and 51 Candlewood Court and 53 and 55 Candlewood Drive (Stoney Creek)  
PLC-18-024  
Ward: 9
- 227 To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Nebo Road from Twenty Road to approximately 608m Southerly, in the City of Hamilton  
Ward: 11
- 228 Being a By-law to Amend By-law No. 14-153 and By-law No. 11-174, “City of Hamilton Development Charges By-law, 2014” and “City of Hamilton GO Transit Development Charges By-law, 2011”  
Ward: City Wide
- 229 A By-law to Amend the Water and Wastewater/Storm Fees and Charges By-law No.17-265  
Ward: 4
- 230 To Adopt Official Plan Amendment No. 110 to the Urban Hamilton Official Plan Respecting 620 Tradewind Drive  
Ward: 2
- 231 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 620 Tradewind Drive (Ancaster)  
ZAC-05-063/25T-2005012  
Ward: 12
- 232 To Adopt Official Plan Amendment No. 111 to the Urban Hamilton Official Plan Respecting 70 Garner Road East (Ancaster)  
Ward: 12
- 233 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 70 Garner Road East (Ancaster)  
ZAC-17-068/ZAH-17-069/UHOPA-17-030  
Ward: 12

- 234 To Amend Zoning By-law No. 6593, as amended by By-law Nos. 79-226, 81-235, 3-221 and 85-165 Respecting Lands Located at 393 Rymal Road West, Hamilton  
ZAC-16-075  
Ward: 8
- 235 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 706 Highway No. 8, Flamborough  
ZAC-15-028/25T-201507  
Ward: 14
- 236 To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 99-114, Respecting Lands Located at 1221 Limeridge Road East, Hamilton  
ZAC-17-057  
Ward: 6
- 237 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 100 Cumberland Avenue, Hamilton  
ZAC-13-007  
Ward: 3
- 238 To Amend Zoning By-law No. 6593 (Hamilton) to Remove Lands located at 121 and 125 Highway No. 8 (Stoney Creek) From Zoning By-law No. 6593  
ZAC-17-085  
Ward: 9
- 239 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 121 and 125 Highway No. 8, Stoney Creek  
ZAC-17-085  
Ward: 9
- 240 To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 121 and 125 Highway 8 (Stoney Creek)  
ZAC-17-085  
Ward: 9
- 241 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 517 Stone Church Road West (Hamilton)  
ZAR-17-075  
Ward: 8
- 242 To Amend By-law No. 01-218, Being a By-law to Regulate Traffic Schedule 5 (Stop Control)  
Ward: 6
- 243 To Make an Appointment to Fill the Vacancy on City Council in Ward 7  
Ward: 7

**(Pearson/A. Johnson)**

That the agenda for the August 17, 2018 meeting of Council be approved, as amended.

**CARRIED**

### DECLARATIONS OF INTEREST

Councillor Pearson declared an interest with respect to Items 4 and 5 of the Planning Committee Report 18-012 as she is an owner of rental properties.

Councillor Ferguson declared an interest with respect to Item 16 of the Planning Committee Report 18-012 as he is an investor in the taxi industry.

### CEREMONIAL ACTIVITIES

The Mayor presented the Sovereign's Medal for Volunteers to two citizens of the City of Hamilton, HooJung Jones and Jason Burgoin.

The Sovereign's Medal is awarded by Her Excellency, the Right Honourable Julie Payette, Governor General of Canada to recognize the exceptional volunteer achievements of Canadians from across the country in a wide range of fields.

### APPROVAL OF MINUTES OF PREVIOUS MEETING

#### 4.1 July 13, 2018

**(A. Johnson/Collins)**

That the Minutes of the July 13, 2018 meeting of Council be approved, as presented.

**CARRIED**

### COMMUNICATIONS

**(VanderBeek/Pasuta)**

That Council Communications 5.1 to 5.22 be approved, as follows:

- 5.1 Correspondence from the Ministry of Natural Resources and Forestry respecting the oral rabies vaccine (ORV) bait distribution in the summer and fall of 2018.

Recommendation: Be received

- 5.2 Correspondence from the Niagara Escarpment Commissioner respecting the Niagara Escarpment Plan Agricultural Policies.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.



- 5.3 Correspondence from the Ontario Ombudsman respecting an Ombudsman Investigation.

Recommendation: Be received.

- 5.4 Correspondence from Dinesh Mahabir, President, Hawk Ridge Homes Inc. respecting a request for an extension to the Development Charges Deferral Agreement No. 156 for 170 Rockhaven Lane, Waterdown.

Recommendation: Be received and referred to the General Manager of Finance & Corporate Services for a report to the Audit, Finance & Administration Committee.

- 5.5 Correspondence from the Honourable Catherine McKenna, Minister of Environment and Climate Change in response to the Mayor's letter respecting Preserving Canada's Heritage: The Foundation for Tomorrow.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

- 5.6 Correspondence from Frank Dale, Regional Chair, Regional Municipality of Peel to the Honourable Steve Clark and the Honourable Ernie Hardeman respecting the Peel Agricultural Advisory Working Group and Golden Horseshoe Food and Farming Alliance Annual Update and Funding Request.

Recommendation: Be received.

- 5.7 Correspondence from Terrapure Environmental respecting the Stoney Creek Regional Facility, 2017 Annual Report, please find below the link to view the report: <http://www.terrapurestoneycreek.com/document-library/>

Recommendation: Be received.

- 5.8 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in response to City Council's request for the Minister to exempt the City of Hamilton from the requirement under the Municipal Act respecting the Ward 7 vacancy.

Recommendation: Be received and referred to the consideration of Item 8.10.

- 5.9 Correspondence from Marion Emo, CEO, Hamilton/Burlington SPCA respecting the posting of Agendas, Minutes and all Associated Accompanying Presentations and Documents, Inclusive of Financial Statements.

Recommendation: Be received.

- 5.10 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the significance of the provincial-municipal relationship and the important role municipal governments fulfill for their residents.

Recommendation: Be received.

- 5.11 Correspondence from Janice Currie respecting the Planning Committee meeting of July 10 - Complaint lodged against Councillor Ferguson.

Recommendation: Be received and referred to the Agriculture and Rural Affairs Committee.

- 5.12 Correspondence from the Honourable Melanie Joly, Minister of Canadian Heritage in response to the Mayor's correspondence respecting the possible declaration of National Day of Remembrance and Action on Islamophobia.

Recommendation: Be received.

- 5.13 Correspondence from Les F. Jagodich respecting a Noise Wall Issue - Highway #403 in Ancaster between Highway #6 South and Golf Links Road.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

- 5.14 Correspondence from Dr. Theresa Tam, Chief Public Health Officer, Public Health Agency of Canada congratulating the City of Hamilton on becoming an Age-Friendly Community (AFC).

Recommendation: Be received

- 5.15 Correspondence from the Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs looking forward to working with the City of Hamilton to ensure Ontario is a place we can all be proud to call home.

Recommendation: Be received.

- 5.16 Correspondence from the Honourable Vic Fedeli, Minister of Finance looking forward to working with the City of Hamilton as he and his colleagues focus on helping make our province the best place in North America for business, creating jobs and raising a family.

Recommendation: Be received

- 5.17 Correspondence from the Honourable Michael Tibollo, Minister of Community Safety and Correctional Services looking forward to working with the City of Hamilton, as the new government delivers on its commitments and ensure the safety and security of Ontario's communities.

Recommendation: Be received.

- 5.18 Correspondence included as per Joey Coleman's request from the National NewsMedia Council.

Recommendation: Be received.

5.19 Correspondence respecting ZAC-13-007 Rezoning of 100 Cumberland Avenue, Hamilton (from "Restricted Light Industry" to "Multiple Dwelling"):

- (a) Roy Morley
- (b) Alex Sears
- (c) Grantley Howell
- (d) John MacKay
- (e) Casey Irvin and Emily Webb
- (f) Victoria Tizzard
- (g) Nick and Gillian Vander Vliet
- (h) Victoria Tizzard

Recommendation: Be received and referred to the consideration of Item 6 of the Planning Committee Report 18-012.

5.20 Correspondence from JP Danko respecting the Vacant Ward 7 Council Seat Appointment.

Recommendation: Be received and referred to the consideration of Item 8.10

5.21 Correspondence from Ron Trajano, Chair, DARTS Board of Directors, requesting a meeting between staff members and DARTS to discuss financial considerations for 2018.

Recommendation: Be received and referred to the appropriate staff.

5.22 Correspondence from Todd White, Chair of the Board, Hamilton-Wentworth District School Board respecting the Ancaster Secondary School property (green space) and a possible Heritage Status designation.

Recommendation: Be received and referred to the consideration of Item 18 of the Planning Committee Report.

**(Ferguson/B. Johnson)**

That Council move into Committee of the Whole to consider the Committee Reports.

**CARRIED**

<b>GENERAL ISSUES COMMITTEE REPORT 18-016</b>
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**(Eisenberger/Partridge)**

That the SIXTEENTH Report of the General Issues Committee be adopted, as presented, and the information section received.

**CARRIED**

PLANNING COMMITTEE REPORT 18-012
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8. **Applications to Amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision for Lands Located at 620 Tradewind Drive (Ancaster) (PED18150) (Ward 12) (Item 6.3)**

Councillor Green indicated that he wishes to be recorded as OPPOSED to this Item.

14. **Applications for an Amendment to the Rural Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 19 Highland Road East, Stoney Creek (PED18169) (Ward 9) (Item 6.9)**

Councillor B. Johnson indicated that she wishes to be recorded as OPPOSED to this Item.

20. **Instructions - Appeal for Non-Decision to the Local Planning Appeal Tribunal re: Zoning By-Law Amendment, for lands located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (PL180175) (LS18020/PED18172) (Ward 7) (Distributed under separate cover.) (Item 12.1)**

**(A. Johnson/Farr)**

That the recommendations of Item 20 of Planning Committee Report 18-012 respecting Instructions - Appeal for Non-Decision to the Local Planning Appeal Tribunal re: Zoning By-Law Amendment, for lands located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (PL180175) (LS18020/PED18172) be deleted in their entirety and the following be inserted therein:

- ~~(a) That the recommendations of Report LS18020/PED18172 respecting Instructions - Appeal for Non-Decision to the Local Planning Appeal Tribunal re: Zoning By-Law Amendment, for lands located at 1518, 1530 and 1540 Upper Sherman Avenue, Hamilton (PL180175) be approved and be released to the public following a decision by Council;~~
- ~~(b) That the remainder of Report LS18020/PED18172 remain private and confidential.~~
- (a) ***That Legal Staff be instructed to oppose Sonoma Homes Inc. appeal to the Local Planning Appeal Tribunal for its Zoning By-law Amendment Application ZAC-17-078 for a site specific zoning amendment in order to permit four multiple dwellings ranging from eight to eleven storeys containing 489 units for lands located at 1518, 1530, and 1540 Upper Sherman Avenue, as shown on Appendix "A" to Report LS18020 / PED18172.***
- (b) ***That the Local Planning Appeal Tribunal (LPAT) be advised that the reasons for Council's opposition to Application ZAC-17-078 include, but are not limited to, the following:***

- (i) *The proposal, as submitted, exceeds the permitted density and does not sufficiently meet the policies of the Urban Hamilton Official Plan related to residential intensification and urban design;*
  - (ii) *The proposal is premature in that, insufficient information has been provided to determine if sanitary services are available to accommodate the proposed density being over 600 persons per hectare;*
  - (iii) *The proposal does not effectively provide appropriate transitions in use, building massing and height and does not maintain or enhance the established character; and,*
  - (iv) *Outstanding concerns related to related to shadow, overlook and privacy for adjacent single detached dwellings on Cartier Crescent.*
- (c) *That the recommendations of Report LS18020 / PED18172 be released to the public following a decision by Council, and the remainder of Report LS18020 / PED 18172 remain confidential.*

**Amendment Carried  
Main Motion, as Amended, CARRIED**

**(A. Johnson/Farr)**

That the TWELFTH Report of the Planning Committee be adopted, as amended, and the information section received.

**CARRIED**

**(Ferguson/B. Johnson)**

That Section 5.6(2) of the City’s Procedural By-law 14-300, which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider the Audit, Finance and Administration Committee Report 18-011, dated Wednesday, August 15, 2017; the Healthy & Safe Communities Committee Report 18-008, dated Wednesday, August 15, 2018; and the Public Works Committee Report 18-011, dated Thursday, August 16, 2018.

**CARRIED**

**HEALTHY AND SAFE COMMUNITIES COMMITTEE REPORT 18-008**

**6. Cancellation of the Ontario Basic Income Pilot Project (Added Item 9.2)**

This Item CARRIED on the following standing recorded vote:

Yes: A. Johnson, Farr, Green, Merulla, Collins, Jackson, Whitehead, VanderBeek,  
Eisenberger, Partridge, Pasuta, Ferguson, B. Johnson, Pearson, Conley

Total: 15  
Nays 0

**(Merulla/Collins)**

That the EIGHTH Report of the Healthy and Safe Communities Committee be adopted, as presented, and the information section received.

**CARRIED**

<b>AUDIT, FINANCE &amp; ADMINISTRATION COMMITTEE REPORT 18-011</b>
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**10. Commercial Relationship Between City of Hamilton and Primary Response Inc. (LS18040 / FCS18063) (City Wide) (Item 12.2)**

**(B. Johnson/Ferguson)**

That the recommendation (b) of Item 10 of Audit, Finance and Administration Committee Report 18-011 respecting Commercial Relationship Between City of Hamilton and Primary Response Inc. (LS18040 / FCS18063) be deleted in its entirety and the following be inserted therein:

- ~~(b) That **amended** recommendations (a) and (b) of Report LS18040/FCS18063, respecting “Commercial Relationship Between City of Hamilton and Primary Response Inc.” be approved and remain private and confidential until approved by Council.~~
- (a) ***That, due to the impairment of the commercial relationship between the City of Hamilton and Primary Response Inc. as a result of a breach of contract, staff be directed to reject any current and future bids, proposals or quotations received from one or more of the following parties until August 17, 2023;***
- (i) Primary Response Inc.;***
  - (ii) a predecessor corporation of Primary Response Inc;***
  - (iii) a related corporate entity of Primary Response Inc., excluding Garda Canada Security Corporation;***
  - (iv) an individual entity of Primary Response Inc, including but not limited to an officer or director of any of the corporate entities described in this sub-section (a);***
- (b) ***That the City of Hamilton not enter into any contract with one or more of the following parties until August 17, 2023:***
- (i) Primary Response Inc.;***
  - (ii) a predecessor corporation of Primary Response Inc;***
  - (iii) a related corporate entity of Primary Response Inc., excluding Garda Canada Security Corporation;***
  - (iv) an individual entity of Primary Response Inc, including but not limited to an officer or director of any of the corporate entities described in this sub-section (b);***

**Main Motion, as Amended, CARRIED**

**(B. Johnson/Pearson)**

That the ELEVENTH Report of the Audit, Finance & Administration Committee be adopted, as amended, and the information section received.

**CARRIED**

<b>PUBLIC WORKS COMMITTEE REPORT 18-011</b>
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**(Ferguson/B. Johnson)**

That the ELEVENTH Report of the Public Works Committee be adopted, as presented, and the information section received.

**CARRIED**

**(Ferguson/B. Johnson)**

That Committee Rise and Report.

**CARRIED**

<b>MOTIONS</b>
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**7.1 No Parking Signs on Bay Street Between Aberdeen Avenue and Herkimer Street**

Councillor Farr indicated that he is withdrawing his motion.

**7.2 Opposition to Buy American Policies and the Tariffs Recently Imposed by the Trump Administration**

**(Collins/Merulla)**

WHEREAS, at its meeting of June 11, 2018, the Town of Halton Hills passed the following resolution:

WHEREAS, since 2009, Council for the Town of Halton Hills have been leaders in taking opposition to Buy American Policies and other punitive trade legislation;

AND WHEREAS, the Buy American Policies have had negative impacts on local Canadian industries and Municipalities;

AND WHEREAS, their impacts have negatively affected Canadian Municipalities and their economies and families;

AND WHEREAS, NAFTA governs nearly every aspect of Canada and the U.S. economic relationship and even minor changes to the established trade relationship could have far-reaching consequences for communities on both sides of the border;

AND WHEREAS, recent trade disputes with the U.S. on softwood lumber and potential tariffs on other commodities has caused business uncertainty and impacted local economies;

AND WHEREAS, Canada's economic future and the continued well-being of communities and their local economies depend on free and fair trading relationships based in current and future international agreements;

AND WHEREAS, the recent imposition by the United States government of tariffs on steel and aluminum imports from Canada, purportedly based on national security grounds, are an affront to the decades-long alliance between Canada and the United States;

AND WHEREAS, given the actions of the United States government, it is imperative that Municipalities and individual Canadian businesses and citizens, as consumers of goods and services, take proactive action to support and protect Canadian interests.

THEREFORE, BE IT RESOLVED, that the Town of Halton Hills supports the recent resolution passed by FCM to continue to work with the federal government to support the interests of municipalities across Canada affected by trade disputes and during ongoing trade agreement negotiations;

AND FURTHER THAT the Council for the Town of Halton Hills continues to support free and fair trade and vehemently opposes restrictive trade practices;

AND FURTHER THAT the Town of Halton Hills stands with those Municipalities, Employers, Families who may be impacted by the latest tariffs imposed by the Trump Administration;

AND FURTHER THAT that the Town of Halton Hills encourage residents and businesses with the Town to become knowledgeable about the origin of the products and services that they purchase, consider avoiding the purchase of U.S. products where substitutes are reasonably available and communicating with U.S. businesses and individuals of Canadian concern about the decisions of the United States Government;

AND FURTHER THAT this resolution be forwarded to the Prime Minister, Minister of Trade, Minister Freeland, Mayor Iveson ( Edmonton ) Chair of the Big City Mayors, Halton MP's, MPP's, Premier, Premier elect, Halton MPP elects, Canadian Chamber of Commerce, Halton Hills Chamber of Commerce, Canadian Manufacturers & Exporters, Federal Opposition Leaders, Mayors of Windsor, Hamilton, Halton Region, Burlington, Milton, Oakville, FCM and AMO.

WHEREAS, the Agricultural and Rural Affairs Advisory Committee at their meeting on June 21, 2018 approved the following amendment to add subsection (c), to the motion respecting the Opposition to Buy American Policies and the Tariffs Recently Imposed by the Trump Administration:



THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton strongly support the above resolution respecting Opposition to Buy American Policies and the tariffs recently imposed by the Trump Administration;
- (b) That a copy of this resolution be forwarded to Prime Minister, Minister of Trade, Minister Freeland, Mayor Iveson (Edmonton), Chair of the Big City Mayors, Hamilton MP's, MPP's, Federal Opposition Leaders, FCM and AMO; and,
- (c) That the City of Hamilton encourage the federal government to continue to protect trade agreements currently in place that benefit agriculture in both Canada and the United States.

**CARRIED**

### **7.3 OPSEU Local 216 and Banyan Community Services**

**(Jackson/Green)**

WHEREAS, Members of OPSEU Local 216 of Arrell Youth Centre operated by Banyan Community Services find themselves in a critical situation being locked out on April 27, 2018 and without a contract since April 1, 2017;

WHEREAS, Youth in care have been displaced from their communities and the services they rely on;

WHEREAS, 60 youth justice workers at the Arrell Youth Centre are now in a lockout after workers refused to accept a benefit co-sharing arrangement that would cost a full-time employee approximately \$1,200 a year and result in a \$20,000 savings to the employer; and

WHEREAS, the City of Hamilton has a vested interest in protecting the integrity of the Province of Ontario Labour laws and the principal of negotiating collective agreements in good faith;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton ask Banyan Community Services to uphold the integrity of Ontario Labour Laws, which are based on a presumption of good faith bargaining by both parties;
- (b) That the City of Hamilton call on Banyan Community Services to find a resolution to the lockout without imposing further hardship on workers and their families; and
- (c) That if Banyan Community Services refuses to resume bargaining in good faith, the City of Hamilton ask both the Minister of Labour and the Minister of Children, Community and Social Services, the Prime Minister of Canada, and

the Premier of Ontario to intervene in order to uphold the integrity of the Ontario Labour Laws, and the underlying principal that both parties in a dispute must, in good faith, negotiate a Collective Agreement; and, that all local MP's and MPP's be copied.

This Item CARRIED on the following standing recorded vote:

Yes: A. Johnson, Farr, Green, Merulla, Collins, Jackson, VanderBeek,  
Eisenberger, Partridge, Pasuta, Ferguson, B. Johnson, Pearson,  
Whitehead  
Total: 14  
Nays: 0  
Absent: Conley  
Total: 1

**7.4 Amendment to sub-sections (d) and (e) to Item 13 of the General Issues Committee Report 16-029, respecting Report PED16221 - Public Art Master Plan Review and Update**

**(Pearson/B. Johnson)**

WHEREAS, Finance staff requires an amendment to properly reflect the funding source for ongoing maintenance costs for public art projects;

THEREFORE, BE IT RESOLVED:

That sub-sections (d) and (e) to Item 13 of the General Issues Committee Report 16-029, respecting Report PED16221 - Public Art Master Plan Review and Update, which was approved by Council on November 23, 2016, be amended by deleting the words "Public Art Maintenance Reserve" and replacing them with the words "**Public Art and Monuments Maintenance Balance Sheet Account**", to read as follows:

**13. Public Art Master Plan Review and Update (PED16221) (City Wide) (Item 8.7)**

- (a) That the City of Hamilton Public Art Master Plan 2016 attached as Appendix 'A' to Report PED16221 be received;
- (b) That staff be directed to implement the priority public art projects identified in City of Hamilton Public Art Master Plan 2016 attached as Appendix 'A' to Report PED16221 pending budgetary approval;
- (c) That staff be directed to use the criteria outlined in The Priority Project Scoring Matrix, attached as Appendix 'D' to Report PED16221, to determine the implementation priority of future public art project proposals;
- (d) That a ~~Public Art Maintenance Reserve~~ **Public Art and Monuments Maintenance Balance Sheet Account** be established;

- (e) That up to 10% of the fabrication cost and artist's fees for each public art project be transferred to the ~~Public Art Maintenance Reserve~~ **Public Art and Monuments Maintenance Balance Sheet Account** when the project is completed to fund the ongoing maintenance of public art;
- (f) That Tourism and Culture staff be directed to develop an Art in Public Places Policy to guide and encourage citizens, businesses and stakeholder groups to create high quality types of art in public places not addressed in the Public Art Master Plan 2016 such as; community art, temporary art, art on publicly accessible private property, donated art, art integrated into city buildings and infrastructure, and art memorializing a specific individual, event or cultural group and report back to the General Issues Committee in 2018;
- (g) That Tourism and Culture staff be directed to provide an annual update on implementation of the Public Art Master Plan 2016 to the General Issues Committee.

**CARRIED**

**7.5 Amendment to Item 11 of the Planning Committee Report 18-011 respecting PED18148 - Updates and Modifications to the Urban Hamilton, Rural Hamilton, and Former City of Hamilton Official Plans**

**(Farr/A. Johnson)**

That Item 11 of the Planning Committee Report 18-011, respecting Updates and Modifications to the Urban Hamilton, Rural Hamilton, and Former City of Hamilton Official Plans (City Wide) (PED18148) be **amended** by:

- (a) Amending Appendix "A" to Report PED18148 – Official Plan Amendment to the Urban Hamilton Official Plan, as follows:
  - (i) **Renumbering**
    - (1) **Renumbering Area Specific Policy – Area B (Chedoke Browlands) and all subsequent policy references to Area Specific Policy – Area B from Policy "B.6.3.7.3" to Policy "B.6.3.7.2";**
    - (2) **Renumbering the first policy reference in Policy B.6.3.7.2.2 a) iii) from "E.3.5.7" to "E.3.5.4", and renumbering the second policy reference in Policy B.6.3.7.2.2 a) iii) from "B.6.3.2.3" to "B.6.3.2.4";**
    - (3) **Renumbering the first policy reference in Policy B.6.3.7.2.2 c) iii) from Policy "E.3.5.7" to Policy "E.3.5.4";**
    - (4) **Renumbering the first policy reference in Policy B.6.3.7.2.3 b) from Policy "B.6.3.7.3.4 a)" to "B.6.3.7.2.3 a)";**

- (5) *Renumbering the policy reference in Policy B.6.3.7.2.4 a) i) from Policies “B.6.3.7.3.4 b) and e)” to Policies “B.6.3.7.2.4 b) to f)”;* and,
  - (6) *Renumbering the section reference in Policy B.6.3.7.2.6 c) v) from Section “B.6.3.7.3.5” to Section “B.6.3.7.2.4”.*
- (ii) **Modifying Mapping**
- (1) *Modifying the extent of the Area Specific Policy – Area B (Chedoke Browlands) on Volume 2, Map B.6.3-1, Map B.6.3-2, and Appendix A by aligning the northeastern boundary along the Niagara Escarpment to with the parcel fabric, reflecting a previous planning decision of the Ontario Municipal Board, as shown on the attached Appendix “A” to this Motion;*
  - (2) *Adding a Proposed Private Road to a portion of Sanatorium Road in the Area Specific Policy – Area B (Chedoke Browlands) on Volume 2, Map B.6.3-1 to reflect a previous planning decision of the Ontario Municipal Board, as shown on the attached Appendix “A” to this Motion;*
  - (3) *Modifying the extent of the new Site Specific Policy – Area G on Volume 2, Map B.7.2-1 to reflect a previous planning approval of Hamilton City Council for lands located at 135 and 137 King Street East and 42 Passmore Street, Stoney Creek, as shown on the attached Appendix “A” to this Motion; and,*
  - (4) *Adding Urban Site Specific Policy USCN-7 identification to Volume 3, Map 2 to provide a cross-reference to a policy. as shown on the attached Appendix “A” to this Motion.*
- (b) **Amending Appendix “B” to Report PED18148 – Official Plan Amendment to the Rural Hamilton Official Plan, as follows:**
- (i) *Renumbering Rural Site Specific Policy “R-28” to “R-29” for lands located at 58 12<sup>th</sup> Concession Road East, Flamborough in text, inset map, and on Volume 3.*

**CARRIED**

**7.6 Retaining Wall Repair/Replacement Loan Agreements Between the City of Hamilton and the Property Owners, at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton**

This Item was removed under Changes to the Agenda.

**7.7 Ward 3 Area Rating Funds to Cycling Projects**

**(Green/A. Johnson)**

WHEREAS, the City of Hamilton is improving cycling infrastructure to grow bicycle ridership to meet the goals of the City's Transportation Master Plan;

WHEREAS, the community is demonstrating that design elements that help to increase the visibility of bicycle lanes, such as bollards, result in higher cycling participation rates;

WHEREAS, there is a gap in the Cannon Street bicycle lane network between Sherman Avenue and Tim Hortons Field that is identified in the Cycling Master Plan (2018) as priority project # 14;

WHEREAS, the Hamilton Bike Share System, operated by Sobi Hamilton, is proving to be successful and will benefit from an increased density of bicycle hubs in Ward 3; and,

WHEREAS, there are available funds in the Ward 3 Area Rating budget;

THEREFORE, BE IT RESOLVED:

- (a) That \$30,000 be allocated from the Ward 3 Area Rating Reserve Account No. 108053 to enhance the 2018 bicycle lane installations on Delaware Avenue, Maplewood Avenue and Gage Avenue, with pavement markings to define a wider buffer for the bicycle lanes and the installation of limited, seasonal physical separations at key intersections;
- (b) That \$100,000 be allocated from the Ward 3 Area Rating Reserve Account No. 108053 to design and install an extension of the Cannon Street cycle track easterly of Sherman Avenue to Tim Hortons Field, the new recreation centre, and the new high school;
- (c) That \$150,000 be allocated from the Ward 3 Area Rating Reserve account 108053 to purchase approximately 75 bike share bicycles for 8 planned new stations to increase the access to bicycles in Ward 3; and,
- (d) That \$40,000 be allocated from the Ward 3 Area Rating Reserve Account No. 108053 to purchase and install approximately 120 Hammer Hoop bicycle racks in commercial areas of Ward 3.

**CARRIED**

**7.8 No Right Turn on Red for Southbound Right Turn Movements on Upper Ottawa Street to Rymal Road (Ward 6)**

**(Jackson/Collins)**

WHEREAS, Ward 6 residents in the area of Upper Ottawa Street and Rymal Road have identified safety and operational concerns with respect to accessing properties along Rymal Road, as a result of insufficient vehicle gaps; and,

WHEREAS, Traffic Operations and Engineering has identified potential operating and safety concerns with implementing No Right Turn on Red for southbound right turn movements on Upper Ottawa Street to Rymal Road.

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to implement a “trial” project for a period of four months, to prohibit Right Turn on Red for southbound Upper Ottawa Street to westbound Rymal Road, 7am to 7pm; and,
- (b) That staff evaluate the operational and safety impacts of this prohibition and report to Public Works Committee at the conclusion of the 4 (four) month trial period.

**CARRIED**

**7.9 Lighting for Century Street Parkette**

**(Green/Merulla)**

WHEREAS, direct investments in our community public spaces, parks, and playgrounds have been identified through extensive neighbourhood engagement as well as through our City of Hamilton strategic priorities; and

WHEREAS, the redevelopment currently underway for the Century Street Parkette requires additional funds in order to install solar powered lighting in the Parkette;

THEREFORE, BE IT RESOLVED:

That staff be directed to include lighting at Century Street Parkette, as part of the park development, at a cost of \$75,000 to be added to the Century Street Parkette Project ID 4401756907, to be funded from Ward 3 Area Rating Account no. 108053.

**CARRIED**

**7.10 Disposition of Municipal Lands Located between 25 and 31 Douglas Avenue, Hamilton (Ward 3) for the Purpose of Affordable Housing in Perpetuity**

**(Green/Merulla)**

WHEREAS, City Council, at its meeting of November 24, 2004, adopted the City’s Portfolio Management Strategy Plan, which established a formalized process to be consistently applied across all areas of the City to guide the management of the

City's real property, and that in accordance with the City's Portfolio Management Strategy, By-law 14-202, property no longer required for municipal programs is declared surplus by Council and is disposed of in accordance with this policy;

WHEREAS, the City has an objective to increase the availability of affordable housing throughout the City;

WHEREAS, the City has been in dialogue with the Hamilton Community Land Trust and other community stakeholders respecting vacant land, known as 0 Douglas Avenue and located between 25 and 31 Douglas Avenue, City of Hamilton, respecting the opportunity for the development of a small affordable housing unit on the subject property;

WHEREAS, the subject land represents a vacant strip of land that the City acquired via tax arrears and the City has attempted to dispose of parcels of this property to adjacent land owners in the past; and

WHEREAS, the City's support to making the subject development affordable would be the contribution of land at nominal value;

THEREFORE, BE IT RESOLVED:

- (a) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to sell a portion of the land between 25 and 31 Douglas Avenue, in the City of Hamilton, to the Hamilton Community Land Trust in partnership with other community stakeholders and partners, subject to any required easements and conditional on the property being used perpetually for affordable housing, on an as-is, where-is basis, for a nominal consideration of \$2.00, plus any costs (eg. survey, legal, closing adjustments, etc.) incurred by the City, and such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development;
- (b) That the City Solicitor be directed and authorized to complete the real estate transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable; and
- (c) That the Mayor and City Clerk be authorized to execute the necessary documents, in a form satisfactory to the City Solicitor.

**CARRIED**

## **7.11 Royal Oak Dairy Affordable Housing Project**

**(Green/Merulla)**

WHEREAS, Indwell Community Homes (Indwell) has purchased the derelict property at the northwest corner of East Avenue N and Robert Street (known as the Royal Oak Dairy property) and are in the planning stage of a redevelopment to transform

the site into an affordable housing development. Indwell expects the redevelopment to include at least 100 units of affordable housing; and

WHEREAS, Indwell will incur significant financing carrying costs on the land purchase and site preparation during the estimated three year planning, approvals and construction phases (e.g. financing on purchase, legal fees, land transfer tax, environmental remediation and demolition), estimated to be \$343,000, that are not funded;

THEREFORE, BE IT RESOLVED:

- (a) That a large portion of the unfunded financing carrying costs, in the amount of \$275,000, for the Royal Oak Affordable Housing Project be funded as a grant from the Ward 3 Area Rating Reserve Account 108053; and
- (b) That staff be granted delegated authority to enter into a funding agreement on behalf of the City with the following terms:
  - (i) That 50% of the \$275,000 payment be made January 15, 2019 after the funding agreement has been signed by all parties and the balance of the grant paid out on January 15, 2020; and
  - (ii) That Indwell must forward to City Finance staff their Annual Financial statements upon their Board's approval of same.

**CARRIED**

## **7.12 Capital Investments at First Place and 30 Sanford Avenue**

### **(Green/Collins)**

WHEREAS, there has been a limited capital reinvestment in CityHousing Hamilton properties over the last decade;

WHEREAS, residents of CityHousing Hamilton properties deserve dignified and safe, affordable housing; and,

WHEREAS, improvements to the exteriors of CityHousing Hamilton properties benefit the neighbourhood not just the residents, but for the entire community;

THEREFORE, BE IT RESOLVED:

- (a) That \$100,000 be provided to CityHousing Hamilton for the construction of a new seating area at 30 Sanford Avenue, to include 10 benches and a gazebo, as well as new auto door openers in each of the two lounges, to be funded from the Ward 3 Area Rating Account No. 108053; and,
- (b) That \$100,000 be provided to CityHousing Hamilton for exterior capital investments at First Place, to include the front entrance and the West Avenue



side streetscape, to be funded from the Ward 3 Area Rating Account No. 108053.

**CARRIED**

**7.13 Proposed Renewal and Amendment of Barangas On The Beach Existing Lease at Confederation Beach Park**

**(Collins/Jackson)**

WHEREAS, in 1993, 852850 Ontario Inc. operating as Barangas On The Beach (the “Tenant”) was granted a fifteen (15) year lease agreement that included the Tenant investing and expanding the former schoolhouse located on the site into a lakeside restaurant facility (the “Leased Premises”);

WHEREAS, this same Tenant has been occupying and operating at its current location at Confederation Beach Park since 1993;

WHEREAS, by a Lease Agreement dated the 1<sup>st</sup> day of May 2008 (the “Lease”) the Tenant’s leasehold interest was continued with the grant of a further fifteen (15) year term (the “Term”) as contained in the Lease to be fully ended and completed on the 30<sup>th</sup> day of April 2023; and,

WHEREAS, the Tenant has expressed its desire to commence earlier negotiations towards obtaining a further term of its leasehold interest in the Leased Premises for the primary purpose of making further investment into the Leased Premises through completing significant and substantial renovations and improvements, at its expense, towards remaining marketable fresh, operationally efficient and competitive;

THEREFORE, BE IT RESOLVED:

- (a) That staff of the Real Estate Section of the Planning & Economic Development Department, be authorized and directed to commence early negotiations with the Tenant, based on the identified primary purpose for these negotiations being the Tenant’s intent of making further investment into the Leased Premises, which negotiations may include, in addition to the salient business terms of a new Agreement and the Tenant’s continued leasehold interest, any other terms and conditions deemed relative to the Tenant’s continued occupancy and its continued success from the Leased Premises, and report back to the General Issues Committee; and,
- (b) That staff of the Policy and Programs Section of the Public Works Department in consultation with Confederation Beach Park manager, Hamilton Region Conservation Authority, be authorized and directed to implement basic pedestrian safety measures for patrons crossing Van Wagners Beach Road to Barangas on the Beach, and to evaluate functional design changes to available parking in the area including the possibility of adding parking adjacent and to the north-west of the Leased Premises that may potentially be implemented in conjunction with negotiations of the Lease, and report back to

General Issues Committee with the outcome of negotiations and any proposed pedestrian safety and parking alterations.

**CARRIED**

**7.14 New Stop Controls – Deer Avenue at East 43<sup>rd</sup> Street, Deer Avenue at Sharon Avenue and Everton Place at East 43<sup>rd</sup> Street (Ward 6**

**(Jackson/Merulla)**

WHEREAS, the City of Hamilton is committed to creating safe neighbourhoods and vibrant communities; and,

WHEREAS, ensuring the safety of both pedestrians and motorists is a priority;

THEREFORE, BE IT RESOLVED:

(a) That staff be directed to take the required steps to add new stop controls on:

Deer Avenue	Westbound	East 43 <sup>rd</sup> Street
Deer Avenue	Eastbound	Sharon Avenue
Everton Place	Westbound	East 43 <sup>rd</sup> Street

(b) That the draft by-law, attached as Appendix “A” to this motion, be enacted by Council.

**CARRIED**

**7.15 Upgrades to the Edgelake Park Tennis Court and Basketball Court (Stoney Creek)**

**(Pearson/B. Johnson)**

WHEREAS, cell tower revenue from Ward 10, in the amount of \$51,000, is available to provide capital funding for the upgrades to the Edgelake Park Tennis Court and Basketball Court in Stoney Creek.

THEREFORE, BE IT RESOLVED:

That \$51,000 for the following upgrades to the Edgelake Park Tennis Court and Basketball Court in Stoney Creek, to be funded from the Ward 10 Cell Tower Revenue Account No. 3301609610, be approved:

- (i) New fencing around the tennis court and the basketball court;
- (ii) Upgrading the basketball court to a multi-use court;
- (iii) Asphalt resurfacing of both courts; and,
- (iv) Asphaltting of the access walkway from the court to the external park walkway.

**CARRIED**

**7.16 Ward 7 Appointment**

**(Ferguson/Jackson)**

WHEREAS, Council declared the Ward 7 seat vacant on June 27, 2018;

WHEREAS, sub-section 263(5) of the *Municipal Act, 2001*, requires that Council fill the vacancy by August 25, 2018, (60 days after declaring the seat vacant); and

WHEREAS, sub-section 263(1) of the *Municipal Act, 2001*, requires that the vacancy be filled by appointing a qualified person to hold the office of Councillor, Ward 7, for the remainder of the 2014-2018 term of office by appointing a person who has consented to fill the office.

THEREFORE, BE IT RESOLVED:

- (a) That Terry Anderson be appointed to hold the office of Councillor, Ward 7, for the remainder of the 2014-2018 term;
- (b) That a by-law be enacted confirming the appointment of Terry Anderson to the Office of Councillor, Ward 7, for the remainder of the 2014-2018 term; and
- (c) That the Acting City Clerk administer the Declaration of Office at her earliest opportunity.

This Item CARRIED on the following standing recorded vote:

Yes: Farr, Merulla, Collins, Jackson, VanderBeek, Eisenberger, Partridge,  
Pasuta, Ferguson, B. Johnson, Pearson, Whitehead  
Total: 12  
Nays: Green, A. Johnson  
Total: 2  
Absent: Conley  
Total: 1

**NOTICES OF MOTION**

**8.1 Ward 3 Area Rating Funds to Cycling Projects**

Councillor Green introduced a Notice of Motion respecting Ward 3 Area Rating Funds to Cycling Projects.

**(Green/A. Johnson)**

That the Rules of Order to be waived to allow for the introduction of a motion respecting the Ward 3 Area Rating Funds to Cycling Projects.

**CARRIED**

For disposition of this matter, please refer to Item 7.7.

**8.2 No Right Turn on Red for Southbound Right Turn Movements on Upper Ottawa Street to Rymal Road (Ward 6)**

Councillor Jackson introduced a Notice of Motion respecting No Right Turn on Red for Southbound Right Turn Movements on Upper Ottawa Street to Rymal Road (Ward 6)

**(Jackson/Collins)**

That the Rules of Order to be waived to allow for the introduction of a motion respecting No Right Turn on Red for Southbound Right Turn Movements on Upper Ottawa Street to Rymal Road.

**CARRIED**

For disposition of this matter, please refer to Item 7.8.

**8.3 Lighting for Century Street Parkette**

Councillor Green introduced a Notice of Motion respecting Lighting in Century Street Parkette.

**(Green/Merulla)**

That the Rules of Order to be waived to allow for the introduction of a motion respecting Lighting for Century Street Parkette.

**CARRIED**

For disposition of this matter, please refer to Item 7.9.

**8.4 Disposition of Municipal Lands Located between 25 and 41 Douglas Avenue, Hamilton (Ward 3) for the Purpose of Affordable Housing in Perpetuity**

Councillor Green introduced a Notice of Motion respecting Disposition of Municipal Lands Located between 25 and 41 Douglas Avenue, Hamilton (Ward 3) for the Purpose of Affordable Housing in Perpetuity.

**(Green/Merulla)**

That the Rules of Order to be waived to allow for the introduction of a motion respecting Disposition of Municipal Lands Located between 25 and 41 Douglas Avenue, Hamilton (Ward 3) for the Purpose of Affordable Housing in Perpetuity.

**CARRIED**

For disposition of this matter, please refer to Item 7.10.

**8.5 Royal Oak Affordable Housing Project**

Councillor Green introduced a Notice of Motion respecting Royal Oak Affordable Housing Project.

**(Green/Merulla)**

That the Rules of Order to be waived to allow for the introduction of a motion respecting Royal Oak Affordable Housing Project.

**CARRIED**

For disposition of this matter, please refer to Item 7.11.

**8.6 Capital Investments at First Place and 30 Sanford Avenue**

Councillor Green introduced a Notice of Motion respecting Capital Investments at First Place and 30 Sanford Avenue.

**(Green/Collins)**

That the Rules of Order to be waived to allow for the introduction of a motion respecting Capital Investments at First Place and 30 Sanford Avenue.

**CARRIED**

For disposition of this matter, please refer to Item 7.12.

**8.7 Proposed Renewal and Amendment of Barangas On The Beach Existing Lease at Confederation Beach Park**

Councillor Collins introduced a Notice of Motion respecting Proposed Renewal and Amendment of Barangas On The Beach Existing Lease at Confederation Beach Park.

**(Collins/Jackson)**

That the Rules of Order to be waived to allow for the introduction of a motion respecting Proposed Renewal and Amendment of Barangas On The Beach Existing Lease at Confederation Beach Park.

**CARRIED**

For disposition of this matter, please refer to Item 7.13.

**8.8 New Stop Controls – Deer Avenue at East 43<sup>rd</sup> Street, Deer Avenue at Sharon Avenue and Everton Place at East 43<sup>rd</sup> Street (Ward 6)**

Councillor Jackson introduced a Notice of Motion respecting New Stop Controls – Deer Avenue at East 43<sup>rd</sup> Street, Deer Avenue at Sharon Avenue and Everton Place at East 43<sup>rd</sup> Street (Ward 6)

**(Jackson/Merulla)**

That the rules of order be waived to allow for the introduction of a motion respecting New Stop Controls – Deer Avenue at East 43<sup>rd</sup> Street, Deer Avenue at Sharon Avenue and Everton Place at East 43<sup>rd</sup> Street (Ward 6).

**CARRIED**

For disposition of this matter, please refer to Item 7.14.

**8.9 Upgrades to the Edgelake Park Tennis Court and Basketball Court (Stoney Creek)**

Councillor Pearson introduced a Notice of Motion respecting Upgrades to the Edgelake Park Tennis Court and Basketball Court (Stoney Creek)

**(Pearson/B. Johnson)**

That the rules of order be waived to allow for the introduction of a motion respecting Upgrades to the Edgelake Park Tennis Court and Basketball Court (Stoney Creek)

**CARRIED**

For disposition of this matter, please refer to Item 7.15.

**8.10 Ward 7 Appointment**

Councillor Ferguson introduced a Notice of Motion respecting Ward 7 Appointment.

**(Ferguson/Jackson)**

That the rules of order be waived to allow for the introduction for a motion respecting Ward 7 Appointment.

**CARRIED**

For disposition of this matter, please refer to Item 7.16.

<b>STATEMENTS BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

<b>PRIVATE AND CONFIDENTIAL</b>
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Council approved Item 10.1 without moving into Closed Session:

**10.1 Closed Session Minutes – July 13, 2018**

**(Pearson/B. Johnson)**

That the Closed Session Minutes dated July 13, 2018 be approved, as presented, and remain confidential.

**CARRIED**

**(B. Johnson/Partridge)**

That Council move into Closed Session at 11:52 a.m. pursuant to Section 8.1, Sub-section (b), (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (b), (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees; 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**

Council reconvened in Open Session at 12:22 p.m.

**10.2 Hamilton Paramedic Service Investigation - Update (no copy)**

**(Pearson/B. Johnson)**

That the verbal update be received.

**CARRIED**

<b>BY-LAWS</b>
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**(VanderBeek/Pasuta)**

That Bills No. 18-206 to No. 18-244, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- 206 To Permanently Close and Sell a Portion of a Public Unassumed Alley Abutting 34 Alma Street, Dundas, name Part of Lane, Registered Plan 1447, in the City of Hamilton, designated as Part 1, Plan 62R-20858, City of Hamilton, being Part of PIN 17585-0090 (LT)  
Ward: 13
- 207 To Permanently Close and Sell a Portion of a Public Unassumed Alley Abutting 31 Victoria Street, Dundas, namely Part of Lane, Registered Plan 1447, in the City of Hamilton, designated as Parts 2 and 3, Plan 62R-20858, City of Hamilton, being Part of PIN 17585-0103 (LT)  
Ward: 13
- 208 Being a By-law to Permanently Close a Portion of a Public Unassumed Alley Abutting 136 Park Row North, Hamilton, Ontario, established by Registered Plan 497, in the City of Hamilton, designated as Part 2 on Reference Plan 62R-20634 being Part of PIN 17246-0345 (LT), City of Hamilton  
Ward: 4
- 209 To Establish City of Hamilton Land Described as Part of Block 86, Plan 62M-895, in the City of Hamilton, designated as Parts 1 to 4 inclusive on Plan 62R-20875 as Part of Stonehenge Drive  
Ward: 12

- 210 To Establish City of Hamilton Land Described as Part 1 on Plan 62R-20488 as Part of Terryberry Road  
Ward: 11
- 211 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 5 (Stop Control)  
Ward: 13
- 212 To Amend City of Hamilton By-law No. 07-170, Being a By-law to License and Regulate Various Businesses Schedule 1 (Adult Entertainment Establishments)  
Ward: City Wide
- 213 Respecting Removal of Part Lot Control, Blocks 196 to 206 and 214 of Registered Plan of Subdivision No. 62M-1237, municipally known as 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84 and 86 Heming Trail, Ancaster  
PLC-18-019 (A)  
Ward: 12
- 214 Respecting Removal of Part Lot Control, Blocks 211 to 213 of Registered Plan of Subdivision No. 62M-1237, municipally known as 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 and 38 Heming Trail, Ancaster  
PLC-18-019(B)  
Ward: 12
- 215 Respecting Removal of Part Lot Control, Blocks 215 to 217 of Registered Plan of Subdivision No. 62M-1237, municipally known as 3, 5, 7, 9, 11, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35 and 55 Heming Trail and 332 Raymond Road, Ancaster  
PLC-18-019 (C)  
Ward: 12
- 216 Respecting Removal of Part Lot Control, Blocks 218 to 220 of Registered Plan of Subdivision No. 62M-1237, municipally known as 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 32, 34, 36, 38 and 40 Callon Drive; 67 Heming Trail; and 320 Raymond Road, Ancaster  
PLC-18-019 (D)  
Ward: 12
- 217 Respecting Removal of Part Lot Control, Block 7, Registered Plan of Subdivision No. 62M-1246, municipally known as 3, 4, 7, 8, 11, 12, 15, 16, 19, 20, 23, 24, 27, 28, 31, 32 and 36 Deerfield Lane, Ancaster  
PLC-18-021  
Ward: 12
- 218 To Adopt Official Plan Amendment No. 109 to the Urban Hamilton Official Plan Respecting Updates and Modifications to the Urban Hamilton Official Plan (City Wide)  
Ward: City Wide



- 219 To Amend Zoning By-law No. 05-200 Respecting Modifications and Updates  
Ward: City Wide
- 220 To Amend By-law No. 3581-86 Respecting Lands Located at 40 Parkside Avenue, Dundas  
Ward: 13
- 221 To Amend Zoning By-law No. 87-57 Respecting Section 7.18 Accessory Buildings CI-18-G  
Ward: 12
- 222 To Adopt Official Plan Amendment No. 18 to the Rural Hamilton Official Plan Respecting Updates and Modifications to the Rural Hamilton Official Plan (City Wide)  
Ward: City Wide
- 223 To Adopt Official Plan Amendment No. 239 to the City of Hamilton Official Plan Respecting 336 Bay Street North, Former City of Hamilton  
Ward: 2
- 224 To Amend Zoning By-law No. 87-57, as amended by By-law No.10-199, Respecting Lands Located at 279-315 Springbrook Avenue; and as amended by By-law No. 13-208 Respecting Lands Located at 331-335 Springbrook Avenue ZAH-18-033  
Ward: 12
- 225 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking  
Schedule 8 (No Parking Zones)  
Schedule 12 (Permit Parking Zones)  
Schedule 13 (No Stopping Zones)  
Ward: 1, 2, 3, 4, 7, 8
- 226 Respecting Removal of Part Lot Control, Part of Block 62, Registered Plan No. 62M- 1141, Municipally known as 49 and 51 Candlewood Court and 53 and 55 Candlewood Drive (Stoney Creek) PLC-18-024  
Ward: 9
- 227 To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Nebo Road from Twenty Road to approximately 608m Southerly, in the City of Hamilton  
Ward: 11
- 228 Being a By-law to Amend By-law No. 14-153 and By-law No. 11-174, “City of Hamilton Development Charges By-law, 2014” and “City of Hamilton GO Transit Development Charges By-law, 2011”  
Ward: City Wide

- 229 A By-law to Amend the Water and Wastewater/Storm Fees and Charges By-law No. 17-265  
Ward: 4
- 230 To Adopt Official Plan Amendment No. 110 to the Urban Hamilton Official Plan Respecting 620 Tradewind Drive  
Ward: 12
- 231 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 620 Tradewind Drive (Ancaster) ZAC-05-063/25T-2005012  
Ward: 12
- 232 To Adopt Official Plan Amendment No. 111 to the Urban Hamilton Official Plan Respecting 70 Garner Road East (Ancaster)  
Ward: 12
- 233 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 70 Garner Road East (Ancaster) ZAC-17-068/ZAH-17-069/UHOPA-17-030  
Ward: 12
- 234 To Amend Zoning By-law No. 6593, as amended by By-law Nos. 79-226, 81-235, 83-221 and 85-165 Respecting Lands Located at 393 Rymal Road West, Hamilton ZAC-16-075  
Ward: 8
- 235 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 706 Highway No. 8, Flamborough ZAC-15-028/25T-201507  
Ward: 14
- 236 To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 99-114, Respecting Lands Located at 1221 Limeridge Road East, Hamilton ZAC-17-057  
Ward: 6
- 237 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 100 Cumberland Avenue, Hamilton ZAC-13-007  
Ward: 3
- 238 To Amend Zoning By-law No. 6593 (Hamilton) to Remove Lands located at 121 and 125 Highway No. 8 (Stoney Creek) From Zoning By-law No. 6593 ZAC-17-085  
Ward: 9
- 239 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 121 and 125 Highway No. 8, Stoney Creek ZAC-17-085  
Ward: 9

- 240 To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 121 and 125 Highway 8 (Stoney Creek) ZAC-17-085  
Ward: 9
- 241 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 517 Stone Church Road West (Hamilton) ZAR-17-075  
Ward: 8
- 242 To Amend By-law No. 01-218, Being a By-law to Regulate Traffic Schedule 5 (Stop Control)  
Ward: 6
- 243 To Make an Appointment to Fill the Vacancy on City Council in Ward 7  
Ward: 7
- 244 To Confirm the Proceedings of City Council

**CARRIED**

**(Pearson/B. Johnson)**

That, there being no further business, City Council be adjourned at 12:24 p.m.

**CARRIED**

Respectfully submitted,

Mayor F. Eisenberger

Janet Pilon  
Acting City Clerk

**Pilon, Janet**

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**Subject:** Council Correspondence

**From:** Les F. Jagodich [mailto: ]

**Sent:** September 4, 2018 11:51 AM

**To:** Kolar, Loren <Loren.Kolar@hamilton.ca>

**Cc:** James Butlin

**Subject:** Re: The email below is the response to your inquiry regarding noise adjacent to Highway 403 in Hamilton

Good Morning Loren

I trust that you had an enjoyable vacation.

Yes, please ensure that this e-mail is tabled for the next Council meeting.

I would suggest that a new Acoustical study be tabled for re-assessment by the Ministry of the Environment for a holistic review & final determination of our concerns.

Thanks

Les

**From:** PHM-CR-RD <PHM-CR-RD@ontario.ca>

**Subject:** The email below is the response to your inquiry regarding noise adjacent to Highway 403 in Hamilton

**Date:** August 28, 2018 at 9:31:07 AM EDT

**To:** "

Dear Mr. Les F. Jagodich,

Thank you for your inquiry to the Honourable John Yakabuski, Minister of Transportation regarding noise adjacent to Highway 403 in Hamilton. I have been asked to reply on behalf of the Ministry.

The Ministry of Transportation (MTO) considers noise barriers under two methods:

1. The Retrofit Noise Barrier Candidate Site List, that assesses noise impacts caused by existing freeways to homes constructed before 1977 and;
2. The Environmental Assessment process which assesses noise impacts caused to any home by construction of any new highway or by the widening of any existing highway.

Since your residential community was constructed after 1977, it does not qualify for the Retrofit Noise Barrier Candidate Site List. Subsequent to February 1977, noise mitigation for your community which was constructed in the late 1980's, was the responsibility of the subdivision developer in keeping with the Ministry of the Environment, Conservation

and Parks (MECP) requirements under the *Planning Act*, for residential developments constructed adjacent to an existing freeway. The Subdivision plan, along with any proposed noise mitigation measures, was approved by the then Town of Ancaster. The MTO has no involvement with this process. As a result of the above requirement, the developer constructed the noise barrier adjacent to Greenbriar Road. As of the 2001 amalgamation, the City of Hamilton's planning department should be able to address your concerns regarding the noise barrier's height and type.

The noise barrier along Highway 404-extension mentioned in your email was constructed by MTO under the Environmental Assessment process which addressed the noise impacts to the existing homes due to the construction of the new highway 404 extension. The noise barrier provides noise attenuation as required by the *Environmental Guide for Noise*.

Should you have any further questions or concerns, Please feel free to contact Graziano Masiello Environmental Planner- Acoustics at 416 235-5210 or [Graziano.masiello@ontario.ca](mailto:Graziano.masiello@ontario.ca)

Thank you for sharing your concerns with the ministry

Sincerely,

Teepu Khawja  
Regional Director  
Central Region

**Hamilton Waterfront Trust***Connecting You to the Water's Edge*

SENT BY EMAIL

August 13, 2018

Mayor and Members of Council  
c/o Stephanie Paparella  
Legislative Co-ordinator  
Office of the City Clerk  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON  
L8P 4Y5

**Subject: December 31, 2017 Audited Financial Statements**

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Please find attached, audited financial statements for the Hamilton Waterfront Trust for the year ended December 31, 2017.

Annual financial statement is required to be forwarded to your attention by the Hamilton Waterfront Trust. This statement is meant to fulfill the requirement for information under the deed agreement item (12) signed by the Corporation of the City of Hamilton and The Hamilton Harbour Commissioners dated November 24, 2000.

Yours truly,

A handwritten signature in cursive script that reads "Werner Plessl".

Werner Plessl  
Executive Director  
Hamilton Waterfront Trust

cc: Mike Zegarac, Acting City Manager  
Brian McMullen, Director, Financial Planning, Administration and Policy  
Joseph Spiler, Manager of Capital Budgets and Development

**Hamilton Waterfront Trust**  
**Consolidated Financial Statements**  
For the year ended December 31, 2017

**Hamilton Waterfront Trust**  
**Consolidated Financial Statements**  
For the year ended December 31, 2017

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Tel: 905 639 9500  
Fax: 905 633 4939  
Toll-free: 888 236 2383  
www.bdo.ca

BDO Canada LLP  
3115 Harvester Road, Suite 400  
Burlington ON L7N 3N8 Canada

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## Independent Auditor's Report

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### To the Board of Directors of Hamilton Waterfront Trust

We have audited the accompanying consolidated financial statements of Hamilton Waterfront Trust (the "Organization"), which comprise the consolidated statement of financial position as at December 31, 2017, and the consolidated statements of operations and changes in net assets (deficiency) and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

#### Management's Responsibility for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

#### Auditor's Responsibility

Our responsibility is to express an opinion on these consolidated financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the consolidated financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the consolidated financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the consolidated financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the consolidated financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the consolidated financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### Opinion

In our opinion the consolidated financial statements present fairly, in all material respects, the financial position of the Organization as at December 31, 2017 and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

*BDO Canada LLP*

Chartered Professional Accountants, Licensed Public Accountants  
Burlington, Ontario  
July 26, 2018


## Hamilton Waterfront Trust Consolidated Statement of Financial Position


December 31	2017	2016
<b>Assets</b>		
<b>Current</b>		
Cash	\$ 220,558	\$ 130,458
Accounts receivable (Note 2)	347,246	233,187
Inventories and prepaid expenses	29,942	26,048
	597,746	389,693
<b>Capital assets (Note 3)</b>	<b>2,419,936</b>	<b>2,574,527</b>
	<b>\$ 3,017,682</b>	<b>\$ 2,964,220</b>

### Liabilities and Net Assets (Deficiency)

<b>Current</b>		
Accounts payable and accrued liabilities	\$ 957,711	\$ 666,946
Current portion of deferred capital contributions (Note 4)	69,298	71,593
Deferred revenue - City of Hamilton	444,498	-
	1,471,507	738,539
<b>Deferred capital contributions (Note 4)</b>	<b>2,158,964</b>	<b>2,225,967</b>
	3,630,471	2,964,506
<b>Net assets (deficiency)</b>	<b>(612,789)</b>	<b>(286)</b>
	<b>\$ 3,017,682</b>	<b>\$ 2,964,220</b>

On behalf of the Board:

  
 \_\_\_\_\_ Director

  
 \_\_\_\_\_ Director

## Hamilton Waterfront Trust Consolidated Statement of Operations and Changes in Net Assets (Deficiency)

For the year ended December 31	2017	2016
<b>Revenue</b>		
Investment income	\$ 14,547	\$ 47,467
HST and GST rebate	-	71,544
City of Hamilton contract and management income	103,558	68,029
Other income	37,610	43,143
Hamiltonian Tour Boat	35,199	43,576
Williams Fresh Cafe	1,466,079	1,525,872
Hamilton Scoops	167,053	160,294
Hamilton Trolley	41,681	58,377
Fishing Derby	2,188	-
HHQ management fee	-	10,200
Waterfront Grill	60,669	58,206
HWT Centre	258,845	424,176
Outdoor Ice Rink	303,450	279,289
Skate Rental	90,741	89,613
Waterfront Development, City of Hamilton management contract	668,624	492,289
Waterfront Wheels	16,510	12,005
Tall Ships	93,070	-
	<b>3,359,824</b>	<b>3,384,080</b>
<b>Expenses</b>		
Advertising and promotion	340	978
Bank charges	10,803	10,441
Building expenses	12,926	11,349
Dues and memberships	2,124	1,040
Equipment expenses	3,490	3,403
Insurance	9,948	13,765
Office expenses	15,610	15,302
Professional fees	49,374	49,771
Salaries and benefits	294,415	282,690
Telephone	9,066	7,740
Travel	472	2,551
Other expenses	14,230	21,780
Hamiltonian Tour Boat	28,604	27,275
Williams Fresh Cafe	1,368,048	1,471,483
Hamilton Scoops	119,685	121,487
Hamilton Trolley	47,462	62,135
Fishing Derby	14,389	16,700
Waterfront Grill	68,213	63,799
HWT Centre	413,581	345,187
Outdoor Ice Rink	303,000	279,372
Skate Rental	41,625	41,919
Waterfront Development, City of Hamilton management contract	668,624	492,289
Waterfront Wheels	11,769	13,156
Tall Ships	64,941	-
	<b>3,572,739</b>	<b>3,355,612</b>
<b>Excess of revenue (deficiency) over expenses before amortization and other revenue (expenses)</b>	<b>(212,915)</b>	<b>28,468</b>
<b>Other revenue (expenses)</b>		
Amortization of capital assets	(176,489)	(233,759)
Amortization of deferred capital contributions	69,298	71,593
Bad debts associated with tenant dispute	(156,274)	-
Legal fees associated with tenant dispute	(136,123)	(96,638)
	<b>(399,588)</b>	<b>(258,804)</b>
<b>Deficiency of revenue over expenses for the year</b>	<b>(612,503)</b>	<b>(230,336)</b>
<b>Net assets (deficiency), beginning of year</b>	<b>(286)</b>	<b>230,050</b>
<b>Net assets (deficiency), end of year</b>	<b>\$ (612,789)</b>	<b>\$ (286)</b>

The accompanying notes are an integral part of these consolidated financial statements.

## Hamilton Waterfront Trust Consolidated Statement of Cash Flows

For the year ended December 31	2017	2016
<b>Cash flows from operating activities</b>		
Deficiency of revenue over expenses for the year	\$ (612,503)	\$ (230,336)
Adjustments to reconcile deficiency of revenue over expenses to net cash provided by operating activities		
Amortization of capital assets	176,489	233,759
Amortization of deferred capital contributions	(69,298)	(71,593)
Changes in non-cash working capital balances		
Accounts receivable	(114,059)	86,168
Inventories and prepaid expenses	(3,894)	3,966
Accounts payable and accrued liabilities	290,765	93,781
Deferred revenue	444,498	-
	<u>111,998</u>	<u>115,745</u>
<b>Cash flows from investing activity</b>		
Purchase of capital assets	(21,898)	-
	<u>90,100</u>	<u>115,745</u>
<b>Increase in cash during the year</b>	<b>90,100</b>	<b>115,745</b>
<b>Cash, beginning of year</b>	<b>130,458</b>	<b>14,713</b>
<b>Cash, end of year</b>	<b>\$ 220,558</b>	<b>\$ 130,458</b>

The accompanying notes are an integral part of these consolidated financial statements.

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# Hamilton Waterfront Trust

## Notes to Consolidated Financial Statements

December 31, 2017

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### 1. Significant Accounting Policies

#### **Nature of Business**

The purpose of the Hamilton Waterfront Trust (the "Organization") is to improve and develop lands around the Hamilton Harbour and to encourage the local community to enjoy the Bay area. Hamilton is a culturally and ethnically diversified mosaic. Therefore, the Organization helps to promote the image of Hamilton to businesses and individuals over a wide radius.

Following a strategic review undertaken by the Board of Directors, it was decided to restructure the Organization to become a not-for-profit organization effective November 21, 2016. As part of the reorganization on that same date, HWT Inc., a wholly-owned subsidiary, was incorporated.

The Organization is incorporated under the Ontario Corporations Act as a not-for-profit organization under the Income Tax Act (Canada), and, as such, is exempt from income taxes.

#### **Basis of Accounting and Presentation**

The consolidated financial statements of the Organization have been prepared using Canadian accounting standards for not-for-profit organizations.

These consolidated financial statements include the accounts of the Organization and HWT Inc. All significant intercompany transactions and balances have been eliminated.

#### **Revenue Recognition**

The Organization follows the deferral method of accounting for contributions.

Unrestricted revenue is recognized when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Deferred capital contributions related to capital assets represent the unamortized and unallocated amount of grants received for the purchase of capital assets. The amortization of capital contributions is recorded as revenue in the statement of operations.

The Organization recognizes all other revenue when services are performed or goods are sold, there is no uncertainty as to the customer acceptance, the price to the buyer is fixed or determinable and collection is reasonably assured.

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## Hamilton Waterfront Trust Notes to Consolidated Financial Statements

**December 31, 2017**

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### 1. Significant Accounting Policies (Continued)

#### Capital assets

Capital assets are recorded at cost. Amortization is based on their estimated useful life using the following methods and rates or terms:

Boat	-	15 years straight-line
Building	-	5% declining balance
Computer equipment	-	30% declining balance
Dock	-	5% declining balance
Furniture and equipment	-	20% declining balance
Trolleys	-	15 years straight-line
Leasehold improvements	-	straight-line over the term of the lease

#### Use of Estimates

The preparation of consolidated financial statements in accordance with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the consolidated financial statements, and the reported amount of revenue and expenses during the reporting period. Actual results could differ from management's best estimates as additional information becomes available in the future.

#### Financial Instruments

Financial instruments are recorded at fair value when acquired or issued. Subsequently, financial instruments are reported at cost or amortized cost less impairment, if applicable. Financial assets are tested for impairment when changes in circumstances indicate the asset could be impaired. Transaction costs on the acquisition, sale or issue of financial instruments are charged to the financial instrument for those measured at amortized cost.

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### 2. Accounts Receivable

	2017	2016
Trade accounts receivable	\$ 695,319	\$ 424,986
Impairment allowance	(348,073)	(191,799)
	\$ 347,246	\$ 233,187

## Hamilton Waterfront Trust Notes to Consolidated Financial Statements

December 31, 2017

### 3. Capital Assets

	2017		2016	
	Cost	Accumulated Amortization	Cost	Accumulated Amortization
Boat	\$ 52,157	\$ 35,088	\$ 52,157	\$ 31,611
Building	17,016	7,017	17,016	6,491
Computer equipment	42,844	40,622	42,844	39,669
Dock	15,522	7,614	15,522	7,198
Furniture and equipment	206,651	158,113	206,651	145,973
Trolleys	298,844	146,263	276,946	117,946
Leasehold improvements	3,610,933	1,429,314	3,610,933	1,298,654
	<b>\$ 4,243,967</b>	<b>\$ 1,824,031</b>	<b>\$ 4,222,069</b>	<b>\$ 1,647,542</b>
Net book value		<b>\$ 2,419,936</b>		<b>\$ 2,574,527</b>

### 4. Deferred Capital Contributions

Restricted capital contributions are amortized on the same basis as the underlying capital assets.

	2017	2016
<b>Balance</b> , beginning of year	\$ 2,297,560	\$ 2,369,153
Less: contributions recognized as revenue	(69,298)	(71,593)
	<b>2,228,262</b>	2,297,560
Less: current portion	(69,298)	(71,593)
<b>Balance</b> , end of year	<b>\$ 2,158,964</b>	<b>\$ 2,225,967</b>

### 5. Commitments

The Organization leases a premise at an annual rent of \$33,500 plus applicable taxes that expires on October 31, 2019.

Future minimum payments under the operating lease are as follows:

2018	\$ 33,500
2019	27,917

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## Hamilton Waterfront Trust

### Notes to Consolidated Financial Statements

December 31, 2017

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#### 6. Financial Instrument Risks

##### **Credit Risk**

Credit risk is the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation. The Organization is exposed to credit risk resulting from the possibility that a customer or counterparty to a financial instrument defaults on their financial obligations. The Organization's financial instruments that are exposed to concentrations of credit risk relate primarily to its accounts receivable balances. This risk has not changed from the prior year.

##### **Liquidity Risk**

Liquidity risk is the risk that the Organization encounters difficulty in meeting its obligations associated with financial liabilities. Liquidity risk includes the risk that, as a result of operational liquidity requirements, the Organization will not have sufficient funds to settle a transaction on a due date; will be forced to sell financial assets at a value which is less than what they are worth; or may be unable to settle or recover a financial asset. Liquidity risk arises from the Organization's accounts payable and accrued liabilities. This risk has not changed from the prior year.

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#### 7. Subsequent Event

Effective January 1, 2018, the Organization's lease on the Parks Discovery Centre with the City of Hamilton was terminated. In consideration of the Organization entering into this arrangement, the City of Hamilton has agreed to pay an early surrender fee in the amount of \$3,067,570 of which \$405,421 will be used to satisfy the Organization's obligation with respect to unpaid realty taxes. The balance will be paid equally over 15 years.



**Paparella, Stephanie**

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**From:** Resolutions <resolutions@fcm.ca>  
**Sent:** August 8, 2018 4:30 PM  
**To:** Paparella, Stephanie  
**Cc:** Omazic, Drina  
**Subject:** FCM Resolution Follow Up - International Trade  
**Attachments:** AC Trade Resolution - June 2018.pdf

Good afternoon,

Thank you for your resolution submission to FCM about International Trade. We understand that this issue is an important concern to your community and we appreciate you bringing it to the attention of FCM.

At the latest annual conference in June 2018, FCM's membership considered the resolution and adopted it as Category A – Concurrence. This category contains resolutions not addressed by FCM in the last three years that are the direct responsibility or concern of Canadian municipalities beyond a regional level and falls within the jurisdiction of the federal government. As this resolution has been adopted with concurrence, it will guide future FCM policy positions. More details on FCM's resolution procedures can be found [here](#). In support of this adopted resolution, a letter has been sent to the relevant federal government ministers outlining the call for action directed at the federal government contained in the resolution. A copy of this letter is attached for your information.

FCM looks forward to continue working with you and your community in representing the municipal voice at the federal level. If you or your staff have any questions or require further information, please contact Justin Farrell, Policy Coordinator, Policy and Government Relations, at 613-907-6334 or [jfarrell@fcm.ca](mailto:jfarrell@fcm.ca).

Sincerely,

## Resolutions

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|



FEDERATION  
OF CANADIAN  
MUNICIPALITIES

FÉDÉRATION  
CANADIENNE DES  
MUNICIPALITÉS





FEDERATION  
OF CANADIAN  
MUNICIPALITIES

FÉDÉRATION  
CANADIENNE DES  
MUNICIPALITÉS

August 8, 2018

**President  
Présidente**

Vicki May Hamm  
Mairesse  
Ville de Magog, QC

**First Vice-President  
Premier vice-président**

Bill Karsten  
Councillor  
Halifax Regional  
Municipality, NS

**Second Vice-President  
Deuxième vice-président**

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Municipality of Sioux  
Lookout, ON

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Présidente sortante**

Jenny Gerbasi  
Deputy Mayor  
City of Winnipeg, MB

**Chief Executive Officer  
Chef de la direction**

Brock Carlton  
Ottawa, ON

10, rue Rideau Street,  
Ottawa, Ontario

**Mailing address/  
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24, rue Clarence Street,  
Ottawa, Ontario K1N 5P3

T. 613-241-5221  
F. 613-241-7440

[www.fcm.ca](http://www.fcm.ca)

The Honourable Chrystia Freeland, P.C., M.P.  
Minister of Foreign Affairs  
House of Commons  
Ottawa, Ontario K1A 0A6

The Honourable James Gordon Carr, P.C., M.P.  
Minister of International Trade Diversification  
House of Commons  
Ottawa, Ontario K1A 0A6

Dear Ministers:

On behalf of the Federation of Canadian Municipalities (FCM), thank you for your government's productive partnership with local governments on international trade and support for communities where industry and workers are affected by trade disputes.

Each year at FCM's Annual Conference, members consider resolutions submitted by its 2,000 member municipalities from across Canada. Adopted resolutions help inform FCM's policy and advocacy priorities with the Government of Canada. These resolutions represent municipal issues of national significance that fall within federal jurisdiction and therefore require a strong federal partner to help find a solution. The attached resolution, **Canadian Municipalities Supporting Local Economies in International Trade**, was sponsored by the City of Windsor and the City of Hamilton. This resolution was adopted on June 2, 2018 at the FCM Annual Conference in Halifax, Nova Scotia. Since its adoption, we have received multiple resolutions adopted by the councils of our members supporting the federal government's recent actions on trade.

Over the past year, the federal government has undertaken trade agreement negotiations with Canada's international trading partners, began to explore new opportunities for building global trade relations, as well as responded to trade disputes. Municipal governments are closely following these negotiations and discussions because of the potential impacts on industries critical to their local economies and workforce. Municipalities are already impacted by the current uncertainty of North American Free Trade Agreement (NAFTA) renegotiations and trade disputes with the United States (U.S) because of the challenges this trade environment creates for attracting investment and promoting their local businesses and industries. Key export-oriented industries, which are the basis of many local economies and jobs, are dependent on Canada-U.S trading relationships, including the automotive industry, forestry sector, agriculture and dairy, manufacturing, energy, and many others. FCM has long-advocated that the views and concerns of municipalities on trade matters be represented at the negotiating table.

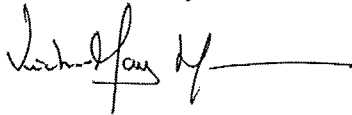


FCM welcomed the Government of Canada's softwood industry aid package as announced on June 1, 2017 to support communities and workers impacted by U.S duties on Canadian softwood lumber imports. FCM also welcomes the newly announced \$2B financial aid package to companies affected by recent U.S. tariffs on aluminum and steel exports. FCM urges the federal government to continue to design and implement similar programs to mitigate the impact of other trade disputes that affect local economies and key industry sectors. The federal government must also work to understand the impacts of trade measures on industries of strategic significance to particular regions, which are critical to these local economies and continue to communicate with municipalities to respond to local concerns in the face of unprecedented U.S trade measures.

We continue to appreciate FCM's relationship with the federal government on international trade and FCM fully supports the Canada-U.S engagement strategy. Municipal leaders across the country are continuing to reach out to American counterparts to express the mutual benefits of trade for communities on both sides of the border. I look forward to continuing our work with your ministries to strengthen Canada's relationship with the U.S.

If you or your staff have any questions, please contact Jen Arntfield, Manager, Policy and Research at [jarntfield@fcm.ca](mailto:jarntfield@fcm.ca), or (613) 907-6292.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Vicki-May Hamm", followed by a horizontal line extending to the right.

Vicki-May Hamm  
Mairesse, Ville de Magog  
FCM President

## **Canadian Municipalities Supporting Local Economies in International Trade**

WHEREAS, Canadian municipalities play a role in international trade and economic development by building relationships globally to attract investment and promote their industries abroad, as well as by supporting local businesses, to build their communities and local economies; and

WHEREAS, The federal government has signalled an agenda for diversifying and strengthening international trade relationships and has undertaken several trade agreement negotiations with global partners in the past year, as well as responded to trade disputes; and

WHEREAS, There are a number of free trade negotiations ongoing, announced or in exploration, including: the North American Free Trade Agreement (NAFTA), Mercosur (Argentina, Brazil, Paraguay and Uruguay), the Pacific Alliance (Chile, Colombia, Mexico and Peru), China, and the Association of Southeast Asian Nations (ASEAN), and implementing legislation is expected for the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP); and

WHEREAS, NAFTA governs nearly every aspect of Canada and the U.S economic relationship and even minor changes to the established trade relationship could have far-reaching consequences for communities on both sides of the border; and

WHEREAS, Recent trade disputes with the U.S on softwood lumber and potential tariffs on other commodities has caused business uncertainty and impacted local economies; and

WHEREAS, Canada's economic future and the continued well-being of communities and their local economies depend on free and fair trading relationships based in current and future international agreements; therefore be it

RESOLVED, That FCM continue to work with the federal government to support the interests of municipalities across Canada affected by trade disputes and during ongoing trade agreement negotiations; and be it further

RESOLVED, That FCM work to ensure that the federal government understands the full impact of trade disputes and provisions under discussion for trade agreements on local economies, key industry sectors, and municipal governments, and conveys that impact during negotiations; and be it further

RESOLVED, That FCM call on the federal government to design and implement programs to mitigate the impact of trade disputes that affect local economies and key industry sectors.

*Windsor, ON  
Hamilton, ON*



August 10, 2018

**Delivered by email**  
[doug.ford@pc.ola.org](mailto:doug.ford@pc.ola.org)

The Honorable Doug Ford  
Premier of Ontario  
Room 281, Legislative Building, Queen's Park  
Toronto, ON M7A 1A1

Dear Premier:

**Re: Town of Aurora Council Resolution of June 12, 2018**  
**Re: Motion (b) Greenbelt Protection**

Please be advised that this matter was considered by Council at its meeting held on June 12, 2018, and in this regard Council adopted the following resolution:

**Whereas the Town of Oakville has passed a similar resolution; and**

**Whereas the Greenbelt is an integral component of land use planning that complements the Growth Plan to encourage smart planning, the reduction of sprawl, protection of natural and hydrological features and agricultural lands; and**

**Whereas the Greenbelt has protected 1.8 million acres of farmland, local food supplies, the headwaters of our rivers and important forests and wildlife habitat for more than 12 years; and**

**Whereas a permanent Greenbelt is an important part of the planning for sustainable communities; and**

**Whereas there is a tremendous amount of land already planned and available in excess of the development needs of the Greater Toronto Area (GTA) without weakening the protections provided by the Greenbelt; and**

**Whereas efforts to open the Greenbelt to create the opportunity for land speculators to build expansive homes, at immense profits, in remote areas; and**

**Whereas opening the Greenbelt would move the urban boundary thus creating more sprawl and increased traffic; and**

**Whereas the costs of sprawl result in increased taxes, because 25% of the costs of sprawl are downloaded to existing property tax payers; and**

**Whereas programs like the proposed inclusionary zoning regulations will assist municipalities in advancing the supply of affordable housing stock without the need to expand the built boundary;**

- 1. Now Therefore Be It Hereby Resolved That the Town of Aurora stands with its municipal neighbours to undertake continued action to maintain and grow the current Greenbelt, of which the Oak Ridges Moraine is a part; and**
- 2. Be It Further Resolved That the Province be strongly urged to extend Greenbelt protection to include the appropriate white belt lands within the inner ring, lands that are the most immediately vulnerable to development in the province; and**
- 3. Be It Further Resolved That this resolution be distributed to the Premier of Ontario, the Minister of Municipal Affairs, the Minister of the Environment and Climate Change, all Greater Golden Horseshoe (GGH) municipalities, the Association of Municipalities of Ontario, Environmental Defence, Friends of the Greenbelt Foundation, STORM Coalition (Save The Oak Ridges Moraine), Oak Ridges Moraine Foundation, The Regional Municipality of York, and members of Municipal Leaders for the Greenbelt, and leaders of the various Ontario political parties.**

The above is for your consideration and any attention deemed necessary.

Yours sincerely,



Michael de Rond

Town Clerk

The Corporation of the Town of Aurora

MdR/lb

Re: Town of Aurora Motion (b) Greenbelt Protection

August 10, 2018

Page 3 of 3

Copy: Andrea Horwath, Leader, New Democratic Party of Ontario  
John Fraser, Interim Leader, Ontario Liberal Party  
Mike Schreiner, Leader, Green Party of Ontario  
Hon. Steve Clark, Minister of Municipal Affairs and Housing  
Hon. Rod Phillips, Minister of the Environment, Conservation and Parks  
Association of Municipalities of Ontario  
Environmental Defence  
Friends of the Greenbelt Foundation  
Municipal Leaders for the Greenbelt  
STORM Coalition (Save The Oak Ridges Moraine)  
Oak Ridges Moraine Foundation  
Greater Golden Horseshoe (GGH) Municipalities  
The Regional Municipality of York



OAKVILLE

August 13, 2018

The Honourable Caroline Mulroney  
 Attorney General  
 720 Bay Street, 11th Floor  
 Toronto ON M7A 2S9

**Subject: Regulating the Display and Distribution of Objectionable Images**

At its meeting on August 7, 2018, Oakville Town Council approved the following motion:

*WHEREAS Oakville wishes to be a safe and welcoming community for all those who are residents or visitors to our town; and*

*WHEREAS messaging and graphic depictions felt by many to be upsetting and objectionable appear in public places, on our streets and at our doorsteps yearly; and*

*WHEREAS the Canadian Code of Advertising Standards includes in its provisions, outlined under Unacceptable Depictions and Portrayals - Advertisements shall not: undermine human dignity; or display obvious indifference to, or encourage, gratuitously and without merit, conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population.*

*THEREFORE, BE IT RESOLVED that Council direct the Director of Municipal Enforcement, in consultation with the Town Solicitor, to assess options to:*

- a. *regulate the display of banners/signs in public places as well as the distribution of print materials to private residences that contain extremely graphic images intended to shock, alarm, or cause dismay, including the potential for the prohibiting of the public display and distribution of such print materials for the purposes of addressing the potential of such displays to cause harm to members of the public, especially children; and*
- b. *report back to Council in 2019.*

*Be it further resolved that by way of a letter to the Hon. Caroline Mulroney, Attorney General, Mayor Burton, on behalf of Council, urge the Province of Ontario to limit and regulate the display and distribution of posters, signs and leaflets that contain disturbing images; and*

*THAT Mayor Burton, on behalf of Council, write the Minister of Justice of Canada urging the consideration of amendments to Section 163(8) of the Canadian Criminal Code - Obscene Publication; and*

*THAT a copy of this resolution be sent to all members of the Association of Municipalities of Ontario (AMO).*

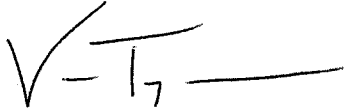


August 13, 2018

**Subject: Regulating the Display and Distribution of Objectionable Images**

Should you have any questions regarding this matter or should you require any additional information, please contact me at 905-845-6601, extension 2003, or email [vicki.tytaneck@oakville.ca](mailto:vicki.tytaneck@oakville.ca).

Yours truly,

A handwritten signature in black ink, appearing to read 'V-Tytaneck', with a long horizontal line extending to the right.

Vicki Tytaneck  
Town Clerk

c. Association of Municipalities of Ontario – All Members



**IBI GROUP**  
 200 East Wing – 360 James Street North  
 Hamilton ON L8L 1H5 Canada  
 tel 905 546 1010 fax 905 546 1011  
 ibigroup.com

August 31, 2018

Ida Bedoui  
 Legislative Coordinator  
 City of Hamilton  
 71 Main Street West,  
 Hamilton Ontario  
 L8R 4Y5

Dear Ms. Bedoui:

**ITEM 6.9, PLANNING COMMITTEE MEETING 18-013, SCHEDULED FOR SEPTEMBER 4, 2018.**

We represent the current owners of 286-288 Green Mountain Road East (Subject Property), 2128638 Ontario Inc, in the City of Hamilton. Our clients have submitted an application to Health Canada for a Licenced Producer permit for the Subject Lands. The application was submitted with plans to renovate the existing growing facility to comply with Health Canada regulations including noise, odour, and lighting. The subject lands have been lawfully used as a cannabis growing and harvesting facility under the prior MMPR Act and licenses by a prior owner. Our clients are aware of the criminal activity that occurred in conjunction to that prior use and have no connections to the prior owners, nor have any intentions to continue with any illegal uses. As the growing and harvesting of marihuana in the existing buildings on the subject site has been occurring for quite some time (and has been very publicly documented) and the intent of the current owners is to continue the use upon receiving permits under a new regulatory system, we contend that the use is a continuous use dating back to 2014.

The proposed Official Plan and Zoning By-law amendments seek to add a 150 metre setback from sensitive uses for Cannabis Growing Operations that will apply to new and existing buildings, and will treat any existing uses as Legal Non-Conforming Uses. The subject lands are a legal non-conforming medical marihuana growing and harvesting facility (MMGHF) as the agriculture buildings have lawfully existed prior to the current by-law (Zoning By-law 05-200) and the previous by-law (City of Stoney Creek 3692-92) and the MMGHF use has lawfully existed for several years.

The current Official Plan policies permit MMGHF in buildings existing on the date of the by-law [RHOP policy 2.1.1.4(a)]. The current Zoning By-law 05-200 includes policies that permits existing buildings, beyond the scale permitted for new builds, to be used for the growing and harvesting of medical marihuana [Policy 12.1.3.1 (m)(ii)]. The full text of these policies are included for clarification.

2.1.1.4 Medical marihuana growing and harvesting facilities are permitted in accordance with the regulations set out in the Zoning By-law and provided that the following conditions are met: (OPA(R)-9)

- a) a medical marihuana growing and harvesting facility is permitted in buildings existing at the date of the passing of the Zoning By-law;

Ida Bedoui – August 31, 2018

- b) The gross floor area for a new medical marihuana growing and harvesting facility shall not exceed 2000 square metres; Chapter D - Rural Systems, Designations and Resources D.2 2 of 7 Rural Hamilton Official Plan March 2017
- c) No retail sales are permitted;
- d) No outdoor storage is permitted; and
- e) The establishment of a new medical marihuana growing and harvesting facility or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building size and location, set-backs, drainage and any other matters.

#### 12.1.3.1 AGRICULTURE AND VETERINARY SERVICE – FARM ANIMAL REGULATIONS

- m) Medical Marihuana Growing and Harvesting
  - i) The maximum gross floor area for all new buildings and structures devoted to a Medical Marihuana Growing and Harvesting Facility shall not exceed 2,000.0 square metres;
  - ii) Notwithstanding Section 12.1.3.1 m) i) above, existing buildings may be used for a Medical Marihuana Growing and Harvesting Facility;
  - iii) Notwithstanding Sections 12.1.3.1 b), c) and d) above, all buildings or structures associated with the use shall be set back a minimum of 20.0 metres from any lot line;
  - iv) Notwithstanding Sections 12.1.3.1 f) i), ii) and iii) above, outdoor storage shall not be permitted;
  - v) Notwithstanding Sections 12.1.3.1 i) i), ii), iii) and iv) above, retail sales shall not be permitted. (By-law No. 15-173, July 10, 2015).

The zoning also permits existing buildings to be used for MMGHF, and the following vacuum clause eliminates the burden of proof required for the demonstration of legal non-conforming uses with respect to the siting of existing buildings or the size and shape of existing lots.

#### 4.12 VACUUM CLAUSE

- d) Notwithstanding any other provisions of this By-law, any lot within the Rural and Agricultural Zones of this By-law, and the location thereon of any building or structure, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law.

A letter was submitted to the June 19, 2018 Planning Committee Meeting, by Meaghan Barrett, as item 6.6 (a) that states that the existing use has not been established as a Legal Non-Conforming Use. Our clients have received a zoning clarification that supports the status of legal non-conforming use, and the property file search contains documents demonstrating the prior use was legal non-conforming despite the associated criminal activity. Newspaper reports regarding the prior use also stated that the City and the Police had no legal recourse to shut down the operation of the prior owners as it complied with all municipal and federal regulations.

Ida Bedoui – August 31, 2018

The proposed amendments will apply to new and existing buildings (previously not used for marihuana growing and harvesting) but will not be able to apply to current medical marihuana growing operations. **We request that our continuous legal non-conforming use of the medical marihuana be acknowledged, as an existing use in the Zoning By-law 05-200, as an exception to both the RHOP and the By-law 05-200 proposed amendments for 150 metre setbacks as it should be treated like all other existing medical marihuana growing and harvesting uses.**

RHOP

Chapter F:

- 1.12.2 An existing use, identified as Protected Countryside area on Schedule A – Provincial Plans, that does not comply to or conform with the land use designations and policies of this Plan and/or the Zoning By-law, that existed prior to December 16, 2004 or any amendments may continue provided that:
- a) The non-complying use did not conflict with the Official Plan and Zoning Bylaw in effect at the time the use was established; and
  - b) The non-complying use has not been interrupted subsequent to the approval of this Plan.
  - c) The non-complying use was lawfully existing on or before December 15, 2004.
- 1.12.3 Where appropriate, the City may amend the Zoning By-law to recognize the non-complying use as an existing use provided that all the following criteria shall be met:
- a) The Zoning By-law shall permit only the existing use and the associated performance standards;
  - b) The use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and
  - c) The use does not pollute the air or water and is in compliance with appropriate provincial and municipal regulations.

Should the proposed amendments be approved and apply to the Subject Lands, the effect of this will eliminate current zoning permissions for a continuous legal-non-conforming use in contravention of the Chapter F: Policy 1.12.2. As the Federal Regulations require no air or water pollution, the use does not generate dangerous uses in of itself. The prior criminal activity was associated with the people involved in that MMGHF, not the use itself.

Should you have any questions, please do not hesitate to contact IBI Group.



Kristen Boulard MCIP, RPP

**IBI GROUP**

Suite 200, East Wing-360 James Street North  
Hamilton ON L8L 1H5 Canada  
tel +1 905 546 1010 ext 63125





September 3, 2018

258-17

**Via Email & Delivered**

Honorable Mayor and members Council  
c/o  
Ms. Ida Bedioui, B.A., AMCTO  
Legislative Co-ordinator

City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Honorable Mayor and members of Council:

**RE: Official Plan Amendment Application No. UHOPA-17-023  
Zoning By-law Amendment Application No. ZAC-17-053  
71 Rebecca Street, Hamilton**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf Kaneff Properties Limited, owner of 80 John Street North, and we are pleased to submit this letter regarding the subject *Planning Act* applications at 71 Rebecca Street in Hamilton.

On November 28, 2017, UrbanSolutions attended the Public Information Meeting hosted by the proponent at 95 King Street East in Hamilton. This was a valuable meeting that provided an opportunity to obtain a better understanding of the development proposal and the nature of the applications.

Subsequently to that meeting, on March 2, 2018, the undersigned submitted comments and concerns on behalf of Kaneff Properties Limited.

After completing a review of Planning and Economic Development Department Staff Report No. PED18195 dated September 4, 2018, the following summarizes the outstanding concerns Kaneff Properties Limited has with the development proposal and the related draft Official Plan Amendment and draft amending Zoning By-law. These concerns primarily stem from the proposed reduction from 12.5 metres to 1.0 metre for the portion of the building exceeding 22.0 metres in height.

On Page 26 of the staff recommendation report, City staff state this reduction from 12.5 metres to 1.0 metres has merit because the modification should not hinder the future development of the Kaneff lands.

This is incorrect.

The proposed orientation of the 30 storey building does not appear to respect the new Downtown Secondary Plan Zoning By-law approved by Council in May, 2018 and new Tall Building Design Guidelines recommended by City of Hamilton staff and endorsed by Council. This new Secondary Plan and new guidelines are the new position established by Council to require 25 metres between tall buildings.

As proposed, the reduced setback to 1.0 metre results in 30 storeys of massing that is simply too close to 80 John Street North. It then requires a setback of any tall buildings on 80 John Street to increase from 12.5 metres to 24 metres to maintain 25 metres between any towers. The resulting built form and massing, contrary to the staff report, does hinder the future development of the lands owned by Kaneff. This adverse impact must be addressed prior to Council's decision on subject *Planning Act* applications.

The City of Hamilton Design Review Panel also highlighted this concern and this is summarized on Page 22 of the staff report when the Panel advised "The applicant and City staff need to consider the potential impacts of the proposed development on future neighbouring developments."

Kaneff Properties Limited requests and insists the aforementioned concerns be addressed in advance of a Council decision regarding the proposal.

It is premature to approve the subject applications in advance of addressing these adverse impacts. As proposed the Official Plan Amendment and amending Zoning By-law are inconsistent with the Provincial Policy Statement. They do not conform to the Growth Plan for the Greater Golden Horseshow and they do not conform to the Urban Hamilton Official Plan, existing Secondary Plan and the new recently approved new Downtown Secondary Plan pending approval from the Local Planning Appeal Tribunal. While these policy documents support compatible forms of intensification, this proposal is incompatible given the aforementioned adverse impacts.

In accordance with the *Planning Act*, please provide the undersigned with written copy of any Council decision for this matter.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*

- cc. Mses. Anna-Maria Kaneff and Kristina Kaneff, Kaneff Properties Limited (via email)
- Councillor Jason Farr, Ward 2, City of Hamilton
- Mr. Jason Thorne, MCIP, RPP, City of Hamilton (via email)
- Mr. Steve Robichaud, MCIP, RPP, City of Hamilton (via email)
- Mr. Drew Hauser, McCallumSather (via email)
- Messer's. Sergio Manchia, MCIP, RPP, & Spencer McKay, UrbanSolutions (via email)



August 23, 2018

Mayor Fred Eisenberger  
Hamilton City Hall  
2nd floor - 71 Main Street West  
Hamilton, Ontario L8P 4Y5

Re: Gage Park

Dear Mayor Eisenberger,

My name is Karl Stensson and I represent Sheridan Nurseries, a 105-year-old Ontario company originally founded by Howard and Lorrie Dunnington-Grubb.

The Grubb's were pioneers in the field of landscape architecture in Canada and their works are represented in various areas of Ontario including the Oaks Garden Theatre in Niagara Falls, Casa Loma and University Avenue in Toronto, Parkwood estate (formerly owned by Colonel Sam Mclaughlin of General Motors fame) and of course Gage Park in Hamilton.

We were extremely pleased to be a part of the ceremony unveiling the memorial to the Grubbs and Gage Park during our company centennial and were thrilled to see the complete restoration of their work in the park.

It is now my understanding that part of the historical garden is proposed to be changed to accommodate a memorial to firefighters. While I certainly support the firefighter's monument and am aware of the great sacrifices they make to ensure our safety, I urge you to reconsider having this monument as part of the historic formal gardens.

The Grubb's works are **historical** and not many are left, and none have been as well preserved and refurbished as Gage Park. Just as homes are declared valuable heritage sites, so should Gage Park as it is a huge part of the history of Landscape Architecture in our province and indeed Canada.

.../2



While I am not a citizen of Hamilton, I am envious of how you have treated the restoration of Gage Park and I would hate to see a regression by destroying even a small part of this valuable National treasure.

Thank you for your consideration.

Yours truly,

A handwritten signature in black ink, appearing to read 'Karl E. Stensson', with a long horizontal flourish extending to the right.

Karl E. Stensson  
Vice Executive Chairman  
Director of Brand Integrity

AUG 28 2018

**Ministry of Government  
and Consumer Services****Ministère des Services  
gouvernementaux et des  
Services aux  
consommateurs**

Office of the Minister  
6th Floor, Mowat Block  
900 Bay Street  
Toronto ON M7A 1L2  
Tel.: 416 212-2665  
TTY: 416 915-0001

Bureau du ministre  
Édifice Mowat, 6e étage  
900, rue Bay  
Toronto ON M7A 1L2  
Tél. : 416 212-2665  
ATS : 416 915-0001

MGCS7185MC-2018-72

AUG 24 2018

His Worship Fred Eisenberger  
Mayor  
City of Hamilton  
71 Main Street West, 2<sup>nd</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Mayor Eisenberger:

Thank you for your letter regarding the Payday Loans Act, 2008 and gift cards.  
I appreciate the time you have taken to write to me.

My ministry staff will consider you and your council's motion on Item 7.8, with its regards  
to payday lenders exchanging gift cards for cash at less than their face value.

Thank you for bringing this matter to our attention, as we work to strengthen protections  
for consumers.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Smith". The signature is stylized and written in cursive.

Todd Smith  
Minister

**Pilon, Janet**

---

**Subject:** Gage Park

**From:** Art Drysdale  
**Sent:** August 23, 2018 1:01 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Cc:**  
**Subject:** Gage Park

To: the Mayor and Members of Hamilton City Council

*Gentlemen and Ladies, please allow me to introduce myself.*

I am Art Drysdale who for over 25 years broadcasted about gardening and horticulture on one of two radio stations in the golden horseshoe of Ontario. First at Toronto's CFRB (I was there during part of the time that Bob Bratina was also on their staff), and then at Oakville's AM740 until 2007. I also was employed by Sheridan Nurseries as their Horticulturist for eight years. Following my departure from there I was appointed Secretary and Executive Director of the Dunington Grubb Foundation—the foundation established by the founder of the nursery originally to open a botanical garden in Meadowvale, Ontario.

The reason I enjoyed my work with the foundation was that I was a good friend of Mr. Dunington-Grubb and during the last couple of years of his life, I drove him back and forth from his home in Rosedale to the office in Etobicoke. (Coincidentally we lived quite close to each other, thus it worked well for us to drive together.)

During my time with the foundation we carried out numerous horticultural projects in southern Ontario including a \$650,000 donation toward the addition to Toronto's Civic Garden Centre (now known as Toronto Botanical Garden), compilation of a Horticultural History of Canada, now headquartered at the Royal Botanical Gardens, Hamilton/Burlington, and a significant donation to rose cultivar research at the University of Guelph.

Now, after over forty years of working with various horticultural and gardening charities, our Board has decided to merge our operations with a group in Ontario. We have searched the province for such a group and thus far the leading contender is The Friends of Gage Park, through Mr. David Beland.

For twenty-five years The Friends of Gage Park have preserved the Dunington Grubb Gardens at Gage Park and for the last ten years faithfully overseen their restoration.

We had virtually decided to pass over the remaining funds and our records to them to carry on the Foundation work in preserving the Dunington Grubb Legacy. However, we have recently been

advised that the City is looking at a plan that would remove a part of the restored, original, formal gardens in order to install a Firefighters Memorial.

While no one would oppose such a memorial for the City, I believe removing any part of the restored gardens in Gage Park should not even be considered when other locations can be found.

Such an action places us in a position to re-examine our thinking about the ultimate destination for the balance of our funds and the Foundation records. The first point of the Mission Statement of the Friends of Gage Park is to preserve the historical gardens. After restoring the gardens and all the work of the Friends of Gage Park, if the City does not see value in this asset it will be necessary to consider a City that does see value in their Dunington Grubb designs.

Given the importance of these gardens, we would be most pleased to hear that Hamilton City Council has reconsidered the placement of the Firefighters Memorial. The Friends of Gage Park can then meet its mandate and we can proceed with the discussions on the transfer of our Foundation to them and make Hamilton the new home of The Dunington Grubb Foundation.

Thank you kindly for your consideration.

Cordially,

*Art C. Drysdale*

Garden Broadcaster and Writer,

Please visit: [www.Art Drysdale.com](http://www.ArtDrysdale.com) and  
[www.ICanGardem.com](http://www.ICanGardem.com)

August 29, 2018

Co-ordinator, Planning Committee  
 City of Hamilton,  
 71 Main Street West, 1<sup>st</sup> Floor  
 Hamilton, Ontario  
 L8P 4Y5

FILE No: 25COM-201706

Dear Sir:

As I am unsure if I will be able to attend the Public Meeting on September 4, 2018, I wish to have the following comments included for the Committee's consideration.

1) Drainage

It will be necessary that all water courses continue to flow to prevent backup of spring runoff and rain water from my property being nextdoor and upstream to the subject property.

2) Fencing

It will be necessary to install adequate fencing along my boundary on the west and north sides of the subject property. This will be needed to prevent trespassing by these new neighbours which this development will bring.

I trust that consideration will be given to the above items by the committee.

Sincerely,

Raymond Wilson  
 927 GARNER ROAD E. RR#1  
 ANCASTER, ON. L9G 3K9

**Ministry of  
Community Safety and  
Correctional Services**

Office of the  
Fire Marshal and  
Emergency Management

25 Morton Shulman Avenue  
Toronto ON M3M 0B1  
Tel: 647-329-1100  
Fax: 647-329-1143

**Ministère de la  
Sécurité communautaire et  
des Services correctionnels**

Bureau du  
commissaire des incendies et  
de la gestion des situations d'urgence

25, avenue Morton Shulman  
Toronto ON M3M 0B1  
Tél. : 647-329-1100  
Télééc. : 647-329-1143



August 29, 2018

Your Worship Fred Eisenberger  
City of Hamilton  
City Hall, 71 Main St.W., 1st Floor  
Hamilton, ON L8P 4Y5

Dear Mayor Eisenberger:

It is the responsibility of municipalities to ensure they are in compliance with the Emergency Management and Civil Protection Act (EMCPA).

The Office of the Fire Marshal and Emergency Management (OFMEM) has reviewed the documentation submitted by your Community Emergency Management Coordinator (CEMC) and has determined that your municipality was compliant with the EMCPA in 2017.

The safety of your citizens is important, and one way to ensure that safety is to ensure that your municipality is prepared in case of an emergency. You are to be congratulated on your municipality's efforts in achieving compliance in 2017.

I look forward to continuing to work with you to ensure your continued compliance in 2018.

If you have any questions or concerns about the compliance monitoring process, please contact your Emergency Management Field Officer.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Pegg".

Jon Pegg  
Chief of Emergency Management

cc: Connie Verhaeghe - CEMC  
Katrina Grantis - Field Officer - Golden Horseshoe Sector

**Pilon, Janet**

---

**Subject:** 925 Main St w., and 150 Longwood Rd.

-----Original Message-----

From:  
Sent: September-03-18 9:55 PM  
To: Lucas, Adam; Johnson, Aidan  
Cc: Office of the Mayor  
Subject: Re: 925 Main St w., and 150 Longwood Rd.

Dear Mr. Lucas and Kimberley Harrison McMillan,

I am resident on Arkell St close to where Columbia College is planning its new student residence. I have attended previous community meetings regarding this project and spoke with a city hall staffer as well to let them know my objections to the project. I would now like to put my concerns in writing.

I object very strongly to the building of 14 and 18storey towers to house over 1000 students at this very precarious and difficult site at 925 Main St. W., and 150 Longwood. Primarily my concern is for the safety of the one thousand plus students who will be inhabiting these towers at an extremely busy intersection. This intersection is the pathway to the 403 and is extremely busy during the day. Furthermore, traffic from the east 403 exits in this region as well, affecting many of the students who will be walking to their respective classes along Main St. between Longwood and where the 403 exits for access to McMaster University.

The land that these buildings will be built on is a relatively small property backing onto an extremely steep ravine. Because of the insufficiency of the land mass, I understand remedial work has to be carried out in order bto "prop" up the property by the addition of significant amount of landfill to the lower part of the property. I worry that this construction work as well as the construction of the building towers will create huge traffic problems at that very difficult and sensitive location, so integral to the 403.

Furthermore, there is already a Highschool on Main St. West and Longwood, diagonally across from the proposed site. Why there should be more pedestrian congestion on the busy corner is hard to fathom. Would Columbia College not be better off building student accommodation in a more suitable place? We have to remember that Columbia College students are adolescents and teens preparing for college—surely there are better sites for Columbia College in Hamilton—perhaps the city needs to consider offering them other suitable locations if Columbia College wishes to expand its operations.

I can understand that the development of that land is undoubtedly financially lucrative for both Columbia College and perhaps also the City. However, reason has to prevail and developers should not be given the Green light when so many human issues are at stake.

With sincere regard

PS. I would be pleased if you could cc this letter to Kimberley Harrison-McMillan as I was unable to find that email address).

Renate Manthei  
89 Arkell St.  
Hamilton, ON,

SEP - 5 2018

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M5G 2E5  
Tel.: 416 585-7000  
Fax: 416 585-6470

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M5G 2E5  
Tél. : 416 585-7000  
Télééc. : 416 585-6470



18-000367

Your Worship  
Mayor Fred Eisenberger  
City of Hamilton  
71 Main Street West, 2<sup>nd</sup> floor  
Hamilton ON L8P 4Y5

Dear Mayor Eisenberger:

Thank you for your July 25, 2018 letter regarding the item identified by the City of Hamilton's Advisory Committee for Persons with Disabilities in 2016.

Ontario's Building Code has included barrier-free design requirements in buildings since 1975. The current Building Code incorporates enhanced accessibility requirements which came into effect on January 1, 2015. The barrier-free provisions of the Building Code include design requirements for grab bars and where they must be installed, for example in universal washrooms, and in barrier-free water closet stalls and showers.

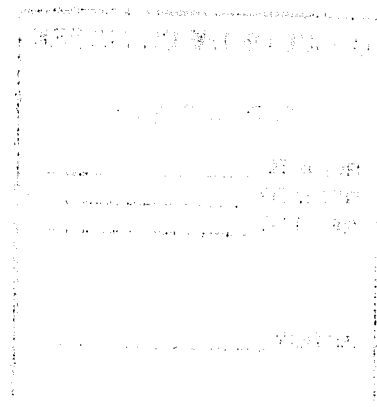
The ministry appreciates your interest in this matter and staff from my ministry would be happy to discuss the requirements of the Building Code, including the process for proposing amendments. For more information, you or your staff may wish to contact Hannah Evans, Director of the Building and Development Branch, at (416) 585-6399, or [Hannah.evans@ontario.ca](mailto:Hannah.evans@ontario.ca)

Once again, thank you for bringing this matter to my attention. Please accept my best wishes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clark'.

Steve Clark  
Minister





AUG 31 2018

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
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Toronto (Ontario) M5G 2E5  
Tél. : 416 585-7000  
Télééc. : 416 585-6470



AUG 28 2018

18-000259

Your Worship  
Mayor Fred Eisenberger  
City of Hamilton  
71 Main Street West  
2<sup>nd</sup> Floor  
Hamilton ON L8P 4Y5

Dear Mayor Eisenberger:

Thank you for taking the time to write about the City of Hamilton's experience with the Community Homelessness Prevention Initiative (CHPI). In particular I wish to congratulate the City of Hamilton on its success in reducing the number of unique individuals accessing shelters since 2010.

As Minister of Municipal Affairs and Housing, I share your commitment to ensuring affordable housing for all Ontarians. For that reason, I appreciate your interest in this crucial area.

The provincial government provides funding to Municipal Service Managers such as the City of Hamilton under the Community Homelessness Prevention Initiative (CHPI) to assist households that are experiencing homelessness obtain and retain housing, and to assist households at risk of homelessness remain housed. Through the CHPI program, Service Managers can offer services under four general categories: emergency shelter solutions, housing with related supports, other services and supports, and homelessness prevention. The vision for CHPI is to have a coordinated and holistic service delivery system that is people-centered, evidence informed and outcomes-based, and reflects a Housing First approach that focuses on homelessness prevention and reduces reliance on emergency services.

In your letter, you requested, on behalf of the City of Hamilton's City Council, that the Province of Ontario consider revising the funding formula to increase funding in alignment with the costs of living increases. In fact, funding to Service Managers under CHPI has increased over the past years. The City of Hamilton received an increase of \$191,000 in funding for 2017/18 and will receive an additional increase in funding of \$190,000 in 2018/19.

Municipal Service Managers have the flexibility to determine how best to respond to the needs of the homeless or those at risk of homelessness in their community. As a result the City of Hamilton has the ability to apply CHPI funding to operate emergency shelters to assist people that are homeless as long as they also provide services to assist households at risk of homelessness.

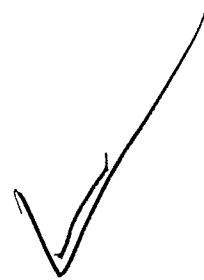
We are aware Hamilton and other municipalities are under pressure to find shelter space for the growing number of illegal border crossers. We welcome those who come to our country legally and the Ontario government offers a wide range of support for newcomers, including employment supports, language training, bridge training programs, and settlement services – we will continue to do so moving forward. Premier Doug Ford has made it clear that he views funding to accommodate illegal border crossers as a federal responsibility. If the City of Hamilton incurs any costs with illegal border crossers, please send the Ministry a list of your costs so we can relay this information to the Federal government.

Once again, thank you for bringing your concerns to my attention. Please accept my best wishes.

Sincerely,



Steve Clark  
Minister



OFFICE OF THE CITY CLERK	
SEP 05 2018	
REF'D TO	<u>Council Sept 12/18</u>
REF'D TO	_____
REF'D TO	_____
ACTION _____	
_____	



## **PLANNING COMMITTEE**

### **REPORT 18-013**

**9:30 a.m.**

**Tuesday, September 4, 2018**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

**Present:** Mayor F. Eisenberger  
 Councillors A. Johnson (Chair), J. Farr (1<sup>st</sup> Vice-Chair), D. Conley (2<sup>nd</sup> Vice Chair), C. Collins, T. Anderson, M. Pearson, M. Green, B. Johnson, J. Partridge, and R. Pasuta.

**Also present:** Councillors L. Ferguson, T. Whitehead and S. Merulla

### **THE PLANNING COMMITTEE PRESENTS REPORT 18-013 AND RESPECTFULLY RECOMMENDS:**

**1. Waterdown Community Node Secondary Plan: Background Report (PED18181) (Ward 15) (Item 5.1)**

That Report PED18181 respecting Waterdown Community Node Secondary Plan: Background Report, be received.

**2. Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) (PED18189) (Ward 12) (Item 6.1)**

(a) That Draft Plan of Condominium Application 25CDM-201706, by A.J. Clarke & Associates Inc., on behalf of Marz Homes (Garner) Inc., owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks and pedestrian pathway, landscaped areas, 56 visitor parking spaces, and centralized mailboxes, on lands located at 961 and 989 Garner Road East (Ancaster), as shown on Appendix "A", attached to Report PED18189, be APPROVED subject to the following conditions:

(i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201706 applies to the plan prepared

by A.J. Clarke & Associates, Ltd., certified by B. J. Clarke, and dated October 13, 2017, consisting of a condominium road network, sidewalks and pedestrian pathway, landscaped areas, 56 visitor parking spaces, and centralized mailboxes, in favour of 38 maisonette and 73 townhouse dwelling units, attached as Appendix “B” to Report PED18189;

(ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201706, attached as Appendix “C” to Report PED18189, be received and endorsed by City Council;

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

**3. Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 925 Main Street West and 150 Longwood Road South (PED18199) (Ward 1) (Item 6.2)**

(a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-11 by Plaza Imports Limited (c/o John Lecluse), Owner, to re-designate the southerly portion of “Block 1” from “Open Space” to “Neighbourhoods” in Volume 1; and to re-designate lands shown as “Block 1” from “Local Commercial” and “General Open Space” to “High Density Residential 1” and to add a site specific policy to permit a maximum building height of 62.0 metres (18 storeys) and a maximum density of 250 units per gross hectare in the Ainslie Wood Westdale Secondary Plan to permit a mixed use building consisting of commercial uses at grade with a lodging house above in two tower elements having a maximum building height of 62.0 metres (18 storeys) and 56.0 metres (16 storeys), on lands located at 925 Main Street West and 150 Longwood Road South, Hamilton, as shown on Appendix “A” to Report PED18199, be APPROVED, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18199, 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 Places to Grow Plan.

(b) That Amended Zoning By-law Amendment Application ZAC-16-029 by Plaza Imports Limited (c/o John Lecluse), Owner, for a change in zoning from the “H/S-1361” (Community Shopping and Commercial, Etc.) District, Modified, “H/S-1331” (Community Shopping and Commercial, Etc.) District, Modified and “C/S-1361” (Urban Protected Residential, Etc.) District, Modified to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone and Conservation / Hazard Land (P5)

Zone to permit a mixed used building consisting of commercial uses at grade and a lodging house above in two tower elements having a maximum height of 62.0 metres (18 storeys) and 56.0 metres (16 storeys) as shown on Appendix "A" to Report PED18199.

- (i) That the draft By-law, attached as Appendix "C" to Report PED18199 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 PED18199, be added to Map No. 949 of the City of Hamilton Zoning By-law No. 05-200;
- (iii) That Schedule "D" – Holding Provisions of Zoning By-law No. 05-200, be amended by adding additional Holding Provisions as follows:

For the lands identified as Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone on Map No. 949 of Schedule A – Zoning Map, and described as 925 Main Street West, development shall not proceed until:

- (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee.
  - (b) The Owner acquires the lands at 150 Longwood Road South required to implement the proposed development and merges the lands on title with 925 Main Street West, to the satisfaction of the Director of Planning and Chief Planner.
  - (iv) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That the public submissions received regarding this matter did not affect the decision.

**4. Applications to Amend the City of Hamilton Rural Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 163 and 167 Highway No. 5 West, Flamborough (PED18161) (Ward 15) (Item 6.3)**

(a) That Rural Hamilton Official Plan Amendment Application RHOPA-18-019 by KENEL INC. (Owner), to refine the boundary of the existing Site Specific Area R-4 to reflect the existing use of the lands located at 167 Highway No. 5 West, Flamborough as shown on Appendix "A" to Report PED18161, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18161 be enacted by City Council;
- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Greenbelt Plan (2017).

(b) That Zoning By-law Amendment Application ZAR-18-019, by KENEL INC. (Owner), for a change in zoning from the Open Space (P4, 80) Zone to the Rural (A2, 104) Zone and from the Rural (A2, 104) Zone to the Open Space (P4, 80) Zone in order to recognize the locations of the existing Garden Centre and Golf Course for a portion of the lands located at 163 and 167 Highway No. 5 West, in accordance with the conditions of consent approval as shown on Appendix "A" to Report PED18161, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED18161, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That this By-law will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

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

**5. Application to Amend the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 5 Hamilton Street North, Flamborough (PED18179) (Ward 15) (Item 6.5)**

(a) That Amended Zoning By-law Amendment Application ZAR-18-015 by Hawk Ridge Homes Inc. c/o Dinesh Mahabir (Owner), for a modification to the Urban Commercial "UC" Zone to permit a six storey, 74 unit mixed use building for lands located at 5 Hamilton Street North (Flamborough), as shown on Appendix "A" to Report PED18179, be APPROVED on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED18179, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan and West Waterdown Secondary Plan.
- (b) That approval be given for a modification to the Mixed Use – Medium Density (C5, 582) Zone to permit a six storey, 74 unit mixed use building for lands located at 5 Hamilton Street, as shown on Appendix “A” to Report PED18179 be APPROVED on the following basis:
- (i) That the Draft By-law, attached as Appendix “C” to Report PED18179, be held in abeyance until such time as By-law 17-240 (Commercial and Mixed Use Zones) is in force and effect;
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “C” to Report PED18179, for enactment by City Council, once By-law No. 17-240 is in force and effect;
  - (iii) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshow (2017), and complies with the Urban Hamilton Official Plan and West Waterdown Secondary Plan.
- (c) That the public submissions received regarding this matter did not affect the decision.

**6. Application for a Zoning By-law Amendment for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4) (Item 6.6)**

- (a) That the Amended Zoning By-law Amendment Application ZAR-18-027, by Indwell Community Homes, Owner, for a modification to the “H” (Community Shopping and Commercial, Etc.) District to permit a four storey, 50 unit multiple dwelling on the same lot as a three storey 57 unit mixed use building, on lands located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton as shown on Appendix “A” to Report PED18190 be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED18190 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 “B” to Report PED18190 be added to District Map E75 of Zoning By-law No. 6593 as “H/S-1764”;
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed four storey multiple dwelling.

The Holding Provision “H/S-1764-‘H’” (Community Shopping and Commercial, etc.) District, Holding, Modified, be removed to allow the multiple dwelling on the same lot as a three storey mixed use building, conditional upon:

- (1) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition; or,
  - (2) A signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment , Conservation and Parks (MOECP). The RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
- (iv) 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 approval be given for a modification to the Mixed Use – Medium Density (C5) Zone to the Mixed Use – Medium Density (C5, 698, H71), to permit a four storey, 50 unit multiple dwelling on the same lot as a 57 unit mixed use building, on lands located at 256 Parkdale Avenue North and 205 Melvin Avenue, as shown on Appendix “A” to Report PED18190, subject to the following.
    - (i) That the draft By-law, attached as Appendix “C” to Report PED18190, be held in abeyance until such time as By-law No. 17-240 (Commercial and Mixed Use Zones) is in force and effect;
    - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “C” to Report PED18190, for enactment by City Council, once By-law No. 17-240 (Commercial and Mixed Use Zones) is in force and effect;



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

**7. Application to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands located at 154 Main Street East and 49 Walnut Street South, Hamilton (PED18196) (Ward 2) (Item 6.7)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-018, by 1970703 Ontario Inc., Owner, for a re-designation from “Medium Density Residential” to “Central Business District” to facilitate a 25 storey mixed use building comprised of 267 residential dwelling units, ground floor commercial uses and structured parking for 253 vehicles by permitting a commercial parking facility and commercial uses on the ground floor, for lands located at 49 Walnut Street South, as shown on Appendix “A” to Report PED18196, be APPROVED, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18196, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed 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 ZAR-17-074 by 1970703 Ontario Inc., Owner, for a change in zoning from the Downtown Mixed Use (D3) Zone and Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, 702, H107) Zone, to permit a mixed use building with a maximum building height of 80.0 m (25 storeys) for lands located at 154 Main Street East, and ground floor commercial and seven storeys of structured parking for 253 vehicles for lands located at 49 Walnut Street South, as shown on Appendix “A” to Report PED18196, be APPROVED on the following basis:
  - (i) That the Draft By-law, attached as Appendix “C” to Report PED18196, 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 PED18196, be added to Schedules 952 and 953 of Zoning By-law No. 05-200;

- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned “Downtown Central Business District (D1, 702, H107) Zone, on Maps 952 and 953 of Schedule A – Zoning Maps, and described as 154 Main Street East and 49 Walnut Street South (Hamilton), development shall not proceed until:

- a. The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee.
  - b. The Owner purchase the alleyway required to implement the proposed development and merge the lands on title with the balance of the lands, to the satisfaction of the Director of Planning and Chief Planner.
- (iv) 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 approval of Official Plan Amendment No. XX.
- (c) That Amended Zoning By-law Amendment Application ZAR-17-074 by 1970703 Ontario Inc., Owner, for a modification to the Downtown Central Business District (D1, H17) Zone, to permit a mixed use building with a maximum building height of 80.0 m (25 storeys) for lands located at 154 Main Street East and ground floor commercial and seven storeys of structured parking for 253 vehicles for lands located at 49 Walnut Street South, as shown on Appendix “A” to Report PED18196, be APPROVED on the following basis:
- (i) That the REVISED Draft By-law, attached as Appendix “A” to Report 18-013, 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 “D” to Report PED18196, be added to Schedules 952 and 953 of Zoning By-law No. 05-200;

- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned “Downtown Central Business District (D1, 702, H107) Zone, on Maps 952 and 953 of Schedule A – Zoning Maps, and described as 154 Main Street East and 49 Walnut Street South (Hamilton), development shall not proceed until:

- a. The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee.
  - b. The Owner purchase the alleyway required to implement the proposed development and merge the lands on title with the balance of the lands, to the satisfaction of the Director of Planning and Chief Planner.
- (iv) That the REVISED Draft By-law, attached as Appendix “A” to Report 18-016, be brought into force and effect once By-law 18-114 (Downtown Zones) is in force and effect;
  - (v) 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.
- (d) That the public submissions received regarding this matter did not affect the decision.

**8. Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) (Item 6.8)**

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-023, by Sonoma Development Group Inc., Owner to create a site specific policy area in the DTSP to permit a gross residential density of 1,010 units per net hectare to allow for a mixed use building with a maximum height of 97 m (30 storeys) and to exempt the development from any road widening requirements for lands located at 71 Rebecca

Street, as shown on Appendix "A" to Report PED18195 be APPROVED, on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (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-17-053 by Sonoma Development Group Inc., Owner for a change in zoning from the Downtown Mixed Use (D3) Zone to the Central Business District (D1, 701, H105) Zone to permit a mixed use building with a maximum building height of 97 m (30 storeys) for lands located at 71 Rebecca Street, as shown on Appendix "A" to Report PED18195, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED18195, 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 PED18195, be added to Schedule 953 of Zoning By-law No. 05-200;
  - (iii) That Schedule "D" – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned Downtown Central Business District (D1, 701, H105) Zone, on Map 953 of Schedule "A" – Zoning Maps and described as 71 Rebecca Street, development shall not proceed until:

- (a) The owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
- (iv) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. XX and that the proposed change in zoning is consistent with

the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

- (c) That Amended Zoning By-law Amendment Application ZAC-17-053 by Sonoma Development Group Inc., Owner, for a change in zoning from the Central Business District (D1, H17, H19, H20) Zone to the Central Business District (D1, 701, H17, H105) Zone to permit a mixed use building with a maximum building height of 97 m (30 storeys) for lands located at 71 Rebecca Street, as shown on Appendix “A” to Report PED18195, be APPROVED on the following basis:
- (i) That the Draft By-law, attached as Appendix “D” to Report PED18195, be held in abeyance until such time as By-law 18-114 (Downtown Zones) is in force and effect;
  - (ii) That the amending By-law, attached as Appendix “D” to Report PED18195, be added to Schedule 953 of Zoning By-law No. 05-200;
  - (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone, on Map 953 of Schedule “A” – Zoning Maps and described as 71 Rebecca Street, development shall not proceed until:

- (a) The owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
- (iv) That the Draft By-law, attached as Appendix “D” to Report PED18195, be held in abeyance until such time as By-law 18-114 (Downtown Zones) is in force and effect;
- (v) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED18195, for enactment by City Council, once By-law No. 18-114 is in full force and effect;
- (vi) 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.

- (d) That staff be directed to waive the requirement for the road widenings for 71 Rebecca Street, Hamilton subject to the following:
  - (i) That the owner enters into a cost sharing agreement with the City of Hamilton for the construction of Rebecca Street from John Street to Catherine Street as a Woonerf;
  - (ii) That the owner be responsible for 50% of the costs for designing the Woonerf to the satisfaction of the Director of Growth Management;
  - (iii) That the owner be responsible for all costs associated with constructing the Woonerf from the building face to the centreline of Rebecca Street, with the exception of any underground utilities or services under the City's sidewalk or roadway that are not associated with the owner's development, which shall be the sole responsibility of the City;
  - (iv) That in the event that Planning and Economic Development Department staff are unable to reach a satisfactory cost sharing agreement with the owner that achieves (i) through (iii) above, the owner of the subject lands will be required to equitably dedicate the necessary lands to establish Rebecca Street to a minimum right-of-way width of 15.24 m and 26.22 m for John Street North. All required building setbacks will be required to be met from the new property line and no element of the building shall be permitted to overhang or encroach upon the City right-of-way.
- (e) That the public submissions received regarding this matter did not affect the decision.

**9. Proposed Changes to the Official Plans and Zoning By-law No. 05-200 Relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (CI-18-H) (PED18194) (City Wide) (Item 6.9)**

- (a) That approval be given to Official Plan Amendment No. XX to the Rural Hamilton Official Plan (RHOP-Volume 1) to amend the definition and associated regulations for a marijuana growing and harvesting facility to incorporate non-medical cannabis (recreational marijuana) production facilities, on the following basis:
  - (i) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix "A" to Report PED18194 be adopted by Council;

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).
- (b) That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan (UHOP-Volume 1) to amend the definition and regulations for medical marihuana growing and harvesting facility to incorporate non-medical cannabis (recreational marihuana) production facilities, on the following basis:
  - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED18194, be adopted by Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).
- (c) That approval be given to City Initiative CI-18-H to amend the definition and associated regulations for a medical marihuana growing and harvesting facility in Zoning By-law No. 05-200 to incorporate non-medical cannabis (recreational marihuana) production facilities, on the following basis:
  - (i) That the REVISED Draft By-law, attached as Appendix “B” to Report 18-013, which have been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Official Plan Amendment (OPA) No.\_\_\_\_;
  - (iii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of Official Plan Amendment (OPA) No.\_\_\_\_; and,
  - (iv) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).
- (d) That the public submissions received regarding this matter did not affect the decision.

**10. To Repeal Official Plan Amendment By-law No. 107 and Approve Urban Official Plan Amendment; to Amend Zoning By-law No. 05-200; and to update all materials related to Draft Plan of Subdivision 25T-201507 to Correct Inadvertant Address Numbering Errors for Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6, Flamborough (PED18133(a)) (Ward 15) (Item 6.10)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-012 by Flamborough Power Centre Inc., Flamborough Capital Corp. Inc., and Ankara Realty Ltd. (Owners), to remove existing Core Areas (Significant Woodlands and Streams) and Linkages and add new Core Areas (Significant Woodlands) and Linkages on Schedules B, B-2 and B-8; designate Clappison Avenue as a Minor Arterial on Schedule C and establish a Site Specific Policy Area to protect the existing Natural Heritage features, as shown on Appendix "B" to Report PED18133, be APPROVED on the following basis:
- (i) That By-law No. 18-194, respecting 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough, relating to approved and final and binding UHOPA No. 107 be repealed in its entirety;
  - (ii) That Draft Official Plan Amendment, respecting 56, 74, 78, 90, 96 Parkside Drive and 546 Highway No. 6 attached as Appendix "B" to Report PED18133(a) be enacted by City Council; and,
  - (iii) 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-15-039 by Flamborough Power Centre Inc., Flamborough Capital Corp. Inc., and Ankara Realty Ltd. (Owners), for changes in zoning from the Prestige Business Park (M3, 437) Zone, General Business Park (M2) Zone, and Prestige Business Park (M3, 388) Zone to Conservation / Hazard Land (P5) Zone (Blocks 1, 2, and 3) to protect natural features and from Prestige Business Park (M3) Zone to Prestige Business Park (M3, 437) Zone (Block 5) to permit a Fitness Club and Medical Clinic for lands located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6 Flamborough, as shown on Appendix "A" to Report PED18133, be APPROVED on the following basis:
- (i) That By-law No. 18-195, respecting 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough be amended to cite the correct property addresses of the subject lands;
  - (ii) That Amended Draft By-law attached as Appendix "C" to Report PED18133 (a), which cites corrected 56, 74, 78, 90, 96 Parkside



Drive and 546 Highway No. 6 and which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (iii) That the amending By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200;
  - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That staff be authorized to update the Notices of Intent and associated Draft Plan Conditions of Approval for Draft Plan of Subdivision Application 25T-201507 by Flamborough Power Centre Inc., Flamborough Capital Corporation Inc., and Ankara Realty Ltd., (Owners) with the correct municipal addresses, that, being the following correct addresses: 56, 74, 78, 90, 96 Parkside Drive and 546 Highway No. 6.
- (d) That the public submissions received regarding this matter did not affect the decision.

**11. Hamilton Municipal Heritage Committee Report 18-008 (Item 8.1)**

**(a) Inventory & Research Working Group Meeting Notes – June 25, 2018 (Item 8.1)**

**(i) 1320 Woodburn Road, Glanbrook**

That the property at 1320 Woodburn Road, Glanbrook be included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest and be added to the staff work plan.

**(b) Hamilton Municipal Heritage Committee Terms of Reference Review (Item 8.2)**

WHEREAS, in order to achieve their Council approved mandate, the volunteer work of the Hamilton Municipal Heritage Committee, its Working Groups and Sub-Committees may be more demanding than other municipal committees and boards; and

WHEREAS, it is important to offer transparency during the application process, to provide potential applicants with a better understanding of the scope of work, roles and responsibilities, and to facilitate a more informed decision;

THEREFORE, BE IT RESOLVED:

- (i) That Hamilton Municipal Heritage Committee Terms of Reference, be amended by adding the following sub-sections to read as follows:
- (1) To advise and assist City staff and Council on all matters relating to the designation of property, the review of heritage permit applications and other cultural heritage conservation measures under Parts IV and V of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18.
  - (2) To advise and assist City staff and Council in the preparation, evaluation and maintenance of a list of properties and areas worthy of conservation.
  - (3) To advise and assist City staff and Council on any other matters relating to the conservation of listed properties or areas of cultural heritage value or interest.
  - (4) To advise City staff and Council on programs and activities to increase public awareness and knowledge of heritage conservation issues.
  - (5) To prepare, by the 31st day of January each year, an annual report of the previous year's activities.
  - (6) To participate, where possible, on at least one of the following Working Groups of the Hamilton Municipal Heritage Committee:
    - Inventory and Research (Meets monthly for a minimum of 2 hours)
    - Policy and Design (Meets monthly, or as needed, for a minimum of 2 hours)
    - Education and Communication (Meets monthly or as needed, for a minimum of 2 hours)
    - Heritage Permit Review Sub-Committee (Meets monthly – membership includes selected members of HMHC, but is completed through a separate application process, for a minimum of 2 hours)
  - (7) To participate, where possible in other external groups and/or stakeholder committees.

- (8) To participate, where possible in heritage events and activities, such as the Annual Hamilton Municipal Heritage Recognition Awards.
  - (ii) That staff be directed to review the standard meeting times, format and locations of the Hamilton Municipal Heritage Committee to make them inclusive and accessible; and,
  - (iii) That staff be directed to forward a copy of the Code of Conduct, for signature by each volunteer member of the Hamilton Municipal Heritage Committee's Working Groups.
- (c) Proposed Amendments to the Hamilton Municipal Terms of Reference and Recruitment Process (Item 8.2(a))**
- (i) That the Proposed Amendments to the Hamilton Municipal Heritage Committee Terms of Reference and Recruitment Process, attached hereto as Appendix "A", be approved; and
  - (ii) That the information found in the Proposed Amendments to the Hamilton Municipal Terms of Reference and Recruitment Process be included in the call for volunteer members of the Hamilton Municipal Heritage Committee; effective for the 2018 application process and future terms.
- (d) Hamilton Municipal Heritage Committee Masonry Guidelines (Item 8.3)**

WHEREAS, the City of Hamilton is home to many historic buildings and structures constructed of masonry;

WHEREAS, the exposure to harsh weather conditions and building construction failure makes masonry susceptible to deterioration, requiring regular maintenance and often the need for alteration and restoration;

WHEREAS, heritage guidelines are useful reference tools for heritage planning staff, the Heritage Permit Review Subcommittee and Hamilton Municipal Heritage Committee (HMHC) for their processes of reviewing applications for alteration under the Ontario Heritage Act;

WHEREAS, these guidelines are an educational resource for heritage property owners, architects and contractors to carry out a successful masonry restoration; fulfilling the HMHC's mandate for public education and community outreach; and

WHEREAS, these guidelines follow the format of a preceding document entitled Heritage Window Guidelines; as approved by Hamilton City Council, on December 17, 2014;

THEREFORE, BE IT RESOLVED:

That the Heritage Masonry Guidelines, produced by the Policy and Design Working Group of the HMHC and attached hereto as Appendix "B", be approved.

**12. Fruitland Winona Secondary Plan – Block Servicing Strategy Completion (Block 2) (PED18203) (Ward 11) (Item 8.2)**

That Report PED18203 respecting Fruitland Winona Secondary Plan – Block Servicing Strategy Completion (Block 2), be received.

**13. Residential Drainage Assistance Program (Item 9.1)**

WHEREAS, in October 2011, Council approved staff report PED10091(d) creating Residential Drainage Assistance Program to help facilitate and advance solutions for drainage problems throughout the City;

WHEREAS, the main criteria of the program includes addressing properties that are located in the older areas of the City of Hamilton, where multiple properties are affected, and multiple flood events have occurred with significant drainage issues;

WHEREAS, most of the homes in the Rosedale Neighbourhood were originally constructed in the 1950s, prior to the existence of any formal grading policies;

WHEREAS, there is a history of chronic surface flooding on the properties bordering the homes on Charlotte Street and Erin Avenue during heavy rainfall events;

WHEREAS, staff have visited the aforementioned properties to verify the associate flooding problems and conclude the homes meet the council adopted criteria of the Residential Drainage Assistance Program;

WHEREAS, the Planning Committee approved a motion on May 16, 2017 directing staff to retain the services of a private engineering firm to conduct a phase 1 assessment of the drainage patterns between the properties of Charlotte Street and Erin Avenue; and

WHEREAS, the study has been completed and recommends the installation of a "below ground runoff storage pit" between the properties of 115 Charlotte Street,

125 Charlotte Street, 114 Erin Avenue, 120 Erin Avenue, and 126 Erin Avenue at an estimated cost of \$35,000;

THEREFORE, BE IT RESOLVED:

- (a) That in accordance with the Residential Drainage Assistance Program, Planning and Economic Development – Growth Management staff be directed to obtain 3 quotes for the installation of a “below ground runoff storage pit” between the properties of 115 Charlotte Street, 125 Charlotte Street, 114 Erin Avenue, 120 Erin Avenue, and 126 Erin Avenue at an estimated cost of \$35,000, coordinate the work with the affected homeowners, and implement the plan as recommended in the drainage assessment;
- (b) That the works be funded from the Ward 5 Area Rating Reserve (Account #108055);
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such term and conditions in a form satisfactory to the City Solicitor with respect to the improvements outlined in subsection (a).

**14. Private Retail Cannabis Stores (Item 9.2)**

**(Partridge/B. Johnson)**

WHEREAS, recreational cannabis will be legalized in Canada as of October 17, 2018;

WHEREAS, the Province of Ontario has indicated that the Ontario Cannabis Store website will be the only legal option for purchasing recreational cannabis once it becomes legalized on October 17, 2018;

WHEREAS, the Province of Ontario has indicated that it will be introducing legislation that would open up a regulated private retail model for cannabis that would launch by April 1, 2019;

WHEREAS, the Province of Ontario is currently consulting on the scope of its proposed legislation for a regulated private retail model for cannabis;

WHEREAS, the Province has indicated that the new legislation will include some form of “opt out clause” that municipalities may exercise within a very limited time window;

WHEREAS, it is not yet determined what regulatory authorities municipalities will have for the regulation of private retail cannabis stores other than their existing zoning powers which in Hamilton generally would permit this use in any commercially zoned property; and

WHEREAS, there will be a very limited amount of time for the City of Hamilton to put in place any local regulations with respect to private retail cannabis stores, including the potential use of the “opt-out clause”, prior to the opening of retail stores on April 1, 2019;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to prepare a report with recommendations with respect to the regulation of private retail cannabis stores in the City of Hamilton for the first Planning Committee meeting of the new term of Council;
- (b) That the report outline options for Council’s consideration for the potential application of the Province’s proposed “opt-out” clause;
- (c) That staff be directed to meet with the local interested proprietors to discuss the potential impacts on the private retail cannabis industry and that the input be used as a market sounding for inclusion in the report;
- (d) That the Mayor write to the Premier, appropriate Ministers and Ministries, and to the Association of Municipalities of Ontario, to communicate to them that it is the City’s position that the Province’s approach to the regulation of private cannabis retail stores in Ontario must ensure that municipalities have the ability to regulate the following in a manner that is appropriate to the municipality:
  - (i) separation distances from sensitive land uses such as parks, schools, daycares and healthcare facilities
  - (ii) over-concentration of dispensaries in one area of the city
  - (iii) the total number of dispensaries city-wide and within particular areas of the city
  - (iv) general issues of urban design such as location of entrances and transparency of facades
  - (v) on-site advertising and signage
  - (vi) hours of operation
  - (vii) property standards compliance
  - (viii) ability to restrict or prohibit operations by operators that routinely violate municipal standards such as noise, nuisance or property standards.

**15. Appeal to the Local Planning Appeal Tribunal (LPAT) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster) (Ward 12) (LS18004/PED18052) (Item 12.1)**

That the recommendations of Report LS18004/PED18052 respecting Appeal to the Local Planning Appeal Tribunal (LPAT) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster) be approved and remain confidential pending Council's approval.

**FOR INFORMATION:**

**(a) APPROVAL OF THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes:

**1. ADDED DELEGATION REQUESTS**

- 4.1 Alan Wilson, to oppose the planned throughfare of Cartier Crescent (For next meeting.)

**2. ITEM REMOVED**

- 6.4 Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464 and the City of Hamilton Zoning By-law No. 05-200, for Lands Located at 3331 Homestead Drive, Glanbrook (PED18197) (Ward 11) – **Will be on September 18, 2018 agenda.**

**3. ITEM 6.7**

- 6.7 Application to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands located at 154 Main Street East and 49 Walnut Street South, Hamilton (PED18196) (Ward 2)

- Staff have advised that Appendix "D" is REVISED.
- Added written comments:

6.7(a) Mary Margaret Kachurovsk, 175 Hunter Street East

6.7(b) Jessica Merolli, 166 Walnut St South

**4. ITEM 6.9**

6.9 Proposed Changes to the Official Plans and Zoning By-law No. 05-200 Relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (CI-18-H) (PED18194) (City Wide)

- Staff have advised that Appendix “C” is REVISED.
- Added written comments:

6.9(a) Signe Leisk, Cassels Brock Lawyers on behalf of The Green Organic Dutchman Ltd.

**5. ADDED WRITTEN COMMENTS**

6.10(a) Vince Farraiuolo, owner of 32 Parkside Drive, resubmitting the comments prepared by his agent, Terrance Glover of Urban in Mind respecting Item 6.10 To Repeal Official Plan Amendment By-law No. 107 and Approve Urban Official Plan Amendment; to Amend Zoning By-law No. 05-200; and to update all materials related to Draft Plan of Subdivision 25T-201507 to Correct Inadvertant Address Numbering Errors for Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6, Flamborough (PED18133(a)) (Ward 15)

**6. ADDED NOTICE OF MOTION**

10.1 Private Retail Cannabis Stores

**7. CHANGE TO THE OUTSTANDING BUSINESS LIST:**

11.1 Outstanding Business List

(a) Item requiring new due date:

Item "I" - That staff report back on any past resolutions or ongoing engagement between the HMHC and the property owners' surrounding the Gore and how these resolutions or ongoing dialogues may be affected as a result of proceeding with a Heritage Conservation District and the merits of a Heritage Conservation District.

Due Date: September 4, 2018

New due date: February 5, 2019

**8. ADDED WRITTEN COMMENTS**

6.2(a) Pitman Patterson, Borden Ladner Gervais on behalf of Wilstar



Management Limited respecting Item 6.2 Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 925 Main Street West and 150 Longwood Road South (PED18199) (Ward 1)

The agenda for the September 4, 2018 meeting was approved, as amended.

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

Mayor Eisenberger declared an interest with respect to Items 6.9 and 10.1 as he is an investor in the cannabis industry.

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

**(i) August 14, 2018 (Item 3.1)**

The Minutes of the August 14, 2018 meeting were approved.

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

The following delegation request was approved to address Committee at the September 18, 2018 meeting:

- (i) Alan Wilson, to oppose the planned throughfare of Cartier Crescent (Item 4.1)

**(e) DELEGATIONS/PUBLIC HEARING (Item 6)**

**(i) Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) (PED18189) (Ward 12)) (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 Draft Plan of Condominium (Common Element), the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No member of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Stephen Fraser of A.J. Clarke and Associates Limited, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

Ward Councillor Ferguson was in attendance and indicated that he is in support of the applications.

The recommendations were amended by adding the following subsection (b) and re-lettering the balance:

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

For disposition of this matter refer to Item 2.

**(ii) Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 925 Main Street West and 150 Longwood Road South (PED18199) (Ward 1) (Item 6.2)**

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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**Written Comments**

6.2(a) Pitman Patterson, Borden Ladner Gervais on behalf of Wilstar Management Limited

The added written comments 6.2(a) were received.

Adam Lucas, 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.

Chair A. Johnson relinquished the Chair to Vice-Chair Farr.

The staff presentation was received.

Sergio Manchia from UrbanSolutions Planning and Land Development Consultants, representing the applicant addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The agent's presentation was received.

### **Registered Speakers**

**1. Gordon McNulty, Hamilton Naturalists Club**

Gordon McNulty addressed Committee and expressed concerns with the project.

A copy of his letter was distributed and a copy is available for viewing on the City's website.

The delegation was received.

**2. John Terpstra, 62 Locke Street North**

John Terpstra addressed Committee and expressed concerns with the project.

A copy of his letter was distributed and a copy is available for viewing on the City's website.

The delegation was received.

**3. Dr. Lynda Lukasik, Environment Hamilton**

Dr. Lukasik addressed Committee and expressed concerns with the project.

The delegation was received.

**4. Jordana Helfand, 982 Main Street West**

Jordana Helfand addressed Committee and described the impacts of living near Columbia College.

The delegation was received.

**5. Matias Rozenberg, 87 Wilson Street**

Matias Rozenberg addressed Committee and expressed his concerns with the proposal and believes that more time is required for consideration of this matter.

The delegation was received.

That the report be TABLED until the September 18, 2018 meeting in order to continue the public meeting.

This motion was DEFEATED on the following standing recorded vote:

Yeas:	A. Johnson, B. Johnson, M. Green
Total:	3
Nays:	D. Conley, M. Pearson, J. Partridge, F. Eisenberger, J. Farr, T. Anderson, C. Collins
Total:	7
Absent	R. Pasuta
Total:	1

The recommendations were amended by adding the following subsection (c):

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

The main motion, as amended, CARRIED on the following standing recorded vote:

Yeas:	D. Conley, M. Pearson, J. Partridge, F. Eisenberger, J. Farr, T. Anderson, C. Collins
Total:	7
Nays:	A. Johnson, B. Johnson, M. Green
Total:	3
Absent	R. Pasuta
Total:	1

For disposition of this matter refer to Item 3.

Chair A. Johnson assumed the Chair.

**(iii) Applications to Amend the City of Hamilton Rural Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 163 and 167 Highway No. 5 West, Flamborough (PED18161) (Ward 15) (Item 6.3)**

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 Amendments 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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

John Ariens of IBI Group was in attendance representing the applicant and advised that the applicant is in support of the staff report.

The recommendations were amended by adding the following subsection (c):

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

For disposition of this matter refer to Item 4.

- (iv) Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464 and the City of Hamilton Zoning By-law No. 05-200, for Lands Located at 3331 Homestead Drive, Glanbrook (PED18197) (Ward 11 (Item 6.4))**

This Item was removed under changes to the agenda and will be included on the September 18, 2018 agenda.

- (v) Application to Amend the Town of Flamborough Zoning By-law No. 90- 145-Z for Lands Located at 5 Hamilton Street North, Flamborough (PED18179) (Ward 15 (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 Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal

Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Jared Marcus of IBI Group was in attendance representing the applicant. Mr. Marcus indicated that the applicant is in agreement with the staff report.

The recommendations were amended by adding the following subsection (c):

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

For disposition of this matter refer to Item 5.

**(vi) Application for a Zoning By-law Amendment for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4) (Item 6.6)**

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 Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Cheryl Selig of T. Johns Consulting Group Limited and Sylvia Harris of Indwell Community Homes were in attendance. Ms. Selig advised that the owners are in agreement with the staff report.

Graham Cubitt, Director of Projects and Development for Indwell Community Homes addressed Committee with the aid of a PowerPoint presentation and a copy is available for viewing on the City's website.

The recommendations were amended by adding the following subsection (c):

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

For disposition of this matter refer to Item 6.

**(vii) Application to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands located at 154 Main Street East and 49 Walnut Street South, Hamilton (PED18196) (Ward 2) (Item 6.7)**

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 Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**Written Comments**

6.7(a) Mary Margaret Kachurowsk, 175 Hunter Street East

6.7(b) Jessica Merolli, 166 Walnut St South.

The added written comments, Item 6.7(a) and 6.7(b) were received.

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

The staff presentation was received.

Sergio Manchia from UrbanSolutions Planning and Land Development Consultants, representing the applicant responded to questions from Committee with the aid of some photographic images.

The agent's presentation was received.

**Registered Speakers**

**1. Chris Labenski, 3 – 96 Victoria Avenue North**

Chris Labenski was unable to attend

**2. Nicole Smith, 6 Foster Street**

Nicole Smith addressed Committee and expressed her concerns with this proposal.

**3. Jessica Merolli, 166 Walnut Street South**

Jessica Merolli was unable to attend

**4. David Capizzano, 150 Charlton Avenue West**

David Capizzano addressed Committee with the aid of a PowerPoint presentation and expressed concerns with the proposed building materials. The presentation is available for viewing on the City's website.

**4. Taras Hemon, 71 Walnut Street South**

Taras Hemon addressed Committee and spoke in support of the proposal but requested that the City continue to promote affordable housing.

All the delegations were received.

The public meeting was closed.

The recommendations were amended by adding the following subsection (d):

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

For disposition of this matter refer to Item 7.

**(viii) Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) (Item 6.8)**

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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, 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 of the presentation is available for viewing on the City's website. He noted the following correction to subsection (d)(ii) of the recommendations:

- (d)(ii) That the owner be responsible for ~~all~~ **50% of** the costs for designing the Woonerf to the satisfaction of the Director of ~~Transportation Planning and Parking~~ **Growth Management**,

The staff presentation was received.

Nancy Frieday of Wellings Planning Consultants Inc. representing the applicant was in attendance. Ms. Frieday addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The agent's presentation was received.

### **Registered Speakers**

**1. Matias Rozenberg, 87 Wilson Street**

Matias Rozenberg addressed Committee and advised that he supports the development but expressed some personal concerns.

**2. Rob Fiedler, Beasley Neighbourhood Association**

Rob Fiedler of the Beasley Neighbourhood Association spoke in support of the proposal and confirmed the Association's desire to continue to be engaged in planning matters.

**3. Matt Johnston, UrbanSolutions Planning and Land Development Consultants Inc.**

Matt Johnston, representing Kaneff Properties Limited, owner of 80 John Street North, addressed Committee and referenced their letter sent to Council outlining concerns with the proposal. He submitted a copy to the Clerk for the public record.

**4. David Premi, DPAI Architecture Inc.**

David Premi, the project architect addressed Committee outlining the proposed design of the building.

The delegations were received.

The public meeting was closed.

(a) Subsection (d)(ii) was amended as outlined below:

(d)(ii) That the owner be responsible for ~~all~~ 50% of the costs for designing the Woonerf to the satisfaction of the Director of ~~Transportation Planning and Parking~~ Growth Management;

(b) Ssubsection (e) was added as follows:

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

For disposition of this matter refer to Item 8.

Chair A. Johnson relinquished the Chair to Councillor J. Partridge.

**(ix) Proposed Changes to the Official Plans and Zoning By-law No. 05-200 Relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (CI-18-H) (PED18194) (City Wide) (Item 6.9)**

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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**Written Comments**

6.9(a) Signe Leisk, Cassels Brock Lawyers on behalf of The Green Organic Dutchman Ltd.

The added written comments Item 6.9(a) were received.

Joanne Hickey Evans, Manager 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.

The staff presentation was received.

### Registered Speakers

**1. John Ariens, IBI Group on behalf of The Green Organic Dutchman**

John Ariens addressed Committee on behalf of the Green Organic Dutchman and opposed the proposed 150 metres setbacks and some of the performance standards in the amending by-law. He referenced the letter in 6.9(a).

The delegation was received

**2. Marc Ripa, 1428 Sandhill Drive**

Marc Ripa addressed Committee and indicated that he is the owner of AB Laboratories and AB Ventures and he wishes to clarify some inaccuracies. The problems are caused by the "personal use production licence" holders not by the larger licensed producers.

The delegation was received

The public meeting was closed.

The recommendations were amended by adding the following subsection (d) and re-lettering the balance:

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

For disposition of this matter refer to Item 9 and information Item (h)(b).

Chair A. Johnson assumed the Chair.

- (x) **To Repeal Official Plan Amendment By-law No. 107 and Approve Urban Official Plan Amendment; to Amend Zoning By-law No. 05-200; and to update all materials related to Draft Plan of Subdivision 25T-201507 to Correct Inadvertant Address Numbering Errors for Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6, Flamborough (PED18133(a)) (Ward 15) (Item 6.10)**

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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

### **Written Comments**

6.10(a) Vince Farraiuolo, owner of 32 Parkside Drive, resubmitting the comments prepared by his agent, Terrance Glover of Urban in Mind

The added written comments Item 6.10(a) were received.

No members of the public came forward.

The public meeting was closed.

The recommendations were amended by adding the following subsection (d):

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

For disposition of this matter refer to Item 10.

## **(f) MOTIONS**

### **(i) Private Retail Cannabis Stores (Item 9.2)**

WHEREAS recreational cannabis will be legalized in Canada as of October 17, 2018;

WHEREAS the Province of Ontario has indicated that the Ontario Cannabis Store website will be the only legal option for purchasing recreational cannabis once it becomes legalized on October 17, 2018;

WHEREAS the Province of Ontario has indicated that it will be introducing legislation that would open up a regulated private retail model for cannabis that would launch by April 1, 2019;

WHEREAS the Province of Ontario is currently consulting on the scope of its proposed legislation for a regulated private retail model for cannabis;

WHEREAS the Province has indicated that the new legislation will include some form of “opt out clause” that municipalities may exercise within a very limited time window;

WHEREAS it is not yet determined what regulatory authorities municipalities will have for the regulation of private retail cannabis stores other than their existing zoning powers which in Hamilton generally would permit this use in any commercially zoned property; and

WHEREAS there will be a very limited amount of time for the City of Hamilton to put in place any local regulations with respect to private retail cannabis stores, including the potential use of the “opt-out clause”, prior to the opening of retail stores on April 1, 2019;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to prepare a report with recommendations with respect to the regulation of private retail cannabis stores in the City of Hamilton for the first Planning Committee meeting of the new term of Council;
- (b) That the report outline options for Council’s consideration for the potential application of the Province’s proposed “opt-out” clause;
- (c) That the Mayor write to the Premier, appropriate Ministers and Ministries, and to the Association of Municipalities of Ontario, to communicate to them that it is the City’s position that the Province’s approach to the regulation of private cannabis retail stores in Ontario must ensure that municipalities have the ability to regulate the following in a manner that is appropriate to the municipality:
  - (i) separation distances from sensitive land uses such as parks, schools, daycares and healthcare facilities
  - (ii) over-concentration of dispensaries in one area of the city
  - (iii) the total number of dispensaries city-wide and within particular areas of the city
  - (iv) general issues of urban design such as location of entrances and transparency of facades
  - (v) on-site advertising and signage
  - (vi) hours of operation
  - (vii) property standards compliance

- (viii) ability to restrict or prohibit operations by operators that routinely violate municipal standards such as noise, nuisance or property standards.

The following Subsection (c) was added and the balance was re-lettered accordingly:

- (c) That staff be directed to meet with the local interested proprietors to discuss the potential impacts on the private retail cannabis industry and that the input be used as a market sounding for inclusion in the report;

For disposition of this matter refer to Item 14.

**(g) NOTICES OF MOTION (Item 10)**

**(i) Private Retail Cannabis Stores (Added Item 10.1)**

Councillor Partridge introduced a Notice of Motion respecting Private Retail Cannabis Stores.

The rules of order were waived in order to allow for the introduction of a Motion respecting Private Retail Cannabis Stores.

For disposition of this matter refer to Information Item (f)(i).

**(h) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

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

- (a) That the following new due date was approved:

Item "I" - That staff report back on any past resolutions or ongoing engagement between the HMHC and the property owners' surrounding the Gore and how these resolutions or ongoing dialogues may be affected as a result of proceeding with a Heritage Conservation District and the merits of a Heritage Conservation District.

Due Date: September 4, 2018

New due date: February 5, 2019

- (b) The following Item was identified as completed and removed:

Item "N"(a) - That Planning staff consult with Fed & Prov departs & ministries re: the regulatory and land use planning framework for the marijuana industry; (b) - That staff review & report back on the

revisions to the Ec Dev Strategy, OP Policies and Zoning Regs re: medical & recreational marijuana production, distribution and sales; (c) - That until the review is completed that any apps for relief or deviation from the zoning by-law regs within the rural area be considered premature. (Item 9)

**(i) PRIVATE AND CONFIDENTIAL (Item 12)**

Committee approved the following Item without moving into Closed Session:

- (i) Appeal to the Local Planning Appeal Tribunal (LPAT) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law NO. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster) (LS18004/PED18052) Ward 12 (Distributed under separate cover) (Distributed under separate cover.) (Item 12.1)**

For disposition of the matter refer to Item 15.

**(j) ADJOURNMENT (Item 13)**

There being no further business, the Planning Committee was adjourned at 5:05 p.m.

Respectfully submitted,

Councillor A. Johnson  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk





**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South  
Owned By 1970703 Ontario Inc.**

- |                                     |   |
|-------------------------------------|---|
| above the 7 <sup>th</sup><br>storey | base façade height, and 3.0 metres from the easterly side building base façade height.  |
| c) Minimum Stepback                 | <p>ii) That the building base façade height shall be 24.0 metres, except for that portion of the building that is located within 40.9 metres from the Jackson Street East lot line which shall have a building base façade height of 22.0 metres.</p> <p>The following additional stepback shall be required for any portion of a building exceeding 44.0 metres in height:</p> <p>i) Minimum of 6.5 metres from a lot line abutting a laneway.</p> <p>ii) Minimum of 6.0 metres from all side and rear lot lines except any flankage lot line.</p> |
| d) Maximum Lot Coverage             | <b>91.6%</b>  |
| e) Parking                          | No parking space shall be less than 2.7 metres in width by 6.0 metres in length.  |
| f) Bicycle Parking                  | 12 short term bicycle parking spaces for all uses.  |
4. That Schedule D – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

For the lands zoned "Downtown Central Business District (D1, 702, H107) Zone, on Maps 952 and 953 of Schedule A – Zoning Maps, and described as 154 Main Street East and 49 Walnut Street South (Hamilton), the H Symbol applicable to the lands referred to in Section 1 of this By-law shall prohibit development of the lands and shall be removed condition upon:

- (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South  
Owned By 1970703 Ontario Inc.**

Environment and Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee; and,

- (b) The Owner purchase the alleyway required to implement the proposed development and merge the lands on title with the balance of the lands, to the satisfaction of the Director of Planning and Chief Planner.
5. That Schedule F" – Figure 1 of By-law 05-200 be amended by identifying the lands shown in Schedule "A" with a maximum height of 80 metres.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law, in accordance with the Planning Act.
7. That this By-law No. 18\_\_\_\_\_ shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

**PASSED** this \_\_\_\_\_ , 2018

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F. Eisenberger  
Mayor

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Janet Pilon  
Acting City Clerk

UHOPA-18-018 and ZAR-17-074

**To Amend Zoning By-law No. 05-200  
 Respecting Lands Located at 154 Main Street East and 49 Walnut Street South  
 Owned By 1970703 Ontario Inc.**



This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	_____ Mayor  _____ Clerk
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<h2 style="margin: 0;">Schedule "A"</h2>  <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3>  <p style="margin: 0;">to Amend By-law No. 05-200 Maps 953 &amp; 995</p>	<p><b>Subject Property</b>                  154 Main Street East &amp; 49 Walnut Street South</p> <p> Change in Zoning from the Downtown Central Business District (D1, H17, H18, H20) Zone to the Downtown Central Business District (D1, 702, H17, H107) Zone Holding</p>
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Scale: N.T.S.	File Name/Number: ZAR-17-074/UHOPA-18-018	 Hamilton
Date: July 26, 2017	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South  
Owned By 1970703 Ontario Inc.**

*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? No

Committee: Chair and Members      Report No.: PED18196      Date: 09/04/2018

Ward(s) or City Wide: Ward: 2      (MM/DD/YYYY)

Prepared by: Daniel Barnett      Phone No: 905-546-2424 ext. 4445

*For Office Use Only, this doesn't appear in the by-law*

Authority: Item ,  
Report (PED18194)  
CM:  
Wards: City Wide

Bill No.

## CITY OF HAMILTON

BY-LAW NO. 18-\_\_\_\_

### **To Amend Zoning By-law No. 05-200 Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing and Harvesting Facilities**

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*, S.O. 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 first stage of the new Zoning By law, being By-law No. 05-200, came into force on the 25<sup>th</sup> day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item x of Report PED18194 of the Planning Committee, at its meeting held on the xx day of xx, 2018, 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, upon approval of Official Plan Amendment No. xx.

WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan, upon approval of Official Plan Amendment No. xx.

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

1. That SECTION 3: DEFINITIONS of By-law No. 05-200 is hereby amended as follows:
  - 1.1 That the definition of **Agricultural Processing Establishment - Stand Alone** be amended by adding the words "or processing of cannabis products" after the words "Agricultural Brewery/Cidery/Winery".
  - 1.2 That the definition of **Agriculture** be amended by deleting the words "medical marihuana" and replacing with "cannabis";

**To Amend Zoning By-law No. 05-200  
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing  
and Harvesting Facilities**

- 1.3 That the definition of **Medical Marihuana Growing and Harvesting Facility** be deleted and replaced with the following new definition

**"Cannabis Growing and Harvesting Facility** shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law. "

- 1.4 That the definition of **Urban Farm** be amended by deleting the words "medical marihuana" and replacing with "cannabis".

2. That SECTION 5: PARKING be amended as follows:

- 2.1. That Subsection 5.6 vi be amended by deleting the words "medical marihuana" and replacing them with "cannabis".

3. That SECTION 9: INDUSTRIAL ZONES be amended as follows:

- 3.1 That Subsection 9.2.1 - PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".

- 3.2 That Subsection 9.2.3 I) - Additional Regulations For Medical Marihuana Growing and Harvesting Facility be amended by:

a) deleting the words "medical marihuana" and replacing them with the word "cannabis";

b) amending clause ii) to delete "h)" and replace it with "i); and,

c) adding the following new clause as iii) :

"iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."

- 3.3 That Subsection 9.3.1 - PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".

- 3.4 That Subsection 9.3.3 s) - Additional Regulations For Medical Marihuana Growing And Harvesting Facility be amended by:

a) deleting the words "medical marihuana" and replacing them with the word "cannabis";

**To Amend Zoning By-law No. 05-200  
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing  
and Harvesting Facilities**

- b) amending clause ii) to delete "m)" and replace it with "o); and,
  - c) adding the following new clause as iii) :
    - "iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."
- 3.5 That Subsection 9.5.1 - PERMITTED USES is amended deleting the words "medical marihuana" and replacing it with the word "cannabis".
- 3.6 That Subsection 9.5.3 k) - Additional Regulations For Medical Marihuana Growing And Harvesting Facility be amended by:
- a) deleting the words "medical marihuana" and replacing them with the word "cannabis"; and,
  - b) deleting the existing clause iii) and replacing it with a new clause as iii) :
    - "iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."
- 3.7 That Subsection 9.6.1 – PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".
- 3.8 That Subsection 9.6.3 s) - Additional Regulations for Medical Marihuana Growing and Harvesting Facility be amended by:
- a) deleting the words "medical marihuana" and replacing them with the word "cannabis"; and,
  - b) delete clause iii) and replace it with the following new clause :
    - "iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."
- 3.9. That Subsection 9.10.1– PERMITTED USES be amended by adding the following three new uses alphabetically:

**To Amend Zoning By-law No. 05-200  
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing  
and Harvesting Facilities**

- a) Aquaponics;
- b) Greenhouse; and,
- c) Cannabis Growing and Harvesting Facility

3.10 That Subsection 9.10.2 I) – PROHIBITED USES be amended by deleting “agricultural greenhouse”;

3.11. That Subsection 9.10.3 - REGULATIONS be amended by adding the following new provisions and renumbering the subsequent clauses:

m) Additional Regulations for Cannabis Growing and Harvesting Facility	In addition to the regulations of Section 9.10.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.10.3 g), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.10.3 I), no retail sales shall be permitted.
	iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone.“

3.12. That Subsection 9.11.1- PERMITTED USES be amended by adding the following threes new uses alphabetically:

- a) Aquaponics;
- b) Greenhouse; and,
- c) Cannabis Growing and Harvesting Facility

3.13 That Subsection 9.11.2. iii) be deleted in its entirety and renumber the subsequent clause.

3.14. That Subsection 9.11.3 - REGULATIONS be amended by adding the following new provisions and renumbering the subsequent clauses:



**To Amend Zoning By-law No. 05-200  
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing  
and Harvesting Facilities**

o) Additional Regulations for Cannabis Growing and Harvesting Facility	In addition to the regulations of Section 9.11.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.11.3 m), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.11.3 o), No retail sales shall be permitted.
	iii) Notwithstanding Section 412 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone. “. ”

3.15 That Subsection 9.12.3.1 m) - Additional Regulations for Medical Marihuana Growing and Harvesting Facility be amended by:

- a) deleting the words “medical marihuana” and replacing them with “cannabis”;
- b) deleting “20” and replacing it with “30” in clause iii);
- c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:

“iii) The testing, packaging, and shipping shall be accessory to the cannabis growing and harvesting facility.

iv) Notwithstanding Section 4.12 c), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:

- 1. any portion of a lot line abutting a Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zones; or
- 2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, or day care and park.”

**To Amend Zoning By-law No. 05-200  
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing  
and Harvesting Facilities**

4. That SECTION 12: RURAL ZONES be amended as follows:
- 4.1 That Subsection 12.1.3.1 m) - Medical Marihuana Growing and Harvesting Facility be amended by:
- a) deleting the words "medical marihuana" and replacing them with "cannabis";
  - b) deleting "20" and replacing it with "30" in clause iii);
  - c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:
    - "iii) The testing, packaging, and shipping shall be accessory to the Cannabis Growing and Harvesting Facility.
    - iv) **Notwithstanding Section 4.12 d), any** building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:
      - 1. any portion of a lot line abutting a Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zone; or,
      - 2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, or day care and park."
- 4.2 That Subsection 12.2.3.1 m) - Medical Marihuana Growing and Harvesting Facility be amended by:
- a) deleting the words "medical marihuana" and replacing them with "cannabis";
  - b) deleting "20" and replacing it with "30" in clause iii);
  - c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:
    - "iii) The testing, packaging, and shipping shall be accessory to the Cannabis Growing and Harvesting Facility.

**To Amend Zoning By-law No. 05-200  
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing  
and Harvesting Facilities**

- iv) Notwithstanding Section 4.12 d), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:
1. any portion of a lot line abutting a Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zone; or,
  2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, or day care and park.”.

5.0 That Schedule "C" – SPECIAL EXCEPTIONS is amended by:

- a) That Special Exceptions 271 and 459 be amended by deleting the words "medical marihuana" and replacing them with "cannabis";

6.0 That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*.

7.0 That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this \_ day of \_\_\_\_\_, 2018

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F. Eisenberger  
Mayor

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Janet Pilon  
Acting City Clerk

**To Amend Zoning By-law No. 05-200  
Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing  
and Harvesting Facilities**

*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: Chair and Members      Report No.: PED18194      Date: 09/04/2018

Ward(s) or City Wide: City Wide      (MM/DD/YYYY)

Prepared by: Joanne Hickey Evans      Phone No: 905-546-2424 ext.1282

*For Office Use Only, this doesn't appear in the by-law*



## **GENERAL ISSUES COMMITTEE REPORT 18-017**

9:30 a.m.

Wednesday, September 5, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Mayor F. Eisenberger, Deputy Mayor T. Whitehead (Chair)  
Councillors T. Anderson, T. Jackson, C. Collins, S. Merulla,  
M. Green, J. Farr, D. Conley, M. Pearson, B. Johnson, L. Ferguson,  
A. VanderBeek, J. Partridge

**Absent with  
Regrets:** Councillors A. Johnson, R. Pasuta – Personal

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 18-017 AND RESPECTFULLY RECOMMENDS:**

**1. Downtown Hamilton Business Improvement Area (BIA) Revised Board of  
Management (PED16059(c)) (Ward 2) (Item 5.1)**

That the following individual be appointed to the Downtown Hamilton Business Improvement Area (BIA) Board of Management:

- (i) Lisa LaRocca

**2. Hamilton Community Heritage Fund Loan Program - 31-33 Melville Street,  
Dundas (PED18201) (Ward 13) (Item 5.2)**

- (a) That a conditional loan commitment totalling \$20,340.00 for Margaret Ellen Boyce, the registered owner of the property at 31-33 Melville Street, Dundas, be authorized and approved, in accordance with the terms and conditions of the Hamilton Community Heritage Fund Loan Program;
- (b) That the property owner of 31-33 Melville Street, Dundas, and the City of Hamilton enter into a Heritage Conservation Easement Agreement;

- (c) That the Mayor and City Clerk be authorized and directed to execute a loan agreement together with any ancillary documentation required, to give effect to the conditional loan commitment totalling \$20,340.00 for Margaret Ellen Boyce, the registered owner of the property at 31-33 Melville Street, Dundas, in a form satisfactory to the City Solicitor;
- (d) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements for 31-33 Melville Street, Dundas, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Community Heritage Fund Loan Program are maintained, in a form satisfactory to the City Solicitor; and,
- (e) That a copy of Report PED18201, respecting Hamilton Community Heritage Fund Loan Program - 31-33 Melville Street, Dundas, be forwarded to the Hamilton Municipal Heritage Committee for information.

**3. Establishment of the City of Hamilton's Advisory (Volunteer) and Sub-Committees (CL18010) (City Wide) (Item 8.2)**

- (a) That the following Sub-Committees, be disbanded:
  - (i) NHL/AHL/OHL Proposal Sub-Committee;
  - (ii) Pan Am Stadium Precinct Sub-Committee;
  - (iii) Sesquicentennial Steering Committee;
  - (iv) Service Channel Integration Sub-Committee;
  - (v) Tow Truck Licensing Sub-Committee; and,
  - (vi) Hess Village Community Liaison Committee;
- (b) That the Advisory (Volunteer) Committees, outlined in Appendix "A" to Report 18-017, be established for the 2018-2022 term of Council; and,
- (c) That the Sub-Committees, outlined in Appendix "B" to Report 18-017, be established for the 2018-2022 term of Council.

- 4. School Board Properties Sub-Committee Report 18-001, August 29, 2018 (Item 8.3)**
  - (a) Hamilton-Wentworth District School Board Property at 300 Albright Road, Hamilton (PED18175) (Ward 5) (Item 8.1)**
    - (i) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has no interest in acquiring its property located at 300 Albright Road, as shown on Appendix “A” to School Board Properties Sub-Committee Report 18-001; and,
    - (ii) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board of the City of Hamilton’s site development requirements as identified in Appendix “C” to Report 18-017.
  - (b) Hamilton-Wentworth Catholic District School Board Property at 185 Kenilworth Avenue North, Hamilton (PED18207) (Ward 4) (Item 8.2)**
    - (i) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth Catholic District School Board (HWCDSB) that the City of Hamilton has no interest in acquiring its property located at 185 Kenilworth Avenue North, Hamilton, (190 Britannia Avenue), as shown on Appendix “C” to School Board Properties Sub-Committee Report 18-001;
    - (ii) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth Catholic District School Board (HWCDSB) of the City of Hamilton’s site development requirements as identified in Appendix “D” to Report 18-017; and,
    - (iii) That the City supports the property located at 185 Kenilworth Avenue North (190 Britannia Avenue) becoming surplus and for public sale on the condition that the property is severed to have a Kenilworth Avenue North address to facilitate a sale of the property for highest use and incentives that exist on Kenilworth Avenue North through the Barton Kenilworth study recommendations.

- (iv) That Item 3 to the School Board Property Sub-Committee Report 18-003, respecting Report PED18208, Hamilton-Wentworth District School Board Property at 4 Vickers Road, Hamilton, which reads as follows, be referred to the September 12, 2018 meeting of Council for consideration, pending additional information from staff at Council:
- (c) Hamilton-Wentworth District School Board Property at 4 Vickers Road, Hamilton (PED18208) (Ward 7) (Item 8.3)
  - (i) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 4 Vickers Road, as shown on Appendix “E” to School Board Properties Sub-Committee Report 18-001; and,
  - (ii) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City of Hamilton’s site development requirements as identified in Appendix “F” to School Board Properties Sub-Committee Report 18-001.

**5. New Cellular Water Tower Licence at Binbrook Park, 3262 Binbrook Road, Hamilton (PED18177) (Ward 11) (Item 8.4)**

- (a) That the lands designated as Part of Parts 1, 2 and 3, on Plan 62R-16049, forming part of 3262 Binbrook Road, Binbrook Park, Hamilton, being Part of PIN 17384-0650 (LT) having an area of approximately 60 sq. meters as shown in Appendix “A” to Report PED18177, be declared surplus to the requirements of the City of Hamilton in accordance with Procedural By-law 14-204 for the purposes of a temporary easement;
- (b) That an Offer to Purchase (Easement) by Rogers Communications Inc., scheduled to close on or before October 1, 2018, for the temporary easement of land described in Recommendation (a) to Report PED18177, be approved and completed at the price of \$2 (excluding HST);
- (c) That a Licence with Rogers Communications Inc. over the land described as Part of Part 1, on Plan 62R-16049, substantially based on terms and conditions attached as Appendix “B” to Report PED18177, and any other terms and conditions deemed appropriate to the General Manager, Planning and Economic Development Department, be approved;



- (d) That a right-of-way for Rogers Communications Inc. over the land described as Part of Parts 1, 2 and 3, on Plan 62R-16049 to provide vehicular access to the tower compound area be approved;
- (e) That the license proceeds be credited to Account No. 48300-3301609611;
- (f) That any costs related to the license, including real estate and legal fees (\$7,700) be funded from Account No. 48300-3301609611 and credited to Account No. 45408-812036;
- (g) That the General Manager, Planning and Economic Development Department, or designate, acting on behalf of the City as landlord, be authorized to provide any consents, approvals and notices related to the License Agreement outlined herein;
- (h) That the Mayor and City Clerk be authorized and directed to execute the necessary documents, respecting the lands designated as Part of Parts 1, 2 and 3, on Plan 62R-16049, forming part of 3262 Binbrook Road, Binbrook Park, Hamilton, being Part of PIN 17384-0650 (LT) having an area of approximately 60 sq. meters as shown in Appendix "A" to Report PED18177 in a form satisfactory to the City Solicitor; and,
- (i) That Appendix "B" to Report PED18177, respecting the New Cellular Water Tower Licence at Binbrook Park, 3262 Binbrook Road, Hamilton, remain confidential until completion of the real estate transaction.

**6. New Cellular Ground Tower Lease at Parkdale Park, 1770 Main Street East, Hamilton (PED18178) (Ward 4) (Item 8.5)**

- (a) That the lands designated as Part 2 on Draft Plan #1815-199-00, forming part of 1770 Main Street East, Parkdale Park, Hamilton, being Part of PIN 17266-0107 (LT) having an area of approximately 350 sq. meters, as shown in Appendix "A" to Report PED18178, be declared surplus to the requirements of the City of Hamilton in accordance with Procedural By-law 14-204 for the purposes of a temporary easement;
- (b) That an Offer to Purchase (Easement) by Rogers Communications Inc., scheduled to close on or before September 1, 2018, for the temporary easement of land described in Recommendation (a) to Report PED18178, be approved and completed at the price of \$2 (excluding HST);
- (c) That a Lease with Rogers Communications Inc., over the land described as Part 1, Draft Plan #1815-199-00 to erect a 30 meters high cell tower, a flagpole capable of co-sharing with another carrier, substantially based on terms and conditions attached as Appendix "B" to Report PED18178, and

any other terms and conditions deemed appropriate to the General Manager, Planning and Economic Development Department, be approved, in a form satisfactory to the City Solicitor;

- (d) That a Right-of-Way for Rogers Communications Inc. over the land described as Part 2, Draft Plan #1815-199-00 to provide vehicular access to the tower compound area be approved;
- (e) That the Lease proceeds be credited to Account No. 48300-3301609604;
- (f) That any costs related to the Lease, including Real Estate and Legal Fees (\$7,700) be funded from Account No. 48300-3301609610 and credited to Account No. 45408-812036;
- (g) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as landlord, be authorized to provide any consents, approvals and notices related to the Licence Agreement outlined herein, in a form satisfactory to the City Solicitor;
- (h) That the Mayor and City Clerk be authorized and directed to execute the necessary documents, respecting the lands designated as Part 2 on Draft Plan #1815-199-00, forming part of 1770 Main Street East, Parkdale Park, Hamilton, being Part of PIN 17266-0107 (LT) having an area of approximately 350 sq. meters as shown in Appendix "A" to Report PED18178 in a form satisfactory to the City Solicitor; and,
- (i) That Appendix "B" to Report PED18178, respecting New Cellular Ground Tower Lease at Parkdale Park, 1770 Main Street East, Hamilton, remain confidential until completion of the real estate transaction.

**7. Acquisition of 7 Third Private Road, Stoney Creek, Cherry Beach Land Assembly (PED18198) (Ward 10) (Item 8.6)**

- (a) That an Option to Purchase between the City of Hamilton and John Doucette, scheduled to close on or before November 16, 2018, for the purchase of land described as Part of Lot 18, Broken Front Concession, former Township of Saltfleet, Municipally known as 7 Third Private Road, shown in Appendix "A" to Report PED18198, based substantially on the financial details set out in Appendix "B" of Report PED18198, and on such other terms and conditions deemed appropriate by the General Manager of the Planning and Economic Development Department, be approved and completed, in a form satisfactory to the City Solicitor;
- (b) That all costs related to the acquisition of the property be funded from Capital Account No. 4401356107, as outlined in Appendix "B" to Report PED18198, be approved;

- (c) That the City Solicitor be authorized and directed to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, and other dates, and amending and waiving terms and conditions to such terms as considered reasonable;
- (d) That the Mayor and City Clerk be authorized to execute any necessary documents, respecting the Option to Purchase between the City of Hamilton and John Doucette, scheduled to close on or before November 16, 2018, for the purchase of land described as Part of Lot 18, Broken Front Concession, former Township of Saltfleet, municipally known as 7 Third Private Road, shown in Appendix "A" to Report PED18198, in a form satisfactory to the Solicitor; and,
- (e) That Appendix "B" to Report PED18198 respecting the Acquisition of 7 Third Private Road, Stoney Creek, Cherry Beach Land Assembly, remain confidential until final completion of the property transaction.

**8. Transfer of Responsibilities and FTE, Major Project Delivery (PED18187) (City Wide) (Item 8.7)**

- (a) That the recommendations, outlined in Appendix "A" to Report PED18187, respecting Transfer of Responsibilities and FTE, Major Project Delivery, be approved; and,
- (b) That the recommendations, outlined in Appendix "A" to Report PED18187, respecting Transfer of Responsibilities and FTE, Major Project Delivery, remain confidential until approved by Council.

**9. West Harbour Strategic Initiatives Pier 8 Capital Works Tenders (PW18079) (City Wide) (Item 8.8)**

That staff be authorized and directed to award tenders for 100% of the previously approved Capital works, in the amount of \$35.8M, on Pier 8 for the following projects in 2018:

- (a) Project ID 4411606105 - Pier 8 Shorewall Rehabilitation (Approved Budget \$13.1M);
- (b) Project ID 4411506103 - Pier 8 Sanitary Pumping Station (Approved Budget \$5.9M);
- (c) Project ID 4411706101 - Pier 8 Servicing (Approved Budget \$8.8M); and,
- (d) Project ID 4411606106 - Pier 8 Promenade Park (Approved Budget \$8M).

**10. Redevelopment / Reuse of the former King George School Site, at 77 Gage Avenue North, Hamilton (Item 9.1)**

WHEREAS, the City has identified its interest in the former King George School property located at 77 Gage Avenue North, Hamilton, to repurpose the site as a potential location for a major educational institution and/or local hub for community groups;

WHEREAS, the City of Hamilton acquired the property known as former King George School property located at 77 Gage Avenue North, Hamilton on March 15, 2018;

WHEREAS, the Ministry of Education provided funding for a community-based Early Years Program including a EarlyON Centre and Child Care Centre, to be operational by December 2020;

WHEREAS, the Hamilton Public Library (HPL) has an interest in locating future branches strategically, in partnership with complementary institutions and services and the proximity of the site to the new secondary school presents a unique opportunity to support youth learning and engagement, and would provide a collaborative, creative space;

WHEREAS the HPL is interested in exploring which public library services are best suited to the surrounding community and this site; and

WHEREAS the Ontario College of Art and Design (OCAD) has expressed interest in establishing a presence in Hamilton related to skills development and continuing education targeted at youth in the arts and culture sector;

THEREFORE, BE IT RESOLVED:

- (a) That Public Works Facilities staff be directed to undertake a two-phased redevelopment study for the former King George School site, at 77 Gage Avenue North, Hamilton, which would include a general building condition assessment in the first phase, and a study of the improvements that would be required to the school to support the identified uses as well as an operating plan in the second phase and report back to the Public Works Committee;
- (b) That the funding for the two-phased redevelopment study, for the former King George School site, at 77 Gage Avenue North, Hamilton, to a maximum of \$250,000 be funded from the Ward 3 Special Capital Reinvestment Reserve #108053;
- (c) That staff from the Neighbourhood Development Section of the Healthy and Safe Communities Department and the Tourism and Culture Division of the Planning and Economic Development Department establish a Task Force to

inform the development of the operating plan for a hub at the former King George School site, 77 Gage Avenue North, Hamilton, which would include educational skills development and continuing education, targeted at youth in the arts and culture sector;

- (d) That the Task Force include representatives from the Ontario College of Art and Design, the Hamilton Public Library, the Hamilton Community Foundation, representatives of the local arts and culture sector, and the appropriate City staff; and,
- (e) That funding for the future implementation of a community hub at the former King George School at 77 Gage Avenue North, Hamilton, in the amount of \$750,000, be funded from the Ward 3 Special Capital Reinvestment Reserve #108053.

**11. Potential Development and Expansion Proposal at the John C. Munro International Airport (HIA) (PED18200) (City Wide) (Item 12.2)**

- (a) That the direction provided to staff in Closed Session, respecting Report PED18200, the Potential Development and Expansion Proposal at the John C. Munro International Airport (HIA), be approved; and,
- (b) That Report PED18200, respecting the Potential Development and Expansion Proposal at the John C. Munro International Airport (HIA), and its appendices, remain confidential.

**12. Pier 8 Development – LPAT Appeals of Zoning By-law Amendments 17-095/96 and Draft Plan of Subdivision Approval (LS18052) (Ward 2) (Item 12.3)**

- (a) That the direction provided to staff in Closed Session, respecting Report LS18052, Pier 8 Development – LPAT Appeals of Zoning By-law Amendments 17-095/96 and Draft Plan of Subdivision Approval, be approved; and,
- (b) That Report LS18052, Pier 8 Development – LPAT Appeals of Zoning By-law Amendments 17-095/96 and Draft Plan of Subdivision Approval, remain confidential.

**13. Bell Mobility Access Agreement (LS14001(c)/PW14006(c)) (City Wide) (Item 12.4)**

- (a) That the direction provided to staff in Closed Session, respecting Report LS14001(c)/PW14006(c), Bell Mobility Access Agreement, be approved; and,

- (b) That Report LS14001(c)/PW14006(c), Bell Mobility Access Agreement, remain confidential.

**14. Waterfront Lease Update (LS18053) (Ward 2) (Item 12.5)**

- (a) That the direction provided to staff in Closed Session, respecting Report LS18053, Waterfront Lease Update, be approved; and,
- (b) That Report LS18053, respecting the Waterfront Lease Update, and its appendix, remain confidential.

**15. DARTS 2018 Budget Mitigation (PW18078) (City Wide) (Item 12.6)**

- (a) That the direction provided to staff in Closed Session, respecting Report PW18078, DARTS 2018 Budget Mitigation, be approved; and,
- (b) That Report PW18078, DARTS 2018 Budget Mitigation, remain confidential.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

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

**1. DISCUSSION ITEMS (Item 8)**

- 8.4 New Cellular Water Tower Licence at Binbrook Park, 3262 Binbrook Road, Hamilton (PED18177) (Ward 11) (Item 8.4)

There is a typographical error on Page 2 of Report PED18177 and in the Appendix "B" to that report as well. On Page 2 under the Executive Summary, the compound area should read 60 sq. metres rather than 50 sq. meters as noted. The same error also occurs in Appendix "B" to that report. The official copies have been corrected.

- 8.8 West Harbour Strategic Initiatives Pier 8 Capital Works Tenders (PW18079) (City Wide)

Discussion of Appendix "A" to Report PW18079 in Closed Session would be pursuant to Section 239(2), Sub-sections (i) and (j) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter

pertains to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and, a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.

As well, there is a typographical error in subsection (d) of Report PW18079; the word "Approved" was inadvertently omitted from the phrase "(Budget 8M)". It should read "(Approved Budget 8M)". This has been corrected in the official copy.

The agenda for the September 5, 2018 General Issues Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**(i) August 13, 2018 (Item 3.1)**

The Minutes of the August 13, 2018 meeting of the General Issues Committee were approved, as presented.

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

**(i) Clinton Younge, MMJ Canada / LOST Organization, respecting the legalization of cannabis and what's potentially to come with all the new applications and existing retail dispensaries. (Item 4.1)**

The delegation request, submitted by Clinton Younge, MMJ Canada / LOST Organization, respecting the legalization of cannabis and what's potentially to come with all the new applications and existing retail dispensaries, was approved to appear before the General Issues Committee on September 19, 2018.

**(e) DISCUSSION ITEMS (Item 8)**

Item 8.1, being Report HUR18015 respecting a Hamilton Urban Fellowship Program, was deferred to the end of the Discussion Items on today's agenda to allow time for the appropriate staff to arrive.

**(i) Hamilton Urban Fellowship Program (HUR18015) (City Wide) (Item 8.1)**

Report HUR18015, respecting the Hamilton Urban Fellowship Program, was TABLED to the September 19, 2018 General Issues Committee, pending additional information from staff respecting a Toronto model with costing.

**(ii) New Cellular Ground Tower Lease at Pat Quinn Park, 1770 Main Street East, Hamilton (PED18178) (Ward 4) (Item 8.5)**

The report title and sub-sections (a) and (i) to Report PED18178, respecting a New Cellular Ground Tower Lease at Pat Quinn Park, 1770 Main Street East, Hamilton, was amended by deleting the words "Pat Quinn" and replacing them with the word "Parkdale" to properly reflect the name of the park, to read as follows:

**New Cellular Ground Tower Lease at ~~Pat Quinn~~ Parkdale Park, 1770 Main Street East, Hamilton (PED18178) (Ward 4) (Item 8.5)**

- (a) That the lands designated as Part 2 on Draft Plan #1815-199-00, forming part of 1770 Main Street East, ~~Pat Quinn~~ **Parkdale** Park, Hamilton, being Part of PIN 17266-0107 (LT) having an area of approximately 350 sq. m as shown in Appendix "A" to Report PED18178, be declared surplus to the requirements of the City of Hamilton in accordance with Procedural By-law 14-204 for the purposes of a temporary easement;
- (i) That Appendix "B" to Report PED18178, respecting the ground tower lease of part of 1770 Main Street East, ~~Pat Quinn~~ **Parkdale** Park remain confidential until completion of the real estate transaction.

**(f) GENERAL INFORMATION / OTHER BUSINESS (Item 11)**

**(i) Amendments to the Outstanding Business List (Item 11.1)**

As the matter respecting the Hamilton Urban Fellowship Program has been TABLED to the September 19, 2018 General Issues Committee, the matter shall remain on the Outstanding Business List.



The following amendment to the General Issues Committee's Outstanding Business List, as amended, was approved:

~~(a) Items to be removed:~~

~~(i) Hamilton Urban Fellowship Program  
(Addressed as Item 8.1 on today's agenda – HUR18015)~~

(b) Proposed New Due Dates:

(i) Cultural Plan Progress  
Current Due Date: December 12, 2018  
Proposed New Due Date: March 20, 2019

**(g) PRIVATE & CONFIDENTIAL (Item 12)**

**(i) Closed Session Minutes – August 13, 2018 (Item 12.1)**

Councillor Jackson advised that he was missing from the attendance of the Closed Session minutes.

The Clerk advised that those minutes would be corrected to reflect Councillor Jackson's attendance accordingly (for Items 12.5 and 12.6).

- (a) That the Closed Session Minutes of the August 13, 2018 General Issues Committee meeting, as amended, be approved; and,
- (b) That the Closed Session Minutes of the August 13, 2018 General Issues Committee meeting, as amended, remain confidential.

Committee moved into Closed Session respecting Items 12.2 to 12.6, pursuant to Section 8.1, Sub-sections (c), (e) and (f) of the City's Procedural By-law 14-300; and, Section 239(2), Sub-sections (c), (e), (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City purposes; litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(ii) Potential Development and Expansion Proposal at the John C. Munro International Airport (HIA) (PED18200) (City Wide) (Item 12.2)**

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 11.

**(iii) Pier 8 Development – LPAT Appeals of Zoning By-law Amendments 17-095/96 and Draft Plan of Subdivision Approval (LS18052) (Ward 2) (Item 12.3)**

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 12.

**(iv) Bell Mobility Access Agreement (LS14001(c)/PW14006(c)) (City Wide) (Item 12.4)**

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 13.

**(v) Waterfront Lease Update (LS18053) (Ward 2) (Item 12.5)**

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 14.

**(vi) DARTS 2018 Budget Mitigation (PW18078) (City Wide) (Item 12.6)**

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 15.

**(h) ADJOURNMENT (Item 13)**

There being no further business, the General Issues Committee adjourned at 11:48 a.m.

Respectfully submitted,

T. Whitehead, Deputy Mayor  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator  
Office of the City Clerk

**ADVISORY (VOLUNTEER) COMMITTEES TO BE ESTABLISHED  
2018-2022**

Advisory Committee for Immigrants and Refugees
Arts Advisory Commission
Committee Against Racism
Food Advisory Committee
Hamilton Aboriginal Advisory Committee
Hamilton Cycling Committee
Hamilton Status of Women Committee
Hamilton Veterans Committee
Housing and Homelessness Advisory Committee
Keep Hamilton Clean and Green Committee
Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee (LGBTQ)
Mundialization Committee
Seniors Advisory Committee

**SUB COMMITTEES TO BE ESTABLISHED  
2018-2022**

Accessibility Transit Services Review Sub Committee
Advisory Committee for Persons with Disabilities
Affordable Housing Site Selection Sub Committee
Agricultural and Rural Affairs Advisory Committee
Airport Sub-Committee
Business Improvement Area Advisory Committee
Capital Projects Work In-Progress Review Sub-Committee
Cleanliness and Security in the Downtown Core Task Force
Committee of Adjustment
Community Benefits Protocol Advisory Committee
Cross-Melville District Heritage Advisory Committee (Dundas)
Development Charges Stakeholders Sub-Committee
Development Industry Liaison Group
Election Compliance Audit Committee
Election Compliance Audit Committee – Selection Committee
Facility Naming Sub-Committee
Glanbrook Landfill Co-ordinating Committee
Governance Review Sub-Committee
Government Relations Sub-Committee
Grants Sub-Committee
Greater Bay Area Committee (Hamilton & Burlington)
Hamilton Future Fund Board of Governors
Hamilton Licensing Tribunal
Hamilton Municipal Heritage Committee
Hamilton Port Authority-City of Hamilton Liaison Committee
Hamilton Utilities Corporation Joint Advisory Committee
Hamilton Water Sub-Committee
Hamilton-Wentworth Catholic District School Board (HWCDSB) Liaison Committee
Hamilton-Wentworth District School Board (HWDSB) Liaison Committee
Heritage Permit Review Sub-Committee

Hess Village Pedestrian Mall Authority
HMRF/HWRF Pension Administration Committee
Light Rail Transit Sub-Committee
Mayor's Blue Ribbon Task Force on Workforce Development
Mayor's Intelligent Community Forum Task Force
Multi-Year Budget Planning Sub-Committee
Municipal Drainage Court of Revision
Non-Union Compensation Sub-Committee
Open for Business Sub-Committee
Physician Recruitment and Retention Steering Committee
Procurement Sub-Committee
Property Standards Committee
Rental Housing Sub-Committee
School Board Properties Sub-Committee
Selection Committees for Agencies, Boards, Commissions and Sub-Committees
Steel Committee
Storm Event Response Group (SERG)
Truck Route Sub-Committee
Waste Management Advisory Committee
Wentworth Lodge Heritage Trust Fund Sub Committee
West Harbour Development Sub-Committee

## SITE DEVELOPMENT REQUIREMENTS

### Planning and Economic Development Department

<p style="text-align: center;"><b>Cultural Heritage</b></p> <p>Planning and Economic Development Department</p>	<p>The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:</p> <ul style="list-style-type: none"> <li>• Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;</li> <li>• In areas of pioneer EuroCanadian settlement; and,</li> <li>• Along historic transportation routes.</li> </ul>
<p style="text-align: center;"><b>Natural Heritage</b></p> <p>Planning and Economic Development Department</p>	<p>The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, the Core Areas have been identified as Significant Woodland, and Red Hill Creek Escarpment Valley Environmentally Significant Area (ESA). A watercourse (Red Hill Creek), which is regulated by the Hamilton Conservation Authority (HCA), has also been identified adjacent to the subject property.</p> <p>If this property is disposed of for the purpose of development, an Environmental Impact Statement (EIS) would need to be prepared in support of any development applications.</p> <p>The EIS would be prepared in accordance with the City's Guidelines (March 2015). The Terms of Reference would be required to be approved by the City (Natural Heritage Planning staff) in consultation within the HCA prior to the completion of any field inventories.</p>
<p style="text-align: center;"><b>Building Engineering and Zoning</b></p> <p>Planning and Economic Development Department</p>	<p>The Zoning Section does not have an interest in the potential acquisition of the lands located at 300 Albright Road but provide the following comments related to the existing zoning and permitted uses.</p> <p>Our records indicate that the lands are currently occupied by one-storey school (CCE Red Hill Learning Centre) which is owned by the Hamilton-Wentworth District School Board (HWDSB) and which has been declared surplus to the HWDSB's holdings.</p>

	<p>The lands are zoned "AA" (Agricultural) District pursuant to City of Hamilton Zoning By-law 6593. The "AA" District permits the following uses:</p> <ul style="list-style-type: none"><li>• A public hospital (subject to Section 8(iii)(a), (b), (c) and (d));</li><li>• A children's residence;</li><li>• A booth in a public hospital for the sale of concessions;</li><li>• A district yard of the City, and;</li><li>• A private stable.</li></ul> <p>In addition to the above, existing uses are also permitted.</p> <p>Changes in use which are not included in the "AA" District list of permitted use are subject to a Zoning By-law Amendment and Formal Consultation. Please contact the Planning and Development Division at (905) 546-2424 extension 1355 for further information.</p> <p>The lands are subject to Site Plan Control. As such, development or redevelopment may require application to the Development Planning Division.</p> <p>This property is subject to the issuance of a building permit in the normal manner for tenant improvement, change of use, renovations, alterations, additions or new buildings.</p>
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## SITE DEVELOPMENT REQUIREMENTS

### Planning and Economic Development Department

<p><b>Transportation Planning</b></p> <p>Planning and Economic Development Department</p>	<p>The existing right-of-way's are as follows: Cannon Street East is approximately 15.3 m; Britannia Avenue is approximately 15.3 m.</p> <p>Collector Roads (Cannon Street East) are to be 26.213 as per the Council Approved Urban Official Plan:</p> <ul style="list-style-type: none"> <li>• Chapter C-City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2.</li> </ul> <p>Local Roads (Britannia Avenue) are to be 20.117 as per the Council Approved Urban Official Plan:</p> <ul style="list-style-type: none"> <li>• Chapter C-City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2.</li> </ul> <p>A survey conducted by an Ontario Land Surveyor will determine the ultimate dimensions for the road allowance widening(s).</p>
<p><b>Building Engineering and Zoning</b></p> <p>Planning and Economic Development Department</p>	<p>The property contains a former three-storey school building which is attached to an existing three-storey building which is part of a Place of Worship located at 175 Kenilworth Street North on property owned by the Hamilton Roman Catholic Diocese.</p> <p>The lands are zoned Neighbourhood Institutional (I1) Zone pursuant to City of Hamilton Zoning By-law 05-200. The "I1" zone permits the following uses:</p> <ul style="list-style-type: none"> <li>• Community Garden</li> <li>• Day Nursery</li> <li>• Duplex Dwelling</li> <li>• Educational Establishment</li> <li>• Emergency Shelter</li> <li>• Museum</li> <li>• Place of Worship</li> <li>• Residential Care Facility</li> <li>• Retirement Home</li> <li>• Semi-Detached Dwelling</li> <li>• Single Detached Dwelling</li> <li>• Urban Farm</li> <li>• Urban Farmers Market</li> </ul>

Educational Establishments consisting of a secondary school, college or university are identified as prohibited uses in the "I1" Zone.

The "I1" Zone has special zoning provisions for development which apply to the following groupings of uses:

- Shelter, Residential Care Facility, Place of Retirement Home;
- Educational Establishments and Museum;
- Single Detached Dwelling, Duplex Dwelling and Day Nursery, and;
- Semi-Detached Dwelling.

The lands are subject to Site Plan Control. As such, development or redevelopment may require application to the Development Planning Division. For further information, please contact (905) 546-2424 extension 1355.

This property is subject to the issuance of a building permit in the normal manner for tenant improvement, change of use, renovations, alterations, additions or new buildings.

**Community Planning and GIS**

Planning and Economic Development Department

Secondary Plan:	The subject lands are not located within a Secondary Plan
Neighbourhood Plan:	Designated "Civic and Institutional" within the Crown Point East Neighbourhood Plan

While the subject lands are not situated within a current Secondary Plan, the following UHOP policies do apply to the subject lands:

**Urban Hamilton Official Plan – Volume 1**

The subject property is identified as "Neighbourhoods" under the Urban Hamilton Official Plan's Urban Structure Element (UHOP Schedule E). The subject lands are designated "Mixed-Use – Medium Density" on Schedule E-1 Urban Land Use Designations, in the Urban Hamilton Official Plan. Permitted uses in the Neighbourhoods land use designation are identified in

the UHOP Volume 1 Section E.3.0 Neighbourhoods Designation, subject to meeting other UHOP policy and zoning requirements. These areas are intended to function as complete communities, providing a mix of residential, commercial and community facilities/services. The policies of the Neighbourhoods designation establish criteria for new development, adaptive re-use, residential intensification and urban design.

#### **E.4.0 Commercial and Mixed-Use Designations**

##### **4.6 Mixed-Use-Medium Designation**

The general intent of this designation is to permit a full range of retail, service commercial, entertainment and residential accommodation (at a moderate scale). With particular reference to the "Mixed-Use-Medium Density" designation, the following goals shall apply:

"E.4.1.1 Create and retain vibrant mixed-use areas that accommodate a range of uses and are accessible by automobile, transit, and active transportation.

E.4.1.2 Direct the majority of retail commercial uses to mixed use areas that are well served by transit and serve as a central place for the City, a portion of the City, or for one or more neighbourhoods.

E.4.1.3 Create comfortable, walkable and stimulating pedestrian streets along key roads within the mixed-use areas."

The subject lands are intended to provide uses serving the residents of the community as well as create an opportunity to provide a more visually appealing building adding character to the public realm of an area well served by transit and pedestrian networks, satisfying the above policy direction.

#### **Function**

##### **E.4.6.1**

The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.

**E.4.6.2**

The Mixed-Use-Medium Density designation shall be applied to traditional 'main street' commercial areas outside of the area designated Downtown Mixed-Use, and to promote the continuation of these areas as pedestrian oriented mixed-use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm.

**Permitted Uses**

**E.4.6.5**

The following uses shall be permitted on lands designated Mixed-Use - Medium Density on Schedule E-1—Urban Land Use Designations:

- a) Commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices oriented to serving residents, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- b) notwithstanding Policy E.4.6 drive-through facilities on pedestrian predominant streets shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies of this Plan;
- c) institutional uses such as hospitals, places of worship, and schools;
- d) arts, cultural, entertainment, and recreational uses;
- e) hotels;
- f) multiple dwellings; and,
- g) accessory uses.

**Scale**

The UHOP similarly provides guidance on the scale of development considered appropriate within the Mixed-Use-Medium Density:

**E.4.6.9**

The predominant built form shall be mid-rise and low-rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted.

**E.4.6.10**

The predominant built form shall be mid-rise and low-rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted.

Permitted uses shall be located in single or mixed-use buildings. Any proposed design will have to satisfy staff review that the design complies with the above policy intent.

In regard to the future development of the property, Community Planning advises of the following:

“The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4–Residential Intensification Policies, F.1.14–Lot Creation, and other applicable policies.” (UHOP Volume 1 Policy E.3.2.13)

“The City shall encourage the adaptive reuse of the existing building stock for appropriate land uses. Rezoning applications for new uses shall be evaluated to ensure compatibility with surrounding land uses.” (UHOP Volume 1 Policy E.3.2.15)

The existing mixed-use designation is intended to combine commercial uses with residential intensification (among other possible uses such as a transit node, etc.). Through appropriate design and buffering to ensure compatibility with existing residential dwellings, Community Planning could be supportive of rezoning

the property of higher density forms. Multiple storey buildings (low-rise and mid-rise buildings) and mixed-use buildings that have retail and service commercial stores at grade would fulfil the intent of this designation.

**Hamilton Zoning By-law No. 05-200**

The property is in the Community Institutional (I2) Zone (Zoning By-law 05-200).

**8.2.1 Permitted Uses**

- Community Garden
- Day Nursery
- Duplex Dwelling
- Educational Establishment
- Emergency Shelter
- Museum
- Recreation
- Place of Worship
- Residential Care Facility
- Retirement Home
- Semi-Detached Dwelling
- Single Detached Dwelling
- Social Services Establishment
- Street Townhouse Dwelling
- Urban Farm
- Urban Farmers Market

(By-law 14-238, September 10, 2014)

(By-law 14-273, September 24, 2014)

(By-law 15-107, April 22, 2015)

**8.2.2 Prohibited Uses**

- Educational Establishment consisting of a College or University

A private elementary school is permitted as an "Educational Establishment" in both the I1 and I2 zones. In a Community Institutional (I2) Zone larger facilities that draw from a larger area and, therefore, have a higher impact on the surrounding community are most appropriate. While the Community Institutional (I2) is generally exterior or on the periphery of neighbourhoods, Colleges and Universities are prohibited uses acknowledging the traffic and density impacts. However, the Community Institutional (I2) permits redevelopment in denser forms (e.g.) street

townhouse dwellings.

**Natural and Cultural Heritage:**

Other items to consider as part of the (potential) acquisition of this school property include Natural and Cultural Heritage concerns. For this urban, long established site, there are no Natural Heritage Comments. In terms of Cultural Heritage concerns, Heritage staff recommend that a Cultural Heritage Assessment should be conducted to further define and confirm the cultural significance of the built heritage value of the property.

**Analysis and Recommendations**

Originally built in 1920 as Holy Family Catholic School, this school was rebuilt in 1945 and had a variety of additions in the 1960's and 1970's. This subject property is currently vacant. The subject property is designated 'Neighbourhoods' under the Urban Hamilton Official Plan (Schedule E). The Crown Point East Neighbourhood Plan designates these lands as "Civic and Institutional" and the Zoning By-law 05-200 indicates that the lands are zoned Community Institutional (I2) Zone. This zone permits Educational Establishments and Residential Care Facility but also ground-oriented residential such as Single and Semi-Detached Dwellings as well as Street Townhouse Dwellings.

From a Planning perspective it would be desirable to obtain these lands to allow for adaptive reuse of (potential) heritage structure, with the possible addition of denser forms of residential uses (i.e. street townhouse dwellings).



## AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 18-012

9:30 a.m.  
September 10, 2018  
Council Chambers  
Hamilton City Hall

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**Present:** Councillors A. VanderBeek (Chair), B. Johnson, M. Pearson,  
L. Ferguson, C. Collins and T. Anderson

**Absent with  
Regrets:** Councillor A. Johnson – Personal

**Also Present:** Councillor T. Whitehead

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### THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 18-012 AND RESPECTFULLY RECOMMENDS:

**1. Treasurer's Apportionment of Land Taxes (FCS18066(a)) (Ward 12) (Item 5.1)**

That the 2017 land taxes in the amount of \$129,272 for 1061 Garner Road E and 0 Garner Road E, Ancaster (Roll #2518 140 280 16200 0000 and 2518 140 280 37990 0000) be apportioned and split amongst the two hundred and fifty-two newly created parcels as set out in Appendix "A" to Audit, Finance & Administration Report 18-012.

**2. 2018 Second Quarter Request for Tenders and Proposals Report (FCS18037(a)) (City Wide) (Item 5.2)**

That Report FCS18037(a) respecting the 2018 Second Quarter Request for Tenders and Proposals Report, be received.

**3. 2018 Second Quarter Emergency and Non-competitive Procurements Report (FCS18038(a)) (City Wide) (Item 5.3)**

That Report FCS18038(a) respecting the 2018 Second Quarter Emergency and Non-competitive Procurement Report, be received.

**4. Second Quarter Non-compliance with the Procurement Policy Report (FCS18039(a)) (City Wide) (Item 5.4)**

That Report FCS18039(a), respecting the Second Quarter Non-compliance with the Procurement Policy Report, be received.



**5. Tax Appeals under Sections 357 and 358 of the *Municipal Act, (2001)* (FCS18008(b)) (City Wide) (Item 5.5)**

- (a) That Appendix “B” to Audit, Finance & Administration Report 18-012 respecting the Tax Appeals processed under Section 357 of the *Municipal Act, (2001)*, in the amount of \$72,152.95 be approved; and
- (b) That Appendix “C” to Audit, Finance & Administration Report 18-012 respecting the Tax Appeals, due to a Gross or Manifest Clerical Error, Pursuant to Section 358 of the *Municipal Act, (2001)*, in the amount of \$20,317.33 be approved.

**6. Toronto Tank Lines - Property Tax Arrears (FCS18076) (Ward 5) (Outstanding Business List Item) (Item 8.1)**

- (a) That no adjustments to the taxes levied and/or penalty and interest charges incurred on roll number 051 493 00030 0000 (804 BEACH BLVD) be made until the pending assessment appeals are settled, and only if the pending assessment appeals result in a reduction to the property’s assessment;
- (b) That staff initiate discussions to establish a process that would ensure that the Municipal Property Assessment Corporation (MPAC) and the City of Hamilton (City) be provided timely notification and access to all development activity occurring on Federal lands, specifically the Hamilton Port Authority lands;
- (c) That staff investigate the possibility of any regulatory or legislative changes to require the Federal government to comply with the Ontario Building Code with respect to the application for a municipal building permit for all development activity occurring on its lands;
- (d) That the item identified as “Staff Report Respecting Supplemental Taxes and Assessment Complaints Respecting 500 Eastport Blvd” be removed from the Audit Finance & Administration Committee’s Outstanding Business List; and
- (e) That staff be directed to extend a Pre-Authorized Payment Plan with no penalty and interest on the \$ \$430,734.04 outstanding property tax amounts on roll number 051 493 00030 0000 (804 BEACH BLVD) effective September 12, 2018 and extending to December 31, 2019.

**7. Energy, Fleet and Facilities Reserves Policy Update (FCS18080) (City Wide) (Item 8.2)**

- (a) That the Ivor Wynne Community Fund Reserve (112223) be renamed to the Tim Hortons Field Capital Reserve;

- (b) That the 50 Main Street East Facility Capital Reserve (108039) be renamed to the General Facility Capital Reserve;
  - (c) That the Reserve Policy for the Vehicle Replacement - Central Garage Reserve (110025), attached as Appendix “D” to Audit, Finance & Administration Report 18-012, be approved;
  - (d) That the Reserve Policy for the Tim Hortons Field Capital Reserve (112223), attached as Appendix “E” to Audit, Finance & Administration Report 18-012, be approved; and
  - (e) That the Reserve Policy for the General Facility Capital Reserve (108039), attached as Appendix “F” to Audit, Finance & Administration Report 18-012, be approved.
- 8. Governance Review Sub-Committee Report 18-004 - August 29, 2018 (Item 8.3)**
- (a) Review of the City's Procedural By-law Amendments (CL18007(a) / LS18039(a)) (City Wide) (Item 8.1)**
    - (i) That a new By-law, as amended to Govern the Proceedings of Council and Committees of Council substantially in the form attached hereto as Appendix ‘A’, as amended to Governance Review Sub-Committee Report 18-004, be enacted by Council; and
    - (ii) That Council repeal the By-law to Govern the Proceedings of Council and Committees of Council, being By-law 14-300, as amended.
  - (b) Review of the Selection Process (CL18011) (City Wide) (Item 8.4)**
    - (i) That the Nomination Meeting for the members of Council-Elect be held on November 20, 2018;
    - (ii) That the Revised City of Hamilton Policy respecting the Appointment of Citizens to the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, attached hereto as Appendix “B” to Governance Review Sub-Committee Report 18-004, be approved; and
    - (iii) That the Revised City of Hamilton Advisory Committee Procedural Handbook, attached hereto as Appendix “C” to Governance Review Sub-Committee Report 18-004, be approved.
- 9. Dundas Community Services - Community Outreach Base Budget Increase Request - City Enrichment Fund (CS F-8) (Item 10.1)**
- That the following motion be referred to the Grants Sub-Committee:
- That an enhancement of an additional \$329 for the Dundas Community Services – Community Outreach (CS F-8) base budget, be referred to the 2019 Operating Budget process (GIC) for consideration.

**10. Commercial Relationship Between the City of Hamilton and APM Construction Services Inc. (LS18037 / FCS18026) (City Wide) (Item 12.3)**

- (c) That recommendations (a) and (b) be released publicly following approval by Council; and
- (d) That the contents of Report LS18037 / FCS18026 remain confidential.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

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

**1. DELEGATION REQUESTS**

- 4.2 Mike McCalmont, Toronto Tank Lines, respecting Item 8.1 - Toronto Tank Lines - Property Tax Arrears (For today's meeting)

**2. NOTICES OF MOTION**

- 10.1 Dundas Community Services - Community Outreach Base Budget Increase Request - City Enrichment Fund (CS F-8)

The agenda for the September 10, 2018 Audit, Finance and Administration Committee meeting was approved, as amended.

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

There were no declarations of interest.

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

**August 15, 2018 (Item 3.1)**

The Minutes of the August 15, 2018 meeting of the Audit, Finance and Administration Committee were approved, as presented.

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

**(i) Martin Maretzki, respecting pot hole damage to vehicle (For a future meeting)**

The delegation request from Martin Maretzki, respecting pot hole damage to his vehicle, was approved for a future meeting pending the receipt of additional information from staff.

- (ii) **Mike McCalmont, Toronto Tank Lines, respecting Item 8.1 - Toronto Tank Lines - Property Tax Arrears (For today's meeting) (Added Item 4.2)**

The delegation request from Mike McCalmont, Toronto Tank Lines, respecting Item 8.1 - Toronto Tank Lines - Property Tax Arrears, was approved for today's meeting.

(e) **PUBLIC HEARINGS/DELEGATIONS (Item 6)**

- (i) **Dominic Sorbara, respecting a residential water billing dispute (Approved July 11, 2018) (Item 6.1)**

The delegate was not present when called upon.

- (ii) **Robert Zeidler, 2418032 Ontario Ltd., respecting excessive water charges at 270 Sherman Ave. N. (Approved August 15, 2018) (No copy) (Item 6.2)**

Robert Zeidler from 2418032 Ontario Ltd., addressed the Committee respecting excessive water charges at 270 Sherman Ave. N., with the aid of a presentation. A copy of the presentation has been included in the official record.

The delegation from Robert Zeidler, 2418032 Ontario Ltd., respecting excessive water charges at 270 Sherman Ave. N., was received.

A copy of the presentation is available at [www.hamilton.ca](http://www.hamilton.ca).

- (iii) **Mike McCalmont, Toronto Tank Lines, respecting Item 8.1 - Toronto Tank Lines - Property Tax Arrears (Item 6.3)**

Item 6.3 being a delegation from Mike McCalmont, Toronto Tank Lines, respecting Item 8.1 - Toronto Tank Lines - Property Tax Arrears; and Item 8.1 being Report FCS18076, respecting Toronto Tank Lines – Property Tax Arrears, were DEFERRED until after Item 8.3 to allow the delegate time to arrive.

Mike McCalmont and Steve Porcnic, representing Toronto Tank Lines, addressed the Committee respecting Report FCS18076, Toronto Tank Lines - Property Tax Arrears.

The delegation from Mike McCalmont and Steve Porcnic, Toronto Tank Lines, respecting Report FCS18076, Toronto Tank Lines - Property Tax Arrears, was received.

(f) **DISCUSSION ITEMS (Item 8)**

(i) **Toronto Tank Lines - Property Tax Arrears (FCS18076) (Ward 5) (Outstanding Business List Item) (Item 8.1)**

Report FCS18076 respecting Toronto Tank Lines – Property Tax Arrears was LIFTED from the table.

*The recommendations were amended by adding the following subsection (e):*

- (e) *That staff be directed to extend a Pre-Authorized Payment Plan with no penalty and interest on the \$ \$430,734.04 outstanding property tax amounts on roll number 051.493.00030.0000 (804 BEACH BLVD) effective September 12, 2018 and extending to December 31, 2019.*

For further disposition of this matter, refer to Item 6.

(ii) **Governance Review Sub-Committee Report 18-004 (Item 8.3)**

Chair VanderBeek advised that public notice was given for the Review of the City's Procedural By-law Amendments, Item 1 of the Governance Review Sub-Committee Report 18-004, inviting interested parties to make representations at today's meeting. There were no registered speakers and no one in attendance came forward to speak to the proposed changes.

Section 7.1 (a) was **amended** and the **numbering was corrected** as follows:

- 7.1** No Person in attendance at a Council or Committee meeting shall:
- (a) be **disrespectful** or disrupt the Meeting in any manner;
  - (b) bring food or beverages, water excepted, into the Council Chamber when a meeting is being held;
  - (c) address remarks to anyone but the Chair;
  - (d)** interrupt a person who has the floor;
  - (e)** applaud participants in debate.

For further disposition of this matter, refer to Item 8.

Councillor Brenda Johnson wished to be recorded as OPPOSED to the main motion as amended.

**(h) NOTICES OF MOTION (Item 10)**

Councillor VanderBeek relinquished the Chair to introduce a Notice of Motion.

**(i) Dundas Community Services - Community Outreach Base Budget Increase Request - City Enrichment Fund (CS F-8)**

Councillor VanderBeek introduced a Notice of Motion respecting the Dundas Community Services - Community Outreach Base Budget Increase Request - City Enrichment Fund (CS F-8).

The Rules of Order were waived to allow for the introduction of a Motion respecting the Dundas Community Services - Community Outreach Base Budget Increase Request - City Enrichment Fund (CS F-8).

For disposition of this matter please refer to Item 9.

Councillor VanderBeek assumed the Chair.

**(i) GENERAL INFORMATION / OTHER BUSINESS (Item 11)**

The following amendments to the Outstanding Business List, were approved, **as amended:**

11.1(a) Items requiring a new due date:  
Ward-Specific Funding Initiatives - Area Rating Special  
Capital Re-investment Reserves, Discretionary  
Spending, Cell Tower and Minor Maintenance  
Item on OBL: L  
Due Date: October 2018  
Revised Due Date: ~~June 2019~~ **December 2018**

11.1(b) Items considered complete and needing to be removed:  
Staff Reports Respecting Supplement Taxes and  
Assessment Complaints Respecting 500 Eastport Blvd  
(Item 8.1 on today's agenda)  
Item on OBL: J

**(j) PRIVATE & CONFIDENTIAL (Item 12)**

**(i) Closed Session Minutes – August 15, 2018 (Item 12.1)**

- (a) The Closed Session Minutes of the August 15, 2018 Audit, Finance and Administration meeting, were approved as presented; and
- (b) The Closed Session Minutes of the August 15, 2018 Audit, Finance and Administration meeting, remain confidential.

Committee move into Closed Session respecting Item 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 *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor/client privileges, including communications necessary for that purpose.

**(ii) Protocol for Gender Identity & Gender Expression, Transgender & Gender Non-Conforming Update (HUR17002(b)) (City Wide) (Item 12.2)**

Report HUR17002(b), respecting the Protocol for Gender Identity & Gender Expression, Transgender & Gender Non-Conforming Update was TABLED until the September 24, 2018 Audit, Finance and Administration Committee Meeting to allow staff to provide Committee with additional information.

**(iii) Commercial Relationship Between the City of Hamilton and APM Construction Services Inc. (LS18037 / FCS18026) (City Wide) (Item 12.3)**

Staff were provided with direction in Closed Session.

For further disposition of this matter, refer to Item 10.

**(k) ADJOURNMENT (Item 13)**

There being no further business, the Audit, Finance and Administration Committee, adjourned at 12:21 p.m.

Respectfully submitted,

Councillor VanderBeek, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk

**APPORTIONMENT OF TAXES**

That the original land taxes recorded against:

- (a) **Roll #2518 140 280 16200 0000 and 2518 140 280 37990 0000** – (1061 Garner Road E and 0 Garner Road E, Ancaster) in the amount of \$129,272 be split amongst the two hundred and fifty-two newly created lots listed below:



YEAR	ADDRESS	ROLL NUMBER	APPORTIONED ASSESSMENT	TAX AMOUNT
2017	135 WOODHOUSE ST	2518 140 280 38684 0000	51,508	\$ 611
2017	140 WOODHOUSE ST	2518 140 280 38685 0000	44,908	533
2017	136 WOODHOUSE ST	2518 140 280 38686 0000	40,461	480
2017	134 WOODHOUSE ST	2518 140 280 38687 0000	40,317	478
2017	91 CURRAN RD	2518 140 280 38688 0000	44,765	531
2017	87 CURRAN RD	2518 140 280 38689 0000	40,317	478
2017	90 CURRAN RD	2518 140 280 38690 0000	44,191	524
2017	86 CURRAN RD	2518 140 280 38691 0000	40,604	482
2017	82 CURRAN RD	2518 140 280 38692 0000	40,604	482
2017	71 LIGHTFEATHER PL	2518 140 280 38693 0000	46,774	555
2017	67 LIGHTFEATHER PL	2518 140 280 38694 0000	41,752	495
2017	63 LIGHTFEATHER PL	2518 140 280 38695 0000	41,752	495
2017	59 LIGHTFEATHER PL	2518 140 280 38696 0000	41,752	495
2017	55 LIGHTFEATHER PL	2518 140 280 38697 0000	41,608	493
2017	51 LIGHTFEATHER PL	2518 140 280 38698 0000	41,608	493
2017	47 LIGHTFEATHER PL	2518 140 280 38699 0000	41,465	492
2017	43 LIGHTFEATHER PL	2518 140 280 38700 0000	41,465	492
2017	39 LIGHTFEATHER PL	2518 140 280 38701 0000	41,465	492
2017	35 LIGHTFEATHER PL	2518 140 280 38702 0000	41,465	492
2017	31 LIGHTFEATHER PL	2518 140 280 38703 0000	41,608	493
2017	27 LIGHTFEATHER PL	2518 140 280 38704 0000	42,039	499
2017	23 LIGHTFEATHER PL	2518 140 280 38705 0000	42,326	502
2017	19 LIGHTFEATHER PL	2518 140 280 38706 0000	42,326	502
2017	15 LIGHTFEATHER PL	2518 140 280 38707 0000	42,326	502
2017	11 LIGHTFEATHER PL	2518 140 280 38708 0000	42,039	499
2017	7 LIGHTFEATHER PL	2518 140 280 38709 0000	43,043	510
2017	3 LIGHTFEATHER PL	2518 140 280 38710 0000	45,626	541

2017	4 LIGHTFEATHER PL	2518 140 280 38711 0000	44,191	524
2017	8 LIGHTFEATHER PL	2518 140 280 38712 0000	41,608	493
2017	12 LIGHTFEATHER PL	2518 140 280 38713 0000	42,469	504
2017	16 LIGHTFEATHER PL	2518 140 280 38714 0000	42,469	504
2017	20 LIGHTFEATHER PL	2518 140 280 38715 0000	42,469	504
2017	24 LIGHTFEATHER PL	2518 140 280 38716 0000	42,469	504
2017	28 LIGHTFEATHER PL	2518 140 280 38717 0000	42,326	502
2017	32 LIGHTFEATHER PL	2518 140 280 38718 0000	42,326	502
2017	36 LIGHTFEATHER PL	2518 140 280 38719 0000	42,326	502
2017	40 LIGHTFEATHER PL	2518 140 280 38720 0000	42,326	502
2017	44 LIGHTFEATHER PL	2518 140 280 38721 0000	42,326	502
2017	48 LIGHTFEATHER PL	2518 140 280 38722 0000	42,182	500
2017	52 LIGHTFEATHER PL	2518 140 280 38723 0000	42,182	500
2017	56 LIGHTFEATHER PL	2518 140 280 38724 0000	42,182	500
2017	60 LIGHTFEATHER PL	2518 140 280 38725 0000	44,048	522
2017	205 WHITTINGTON DR	2518 140 280 38726 0000	43,187	512
2017	201 WHITTINGTON DR	2518 140 280 38727 0000	41,752	495
2017	197 WHITTINGTON DR	2518 140 280 38728 0000	41,895	497
2017	193 WHITTINGTON DR	2518 140 280 38729 0000	41,895	497
2017	189 WHITTINGTON DR	2518 140 280 38730 0000	41,895	497
2017	185 WHITTINGTON DR	2518 140 280 38731 0000	41,895	497
2017	181 WHITTINGTON DR	2518 140 280 38732 0000	41,895	497
2017	177 WHITTINGTON DR	2518 140 280 38733 0000	42,039	499
2017	173 WHITTINGTON DR	2518 140 280 38734 0000	42,039	499
2017	167 WHITTINGTON DR	2518 140 280 38735 0000	42,039	499
2017	163 WHITTINGTON DR	2518 140 280 38736 0000	42,039	499
2017	159 WHITTINGTON DR	2518 140 280 38737 0000	42,182	500

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2017	155 WHITTINGTON DR	2518 140 280 38738 0000	42,182	500
2017	151 WHITTINGTON DR	2518 140 280 38739 0000	42,182	500
2017	147 WHITTINGTON DR	2518 140 280 38740 0000	43,904	521
2017	146 WHITTINGTON DR	2518 140 280 38741 0000	42,469	504
2017	150 WHITTINGTON DR	2518 140 280 38742 0000	40,317	478
2017	154 WHITTINGTON DR	2518 140 280 38743 0000	40,317	478
2017	158 WHITTINGTON DR	2518 140 280 38744 0000	40,317	478
2017	162 WHITTINGTON DR	2518 140 280 38745 0000	40,317	478
2017	166 WHITTINGTON DR	2518 140 280 38746 0000	40,317	478
2017	170 WHITTINGTON DR	2518 140 280 38747 0000	40,317	478
2017	174 WHITTINGTON DR	2518 140 280 38748 0000	40,317	478
2017	178 WHITTINGTON DR	2518 140 280 38749 0000	40,317	478
2017	182 WHITTINGTON DR	2518 140 280 38750 0000	40,317	478
2017	186 WHITTINGTON DR	2518 140 280 38751 0000	41,465	492
2017	190 WHITTINGTON DR	2518 140 280 38752 0000	41,465	492
2017	194 WHITTINGTON DR	2518 140 280 38753 0000	41,465	492
2017	198 WHITTINGTON DR	2518 140 280 38754 0000	41,465	492
2017	202 WHITTINGTON DR	2518 140 280 38755 0000	41,465	492
2017	204 WHITTINGTON DR	2518 140 280 38756 0000	43,330	514
2017	63 FINDLAY DR	2518 140 280 38757 0000	42,900	509
2017	59 FINDLAY DR	2518 140 280 38758 0000	41,321	490
2017	55 FINDLAY DR	2518 140 280 38759 0000	41,321	490
2017	51 FINDLAY DR	2518 140 280 38760 0000	41,321	490
2017	47 FINDLAY DR	2518 140 280 38761 0000	41,321	490
2017	43 FINDLAY DR	2518 140 280 38762 0000	41,321	490
2017	39 FINDLAY DR	2518 140 280 38763 0000	40,174	476
2017	35 FINDLAY DR	2518 140 280 38764 0000	40,174	476
2017	31 FINDLAY DR	2518 140 280 38765 0000	40,174	476

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2017	27 FINDLAY DR	2518 140 280 38766 0000	40,174	476
2017	23 FINDLAY DR	2518 140 280 38767 0000	40,174	476
2017	19 FINDLAY DR	2518 140 280 38768 0000	40,174	476
2017	15 FINDLAY DR	2518 140 280 38769 0000	40,174	476
2017	11 FINDLAY DR	2518 140 280 38770 0000	40,174	476
2017	7 FINDLAY DR	2518 140 280 38771 0000	40,174	476
2017	3 FINDLAY DR	2518 140 280 38772 0000	42,613	505
2017	4 FINDLAY DR	2518 140 280 38773 0000	42,613	505
2017	8 FINDLAY DR	2518 140 280 38774 0000	40,604	482
2017	12 FINDLAY DR	2518 140 280 38775 0000	40,604	482
2017	16 FINDLAY DR	2518 140 280 38776 0000	40,604	482
2017	20 FINDLAY DR	2518 140 280 38777 0000	40,604	482
2017	24 FINDLAY DR	2518 140 280 38778 0000	40,604	482
2017	28 FINDLAY DR	2518 140 280 38779 0000	40,604	482
2017	32 FINDLAY DR	2518 140 280 38780 0000	40,604	482
2017	36 FINDLAY DR	2518 140 280 387810000	40,604	482
2017	40 FINDLAY DR	2518 140 280 38782 0000	40,604	482
2017	44 FINDLAY DR	2518 140 280 38783 0000	41,608	493
2017	48 FINDLAY DR	2518 140 280 38784 0000	41,608	493
2017	52 FINDLAY DR	2518 140 280 387850000	41,608	493
2017	56 FINDLAY DR	2518 140 280 38786 0000	41,608	493
2017	60 FINDLAY DR	2518 140 280 38787 0000	41,608	493
2017	64 FINDLAY DR	2518 140 280 38788 0000	43,330	514
2017	63 MORRISON DR	2518 140 280 38789 0000	43,330	514
2017	59 MORRISON DR	2518 140 280 38790 0000	41,608	493
2017	55 MORRISON DR	2518 140 280 38791 0000	41,608	493
2017	51 MORRISON DR	2518 140 280 387920000	41,608	493
2017	47 MORRISON DR	2518 140 280 38793 0000	41,608	493
2017	43 MORRISON DR	2518 140 280 38794 0000	41,608	493
2017	39 MORRISON DR	2518 140 280 38795 0000	40,461	480
2017	35 MORRISON DR	2518 140 280 38796 0000	40,461	480

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2017	31 MORRISON DR	2518 140 280 38797 0000	40,461	480
2017	27 MORRISON DR	2518 140 280 38798 0000	40,461	480
2017	23 MORRISON DR	2518 140 280 38799 0000	40,317	478
2017	19 MORRISON DR	2518 140 280 38800 0000	40,317	478
2017	15 MORRISON DR	2518 140 280 38801 0000	40,317	478
2017	11 MORRISON DR	2518 140 280 38802 0000	40,317	478
2017	7 MORRISON DR	2518 140 280 38803 0000	40,317	478
2017	3 MORRISON DR	2518 140 280 38804 0000	42,326	502
2017	4 MORRISON DR	2518 140 280 38805 0000	42,326	502
2017	8 MORRISON DR	2518 140 280 38806 0000	40,317	478
2017	12 MORRISON DR	2518 140 280 38807 0000	40,317	478
2017	16 MORRISON DR	2518 140 280 38808 0000	40,317	478
2017	20 MORRISON DR	2518 140 280 38809 0000	40,317	478
2017	24 MORRISON DR	2518 140 280 38810 0000	40,317	478
2017	28 MORRISON DR	2518 140 280 38811 0000	40,317	478
2017	32 MORRISON DR	2518 140 280 38812 0000	40,317	478
2017	36 MORRISON DR	2518 140 280 38813 0000	40,317	478
2017	40 MORRISON DR	2518 140 280 38814 0000	40,317	478
2017	44 MORRISON DR	2518 140 280 38815 0000	41,321	490
2017	48 MORRISON DR	2518 140 280 38816 0000	41,321	490
2017	52 MORRISON DR	2518 140 280 38817 0000	41,321	490
2017	56 MORRISON DR	2518 140 280 38818 0000	41,321	490
2017	60 MORRISON DR	2518 140 280 38819 0000	41,321	490
2017	64 MORRISON DR	2518 140 280 38820 0000	43,043	510
2017	7 ROBERTSON RD	2518 140 280 38821 0000	42,900	509
2017	11 ROBERTSON RD	2518 140 280 38822 0000	41,321	490
2017	15 ROBERTSON RD	2518 140 280 38823 0000	41,321	490
2017	19 ROBERTSON RD	2518 140 280 38824 0000	41,321	490
2017	23 ROBERTSON RD	2518 140 280 38825 0000	41,321	490
2017	27 ROBERTSON RD	2518 140 280 38826 0000	41,321	490
2017	31 ROBERTSON RD	2518 140 280 38827 0000	40,317	478

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2017	35 ROBERTSON RD	2518 140 280 38828 0000	40,317	478
2017	39 ROBERTSON RD	2518 140 280 38829 0000	40,317	478
2017	45 ROBERTSON RD	2518 140 280 38830 0000	40,317	478
2017	49 ROBERTSON RD	2518 140 280 38831 0000	40,317	478
2017	55 ROBERTSON RD	2518 140 280 38832 0000	40,317	478
2017	59 ROBERTSON RD	2518 140 280 38833 0000	40,317	478
2017	63 ROBERTSON RD	2518 140 280 38834 0000	40,317	478
2017	67 ROBERTSON RD	2518 140 280 38835 0000	40,317	478
2017	71 ROBERTSON RD	2518 140 280 38836 0000	42,326	502
2017	3 ROBARTS DR	2518 140 280 38837 0000	44,335	526
2017	7 ROBARTS DR	2518 140 280 38838 0000	41,465	492
2017	11 ROBARTS DR	2518 140 280 38839 0000	41,465	492
2017	15 ROBARTS DR	2518 140 280 38840 0000	41,608	493
2017	19 ROBARTS DR	2518 140 280 38841 0000	41,608	493
2017	23 ROBARTS DR	2518 140 280 38842 0000	41,608	493
2017	27 ROBARTS DR	2518 140 280 38843 0000	41,608	493
2017	31 ROBARTS DR	2518 140 280 38844 0000	44,765	531
2017	39 ROBARTS DR	2518 140 280 38845 0000	42,613	505
2017	43 ROBARTS DR	2518 140 280 38846 0000	41,752	495
2017	47 ROBARTS DR	2518 140 280 38847 0000	46,917	556
2017	55 ROBARTS DR	2518 140 280 38848 0000	44,335	526
2017	59 ROBARTS DR	2518 140 280 38849 0000	41,895	497
2017	63 ROBARTS DR	2518 140 280 38850 0000	41,895	497
2017	67 ROBARTS DR	2518 140 280 38851 0000	41,895	497
2017	71 ROBARTS DR	2518 140 280 38852 0000	42,039	499
2017	75 ROBARTS DR	2518 140 280 38853 0000	42,039	499
2017	79 ROBARTS DR	2518 140 280 38854 0000	45,052	534
2017	8 DOUGHERTY DR	2518 140 280 38855 0000	44,048	522
2017	4 DOUGHERTY DR	2518 140 280 38856 0000	42,469	504
2017	2 DOUGHERTY DR	2518 140 280 38857 0000	42,469	504
2017	6 ROBERTSON RD	2518 140 280 38858 0000	42,469	504

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2017	10 ROBERTSON RD	2518 140 280 38859 0000	42,469	504
2017	14 ROBERTSON RD	2518 140 280 38860 0000	42,613	505
2017	18 ROBERTSON RD	2518 140 280 38861 0000	42,613	505
2017	22 ROBERTSON RD	2518 140 280 38862 0000	42,613	505
2017	26 ROBERTSON RD	2518 140 280 38863 0000	42,613	505
2017	30 ROBERTSON RD	2518 140 280 38864 0000	42,613	505
2017	34 ROBERTSON RD	2518 140 280 38865 0000	42,613	505
2017	38 ROBERTSON RD	2518 140 280 38866 0000	43,474	516
2017	54 ROBERTSON RD	2518 140 280 38867 0000	44,335	526
2017	58 ROBERTSON RD	2518 140 280 38868 0000	40,604	482
2017	62 ROBERTSON RD	2518 140 280 38869 0000	40,604	482
2017	66 ROBERTSON RD	2518 140 280 38870 0000	40,604	482
2017	70 ROBERTSON RD	2518 140 280 38871 0000	40,604	482
2017	74 ROBERTSON RD	2518 140 280 38872 0000	40,604	482
2017	78 ROBERTSON RD	2518 140 280 38873 0000	40,604	482
2017	82 ROBERTSON RD	2518 140 280 38874 0000	40,604	482
2017	86 ROBERTSON RD	2518 140 280 38875 0000	40,891	485
2017	90 ROBERTSON RD	2518 140 280 38876 0000	40,891	485
2017	94 ROBERTSON RD	2518 140 280 38877 0000	42,613	505
2017	288 RAYMOND RD	2518 140 280 38878 0000	45,769	543
2017	84-86 HEMMING TRAIL	2518 140 280 38879 0000	43,187	512
2017	80-82 HEMMING TRAIL	2518 140 280 38880 0000	42,039	499
2017	76-78 HEMMING TRAIL	2518 140 280 38881 0000	42,039	499
2017	72-74 HEMMING TRAIL	2518 140 280 38882 0000	42,039	499
2017	68-70 HEMMING TRAIL	2518 140 280 38883 0000	42,039	499
2017	64-66 HEMMING TRAIL	2518 140 280 38884 0000	42,039	499
2017	60-62 HEMMING TRAIL	2518 140 280 38885 0000	42,039	499
2017	56-58 HEMMING TRAIL	2518 140 280 38886 0000	42,039	499
2017	52-54 HEMMING TRAIL	2518 140 280 38887 0000	42,326	502

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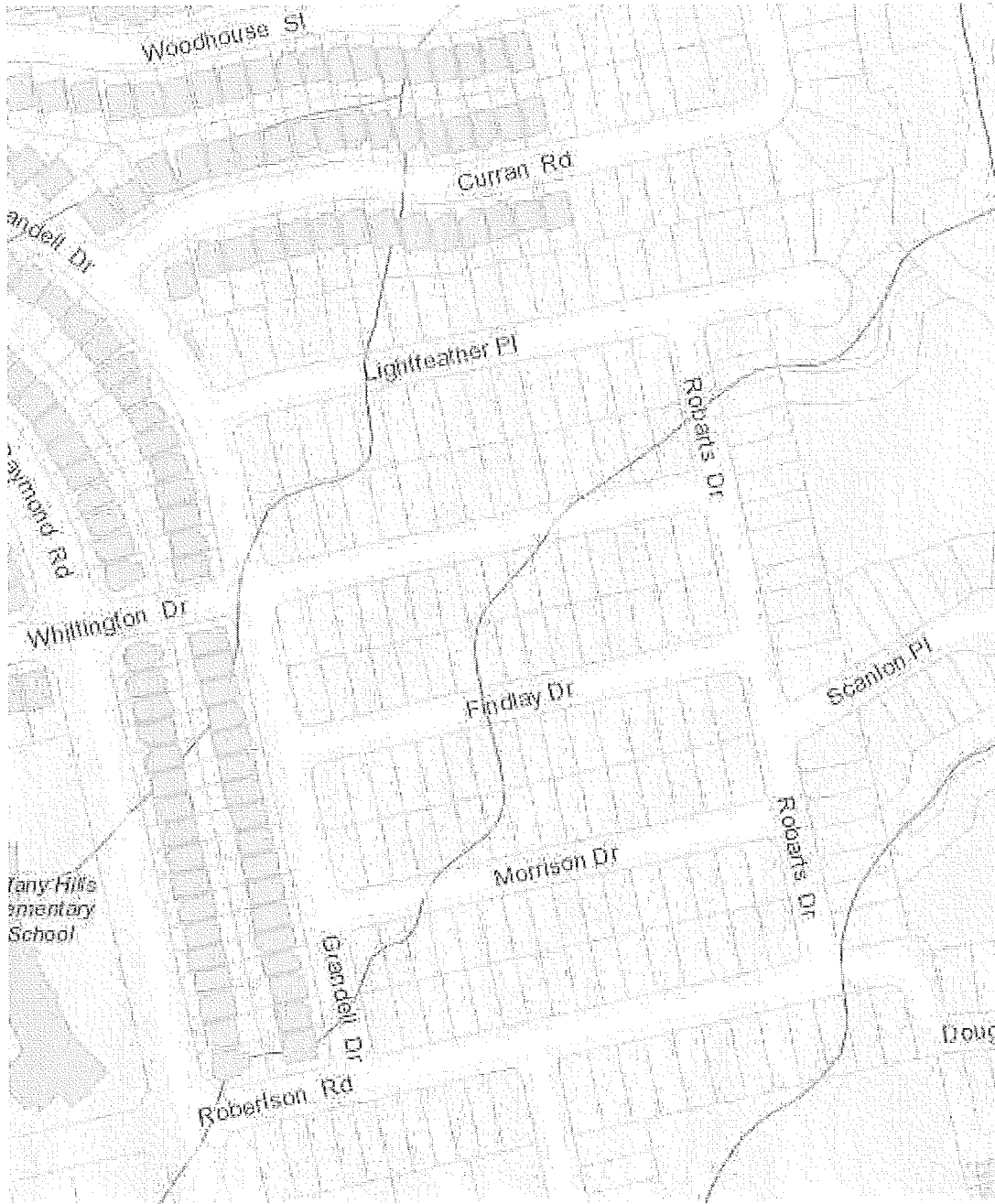
2017	48-50 HEMMING TRAIL	2518 140 280 38888 0000	44,335	526
2017	44-46 HEMMING TRAIL	2518 140 280 38889 0000	49,787	590
2017	1097-1109 GARNER RD E	2518 140 280 38890 0000	60,691	720
2017	1081-1095 GARNER RD E	2518 140 280 38891 0000	63,561	754
2017	1065-1079 GARNER RD E	2518 140 280 38892 0000	63,561	754
2017	1049-1063 GARNER RD E	2518 140 280 38893 0000	66,995	795
2017	2-14 HEMMING TRAIL	2518 140 280 38894 0000	55,239	655
2017	16-26 HEMMING TRAIL	2518 140 280 38895 0000	49,643	589
2017	28-38 HEMMING TRAIL	2518 140 280 38896 0000	50,504	599
2017	40-42 HEMMING TRAIL	2518 140 280 38897 0000	47,921	568
2017	27-55 HEMMING TRAIL	2518 140 280 38898 0000	57,248	679
2017	15-25 HEMMING TRAIL	2518 140 280 38899 0000	54,952	652
2017	HEMMING TRAIL	2518 140 280 38900 0000	57,822	686
2017	CALLON DR	2518 140 280 38901 0000	57,248	679
2017	18-28 CALLON DR	2518 140 280 38902 0000	54,952	652
2017	CALLON DR	2518 140 280 38903 0000	56,817	674
2017	37-45 CALLON DR	2518 140 280 38904 0000	44,621	529
2017	25-35 CALLON DR	2518 140 280 38905 0000	49,069	582
2017	13-23 CALLON DR	2518 140 280 38906 0000	49,069	582
2017	1-11 CALLON DR	2518 140 280 38907 0000	49,787	590
2017	353-363 RAYMOND RD	2518 140 280 38908 0000	59,113	701
2017	341-351 RAYMOND RD	2518 140 280 38909 0000	54,522	647
2017	329-339 RAYMOND RD	2518 140 280 38910 0000	54,522	647
2017	315-327 RAYMOND RD	2518 140 280 38911 0000	54,522	647
2017	301-313 RAYMOND RD	2518 140 280 38912 0000	54,522	647
2017	287-299 RAYMOND RD	2518 140 280 38913 0000	62,269	739
2017	BEASLEY GROVE	2518 140 280 38914 0000	59,974	711
2017	BEASLEY GROVE	2518 140 280 38915 0000	37,878	449



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2017	12 BEASLEY GROVE	2518 140 280 38916 0000	42,613	505
2017	120-130 ROBERTSON RD	2518 140 280 38917 0000	54,091	642
2017	COOLEY GROVE	2518 140 280 38918 0000	38,021	451
2017	42-52 BEASLEY GROVE	2518 140 280 38919 0000	63,130	749
2017	COOLEY GROVE	2518 140 280 38920 0000	61,122	725
2017	33 ROBARTS DR	2518 140 280 38921 0000	40,461	480
2017	119 WOODHOUSE ST	2518 140 280 38922 0000	44,765	531
2017	123 WOODHOUSE ST	2518 140 280 38923 0000	41,895	497
2017	127 WOODHOUSE ST	2518 140 280 38924 0000	41,608	493
2017	131 WOODHOUSE ST	2518 140 280 38925 0000	40,748	483
2017	128 WOODHOUSE ST	2518 140 280 38926 0000	39,313	466
2017	124 WOODHOUSE ST	2518 140 280 38927 0000	39,313	466
2017	120 WOODHOUSE ST	2518 140 280 38928 0000	39,313	466
2017	83 CURRAN RD	2518 140 280 38929 0000	40,030	475
2017	79 CURRAN RD	2518 140 280 38930 0000	38,739	460
2017	75 CURRAN RD	2518 140 280 38931 0000	38,739	460
2017	71 CURRAN RD	2518 140 280 38932 0000	38,882	461
2017	78 CURRAN RD	2518 140 280 38933 0000	39,456	468
2017	74 CURRAN RD	2518 140 280 38934 0000	39,600	470
2017	70 CURRAN RD	2518 140 280 38935 0000	39,743	471
		<b>Total</b>	<b>10,899,958</b>	<b>\$129,272</b>

Map identifying 1061 Garner Road E and 0 Garner Road E, Ancaster;



Map identifying 1061 Garner Road E and 0 Garner Road E, Ancaster; continued.



Section 357 Tax Appeals of the Municipal Act, 2001

Application #	Property Address	Reasons Detailed	Tax Year	Amount
357-15-353	1429 SHEFFIELD RD	Demolition was addressed by a different application. No value change.	2015	0.00
357-15-032	891 UPPER JAMES ST	Tax class change from Commercial to Exempt	2015	-7,081.92
357-15-196	1429 SHEFFIELD RD	Demo of accessory building.	2015	-105.82
357-15-360	1429 SHEFFIELD RD	Demolition of mobile home	2015	-149.98
357-15-365	1429 SHEFFIELD RD	Demolition of mobile home	2015	-165.90
357-16-275	260 QUEENSTON RD	Reduction due to fire damage	2016	-952.00
357-16-285	311 STRATHEARNE AVE	Tax class change from Residential to Exempt	2016	-6,441.20
357-16-006	0 BAY ST N	No change in the tax liability or property classification is warranted	2016	0.00
357-16-296	1590-1632 BURLINGTON ST E	Tax class change from Commercial to Payment In Lieu	2016	8,554.88
16-296A	1590 BURLINGTON ST E	Hamilton Port Authority--tenant Bridge Partners	2016	-8,554.87
357-16-295	1590-1632 BURLINGTON ST E	Tax class change from Commercial to Payment In Lieu	2016	1,447.05
16-295A	1590 BURLINGTON ST E	Hamilton Port Authority--tenant AMD	2016	-1,447.05
16-204A	100 EASTPORT BLVD	Tax class change from Commercial to Payment In Lieu	2016	-9,989.96
357-16-204	804B BEACH BLVD	Hamilton Port Authority	2016	9,989.96
357-16-181	788 UPPER OTTAWA ST	Tax class change addressed by 2016 omitted assessment	2016	0.00
357-16-316	319 SHERMAN AVE N	No change because buildings not demolished.	2016	0.00
357-16-282	1430 MAIN ST E	Property is already Exempt	2016	0.00
357-17-221	33 PARK ROW N	Reduction due to fire damage	2017	-133.95
357-17-298	1022 SAGER RD	Demolition of Single Family Dwelling	2017	-15.24
357-17-314	59 GREEN MOUNTAIN RD	No change in the tax liability or property classification is warranted	2017	0.00
357-17-316	596 ARVIN AVE	No change in the tax liability or property classification is warranted	2017	0.00
357-17-318	1835 BURLINGTON ST E	Tax class change from Industrial to Commercial	2017	-4,923.21
357-17-165	852 UPPER WENTWORTH ST	Tax class change from Commercial to Residential	2017	-1,960.22
357-17-289	231 YORK RD	Demolition of Single Family Dwelling	2017	-278.87
357-17-222	0 OLD GOVERNORS RD	Tax class change from Commercial to Residential	2017	-159.59
357-17-295	21 HOWARD BLVD	Demolition of Single Family Dwelling	2017	-320.35
357-17-204	1429 SHEFFIELD RD	Demolition of mobile home	2017	-496.38
357-17-265	16 NISBET BLVD	Reduction due to fire damage	2017	-72.18
357-17-280	171 GLOVER RD	Demolition of garage	2017	-24.71
357-17-293	8231 TWENTY RD E	Demolition of Single Family Dwelling	2017	-340.55
357-17-309	9923 DICKENSON RD W	Reduction due to fire damage	2017	-1,340.94
357-17-154	272 KING ST W	Tax class change from Commercial to Residential	2017	-899.69
357-17-279	3027 HOMESTEAD DR	Demolition of Accessory building had no value. Property is owned by the City	2017	0.00
357-17-257	243 WINDWOOD DR	Tax class change from Residential to Exempt as property was transferred to the city June 30, 2017.	2017	-251.74
357-17-258	245 WINDWOOD DR	Tax class change from Residential to Exempt as property was transferred to the city June 30, 2017.	2017	-243.35
357-17-259	0 WINDWOOD DR	Tax class change from Residential to Exempt as property was transferred to the city June 30, 2017.	2017	-95.38
357-17-260	0 WINDWOOD DR	Tax class change from Residential to Exempt as property was transferred to the city June 30, 2017.	2017	-87.41
357-17-261	0 VOYAGER PASS Rear	Tax class change from Residential to Exempt as property was transferred to the city June 30, 2017.	2017	-262.92
357-17-262	0 VOYAGER PASS	Tax class change from Residential to Exempt as property was transferred to the city June 30, 2017.	2017	-251.74

Section 357 Tax Appeals of the Municipal Act, 2001

Application #	Property Address	Reasons Detailed	Tax Year	Amount
357-17-195	1000 MAIN ST E	City owned property. Already exempt.	2017	0.00
357-17-272	72 STRACHAN ST E	City owned property. Already exempt.	2017	0.00
357-17-276	659-695 CATHARINE ST N	City owned property. Already exempt.	2017	0.00
357-17-278	5174 BERRY RD	Demolition of Accessory building	2017	-45.64
357-17-254	1955 HIGHWAY NO. 6	Tax class change from Residential to Exempt as property is a place of worship	2017	-9,914.33
357-17-304	387 RYMAL RD W	Tax class change from Multi Residential to Residential	2017	-1,856.86
357-17-305	387 RYMAL RD W	Tax class change from Multi Residential to Residential	2017	-1,935.84
357-17-306	387 RYMAL RD W	Tax class change from Multi Residential to Residential	2017	-1,071.89
357-17-307	387 RYMAL RD W	Tax class change from Multi Residential to Residential	2017	-908.52
357-17-308	387 RYMAL RD W	Tax class change from Multi Residential to Residential	2017	-880.58
357-17-273	437 RENNIE ST	Demolition of Accessory building	2017	-1,189.18
357-17-267	14 NISBET BLVD	Reduction due to fire damage	2017	-19.29
357-17-285	1294 CONCESSION 8 RD W	Demolition of mobile home	2017	-17.14
357-17-176	619 CENTRE RD	No change in the tax liability or property classification is warranted	2017	0.00
357-17-302	20 REID AVE N	Tax classification change from Commercial to Commercial Vacant Land. No change in value due to demolition of structure.	2017	0.00
357-17-153	225 LOCKE ST S	Error in Tax classification corrected with separate Post Roll Amended Notice. No change required.	2017	0.00
357-18-008	33 PARK ROW N	Reduction due to fire damage	2018	-626.78
357-18-026	44 PAVILION DR	Reduction due to fire damage	2018	-1,522.99
357-18-004	85 CHANCERY DR	Reduction due to fire damage	2018	-4,435.60
357-18-007	943 COURTLAND DR	Demolition of Single Family Dwelling	2018	-1,575.29
357-18-016	99 MILLER DR	Demolition of Single Family Dwelling	2018	-99.34
357-18-017	4 ORCHARD AVE	Reduction due to fire damage	2018	-817.72
357-18-027	63 WORSLEY RD	Demolition of Single Family Dwelling	2018	-459.47
357-18-003	6 WENDAKEE DR	Demolition of Single Family Dwelling	2018	-2,372.75
357-18-024	11 CRAIGROYSTON RD	Demolition of Single Family Dwelling	2018	-616.83
357-18-022	63 HIGHWAY 5 W	Demolition of Single Family Dwelling	2018	-6,264.39
357-18-010	11 BEAVERTON DR	Reduction due to fire damage	2018	-888.85
357-18-002	119 FIELDING CRES	Demolition of the pool	2018	-193.48
357-18-015	68 SHERWOOD RISE	Demolition of the pool	2018	-192.74
357-18-009	227 ST CLAIR BLVD	Change in Assessment corrected with separate Post Roll Amended Notice in 2017. No change required.	2018	0.00
357-18-011	10 ALLANBROOK ST	Reduction due to fire damage	2018	-4,358.44
357-18-014	362 DUNDAS ST E	Demolition of the pool	2018	-263.53
357-18-001	278 WEST 18TH ST	Tax class change from Commercial to Residential	2018	-2,570.25
			<b>Total</b>	<b>- 72,152.95</b>

City of Hamilton  
 Corporate Services Department  
 Taxation Division  
 Section 358 Tax Appeals of the Municipal Act, 2001

<u>Application #</u>	<u>Property Address</u>	<u>Reasons Detailed</u>	<u>Tax Year</u>	<u>Amount</u>
358-18-004	8416 DICKENSON RD E	Pool was filled in	2017	- 292.23
358-18-002	64 MUNROE ST	Reduction due to fire damage	2017	- 1,758.10
358-17-027	891 UPPER JAMES ST	Tax class change from Commercial to Exempt	2016	- 8,575.07
358-17-016	0 SUNNYCROFT CRT S/S	Gross or Manifest Error	2016	- 123.49
358-17-039	1955 HIGHWAY NO. 6	Tax class change from Residential to Exempt. Property is a place of worship	2016	- 9,070.40
358-17039A	1955 HIGHWAY NO. 6	Tax class change from Residential to Exempt. Property is a place of worship	2016	- 498.04
			<b>Total</b>	<b>- 20,317.33</b>

<b>Reserve Policy– Vehicle Replacement – Central Garage</b>		<b>Corporate Services Department</b>
Policy No: 110025	Hamilton	Approval: 2018-XX-XX
Page 1 of 2		

<b>POLICY STATEMENT</b>	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balances in the Vehicle Replacement – Central Garage Reserve (110025).
<b>PURPOSE</b>	To ensure the long-term viability of the City’s central fleet assets excluding Transit, Police, Fire and Paramedics.
<b>SCOPE</b>	This Policy applies to all City employees that manage financial resources.
<b>PRINCIPLES</b>	<p>The following principles apply to this Policy:</p> <p><b>Authority:</b></p> <ul style="list-style-type: none"> <li>• All transfers from the Vehicle Replacement – Central Garage Reserve (110025) are to be approved by City Council either by a budget submission, a separate Council report or a Council motion.</li> <li>• The General Manager of Finance and Corporate Services has the authority to recommend the use of the Vehicle Replacement – Central Garage Reserve or other reserves to fund expenditure or revenue shortfalls.</li> </ul> <p>The <b>source of funds</b> that are to be transferred to this Reserve include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Provision for reserve contribution from the City Operating Budget.</li> <li>• Net revenues received from the sale of vehicles.</li> <li>• Investment income earned on the reserve’s balance as per policies and procedures.</li> </ul> <p>The <b>use of funds</b> from this Reserve to ensure the viability of the City’s central fleet assets are permitted if other sources of funding are not available. Uses may include:</p> <ul style="list-style-type: none"> <li>• To fund replacement of existing vehicles and equipment.</li> <li>• To fund capital costs associated with fuel site restoration and upgrades.</li> <li>• To fund costs associated with the Fleet Acquisition Team.</li> </ul>

<b>Reserve Policy– Vehicle Replacement – Central Garage</b>		<b>Corporate Services Department</b>
Policy No: 110025	Hamilton	Approval: 2018-XX-XX
Page 2 of 2		

<b>RESERVE BALANCE TARGET LEVEL</b>	<ul style="list-style-type: none"> <li>The balance in the Reserve has a target level of 100% (\$11M 2018) of the City's annual central garage vehicle fleet replacement value.</li> </ul>
<b>GOVERNING LEGISLATION</b>	N/A
<b>RESPONSIBILITY FOR THE POLICY</b>	Corporate Services Department Director of Financial Planning, Administration and Policy
<b>POLICY HISTORY</b>	This Reserve Policy replaces the general reserve policies that were approved by Council in May 2014 in Report FCS14028.



<b>Reserve Policy– Tim Hortons Field Capital Reserve</b>		<b>Corporate Services Department</b>
Policy No: 112223	Hamilton	Approval: 2018-XX-XX
Page 1 of 2		

<b>POLICY STATEMENT</b>	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balances in the Tim Hortons Field Capital Reserve (112223).
<b>PURPOSE</b>	<p>To ensure the long-term viability of capital assets at Tim Hortons Field.</p> <p>The Reserve provides Council and Administration with the opportunity to replace, improve, and / or maintain assets where funding from the City’s capital budget or other sources, including funding from senior levels of government, is insufficient.</p>
<b>SCOPE</b>	This Policy applies to all City employees that manage financial resources.
<b>PRINCIPLES</b>	<p>The following principles apply to this Policy:</p> <p><b>Authority:</b></p> <ul style="list-style-type: none"> <li>• All transfers from the Tim Hortons Field Capital Reserve (112223) are to be approved by City Council either by a budget submission, a separate Council report or a Council motion.</li> <li>• The General Manager of Finance and Corporate Services has the authority to recommend the use of the Tim Hortons Field Capital Reserve or other reserves to fund expenditure or revenue shortfalls.</li> </ul> <p>The <b>source of funds</b> that are to be transferred to this Reserve include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Net concession revenues subject to the approval of the Director, Energy, Fleet and Facilities Management.</li> <li>• Investment income earned on the reserve’s balance as per policies and procedures.</li> </ul> <p>The <b>use of funds</b> from this Reserve to ensure the viability of the capital assets at Tim Hortons Field are permitted if other sources of funding are not available. Net concession revenues transferred to the reserve are to be used solely on concession related capital as per agreement with the Hamilton Tiger Cats Football Club. Uses may include:</p> <ul style="list-style-type: none"> <li>• To fund replacement of existing stadium infrastructure.</li> <li>• To fund improvements to stadium infrastructure.</li> <li>• To fund maintenance of existing stadium infrastructure.</li> </ul>

<b>Reserve Policy– Tim Hortons Field Capital Reserve</b>		<b>Corporate Services Department</b>
Policy No: 112223	Hamilton	Approval: 2018-XX-XX
Page 2 of 2		

<b>RESERVE BALANCE TARGET LEVEL</b>	The balance in the Reserve has a target level of 2% (\$3M 2018) of the capital replacement cost of Tim Hortons Field.
<b>GOVERNING LEGISLATION</b>	N/A
<b>RESPONSIBILITY FOR THE POLICY</b>	Corporate Services Department Director of Financial Planning, Administration and Policy
<b>POLICY HISTORY</b>	This reserve policy replaces the general reserve policies that were approved by Council in May 2014 in Report FCS14028.

<b>Reserve Policy– General Facility Capital Reserve</b>		<b>Corporate Services Department</b>
Policy No: 108039	Hamilton	Approval: 2018-XX-XX
Page 1 of 2		

<b>POLICY STATEMENT</b>	This Policy sets out the guidelines for the sources, uses and appropriate target level for the balances in the General Facility Capital Reserve (108039).
<b>PURPOSE</b>	To ensure the long-term viability of the City’s capital assets which fall under the Facilities portfolio.
<b>SCOPE</b>	<p>This Policy applies to all City employees that manage financial resources.</p> <p>The Reserve provides Council and Administration with the opportunity to replace, improve, and / or maintain assets where funding from the City’s capital budget or other sources, including funding from senior levels of government, is insufficient.</p>
<b>PRINCIPLES</b>	<p>The following principles apply to this Policy:</p> <p><b>Authority:</b></p> <ul style="list-style-type: none"> <li>• All transfers from the General Facility Capital Reserve (108039) are to be approved by City Council either by a budget submission, a separate Council report or a Council motion.</li> <li>• The General Manager of Finance and Corporate Services has the authority to recommend the use of the General Facility Capital Reserve or other reserves to fund expenditure or revenue shortfalls.</li> </ul> <p>The <b>source of funds</b> that are to be transferred to this Reserve include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Provision for reserve contribution from the City Operating Budget, subject to final approval from the General Manager of Finance and Corporate Services.</li> <li>• Investment income earned on the reserve’s balance as per policies and procedures.</li> </ul> <p>The <b>use of funds</b> from this Reserve to support the viability of the City’s facility capital assets are permitted if other sources of funding are not available. Uses may include:</p> <ul style="list-style-type: none"> <li>• To fund replacement of existing facility infrastructure.</li> <li>• To fund improvements to existing facility infrastructure.</li> <li>• To fund maintenance of existing facility infrastructure.</li> </ul>

<b>Reserve Policy– General Facility Capital Reserve</b>		<b>Corporate Services Department</b>
Policy No: 108039	Hamilton	
Page 2 of 2		Approval: 2018-XX-XX

<b>RESERVE BALANCE TARGET LEVEL</b>	The balance in the Reserve has a target level of 2% (\$30M 2018) of the City’s facilities asset replacement value less the City’s annual facilities block allocation in the City’s Capital Budget Plan.
<b>GOVERNING LEGISLATION</b>	N/A
<b>RESPONSIBILITY FOR THE POLICY</b>	Corporate Services Department Director of Financial Planning, Administration and Policy
<b>POLICY HISTORY</b>	This Reserve Policy replaces the general reserve policies that were approved by Council in May 2014 in Report FCS14028.



## HEALTHY & SAFE COMMUNITIES COMMITTEE

### REPORT 18-009

1:30 pm

Monday, September 10, 2018

Council Chambers

Hamilton City Hall

71 Main Street West, Hamilton

**Present:** Councillors S. Merulla (Chair), J. Farr, M. Green, T. Jackson, T. Whitehead, J. Partridge and T. Anderson

**Absent with Regrets:** Councillor A. Johnson

### THE HEALTHY AND SAFE COMMUNITIES COMMITTEE PRESENTS REPORT 18-009 AND RESPECTFULLY RECOMMENDS:

1. **Proposal for Oral Health Program Enhancements (HSC18045) (City Wide) (Item 7.1)**
  - (a) That the General Manager of the Healthy and Safe Communities Department, or his designate, be authorized to accept the Proposal for Oral Health Program Enhancements, with funding in the amount of \$1,000,000 for the period 2018 – 2021, from Hamilton Community Foundation;
  - (b) That the General Manager of the Healthy and Safe Communities Department, or his designate, be authorized to execute the Investment Plan Agreement between the City of Hamilton and the Hamilton Community Foundation, in a form satisfactory to the City Solicitor; and,
  - (c) That the Public Health Services - Healthy Families Division Dental Bus program complement be increased by a 0.2 full-time equivalent Dentist and 0.2 full-time equivalent Dental Assistant during the length of the investment (2018-2021).
2. **Dispatch Governance and Information Data Update (CES17022(a)) (City Wide) (Item 8.1)**

That Report CES17022(a) respecting Dispatch Governance and Information Data Update, be received.

**3. Director of Housing Position (HSC18047) (City Wide) (Item 8.2)**

- (a) That the General Manager of Healthy and Safe Communities Department (HSC), be authorized to reinstate the previously eliminated Director of Housing position, to be funded within the Housing Services Budget; and,
- (b) That the General Manager of Healthy and Safe Communities Department (HSC) be authorized to transfer the vacant Director, Neighbourhood and Community Initiatives FTE to the Housing Services Division.

**4. Labour Relations – Litigation Update (Added Item 12.1)**

That the verbal update respecting Labour Relations – Litigation Update, be received.

**FOR INFORMATION:**

**(a) CEREMONIAL ACTIVITIES (Item A)**

Paul Johnson, General Manager of Healthy & Safe Communities, addressed the Committee to express the leadership team's appreciation for the Committee, and highlighted the Committee's accomplishments over the last four years.

**(b) CHANGES TO THE AGENDA (Item 1)**

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

**1. ADDED GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

- 11.1(c) Additional Outstanding Business List item requiring a new Due Date (Item WW – Requiring the City of Hamilton to be More Accessible to the Hearing Impaired – December 17, 2018)

**2. ADDED PRIVATE AND CONFIDENTIAL (Item 12)**

- 12.1 Labour Relations – Litigation Update

The Agenda for the September 10, 2018 meeting of the Healthy & Safe Communities Committee was approved, as amended.

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

None declared.

**(d) APPROVAL OF MINUTES (Item 3)**

**(i) August 15, 2018 (Item 3.1)**

The Minutes of the August 15, 2018 Healthy & Safe Communities Committee meeting were approved, as presented.

**(e) STAFF PRESENTATIONS (Item 7)**

**(i) Proposal for Oral Health Program Enhancements (HSC18045) (City Wide) (Item 7.1)**

Jennifer Vickers-Manzin, Director, Healthy Families, and Bonnie Elder, Action Director of Ontario Works, addressed the Committee respecting Proposal for Oral Health Program Enhancements with the aid of a PowerPoint Presentation. A copy of the presentation has been retained for the official record.

Terry Cooke, Hamilton Community Foundation, and partner to the Oral Health Program, was in attendance and indicated his support for the program.

The presentation from Jennifer Vickers-Manzin, Director, Healthy Families, and Bonnie Elder, Action Director of Ontario Works respecting Report HSC18045, Proposal for Oral Health Program Enhancements, was received.

A copy of the presentation is available at [www.hamilton.ca](http://www.hamilton.ca).

For further disposition of this matter, refer to Item 1.

**(f) GENERAL INFORMATION / OTHER BUSINESS (Item 11)**

**(i) Changes to the Outstanding Business List (Item 11.3)**

The following changes to the Outstanding Business List were approved:

**(a) Items to be removed:**

MM – Ambulance Dispatch Services  
(Refer to Item 8.1)

(b) Items Requiring a New Due Date:

WW – Requiring the City of Hamilton to be More Accessible to the Hearing Impaired

Current Due Date: TBD

Proposed New Due Date: December 17, 2018

XX - ACPD respecting Housing Issues

Current Due Date: September 10, 2018

Proposed New Due Date: December 17, 2018

CCC - Funding Requests from Agencies

Current Due Date: September 10, 2018

Proposed New Due Date: December 17, 2018

EEE - Gage Hancharek Respecting PLURD (Peace, Love, Unity, Respect, Dignity)

Current Due Date: TBD

Proposed New Due Date: December 17, 2018

**(g) PRIVATE AND CONFIDENTIAL (Item 12)**

The Committee moved into Closed Session respecting Item 12.1, pursuant to Section 8.1, Sub-section (d) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (d) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertained to labour relations or employee negotiations.

**(i) Labour Relations – Litigation Update (Added Item 12.1)**

For further disposition of this matter, refer to Item 4.

**(h) ADJOURNMENT (Item 13)**

There being no further business, the Healthy & Safe Communities Committee was adjourned at 2:33 p.m.

Respectfully submitted,

Councillor S. Merulla  
Chair, Healthy & Safe  
Communities Committee

Lisa Chamberlain  
Legislative Coordinator  
Office of the City Clerk





## SPECIAL GENERAL ISSUES COMMITTEE REPORT 18-018

9:30 a.m.

Tuesday, September 11, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Mayor F. Eisenberger, Deputy Mayor T. Whitehead (Chair)  
Councillors T. Anderson, C. Collins, S. Merulla, M. Green, J. Farr,  
M. Pearson, L. Ferguson, A. VanderBeek, J. Partridge

**Absent with**

**Regrets:** Councillors A. Johnson, R. Pasuta, D. Conley, T. Jackson – Personal  
Councillor B. Johnson – Other City Business

### THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 18-018 AND RESPECTFULLY RECOMMENDS:

**1. Implications of Accessibility for Ontarians with Disabilities Act (AODA) Legislation (PW18064) (City Wide) (Item 7.1)**

That Report PW18064, respecting the Implications of Accessibility for Ontarians with Disabilities Act (AODA) Legislation, be received.

**2. Request for a Pilot Project for a Funding Formula Partnership with Province of Ontario, as it Relates to AODA Infrastructure Renewal Projects (Item 9.1)**

WHEREAS, the Federal government of Canada has established a 10-year Infrastructure Grant Program;

WHEREAS, the Province of Ontario would be required to identify *Accessibility for Ontarians with Disabilities Act (AODA)* infrastructure projects as a priority;

WHEREAS, AODA legislation requirements would cost the City of Hamilton \$157 million;

WHEREAS, the City of Hamilton is committed to implementing the AODA infrastructure renewal;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton formally request that the Province of Ontario identify the *Accessibility for Ontarians with Disabilities Act* Infrastructure renewal as a priority; thereby, opening discussion for a funding partnership;
- (b) That the City of Hamilton be considered for a pilot project with respect to a funding formula partnership with the Province of Ontario, as it relates to AODA infrastructure renewal projects;
- (c) That the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO) be copied with this resolution and be requested to formally endorse this resolution; and,
- (d) That staff be directed to report back to the General Issues Committee with an outline of the costs for the exclusions listed in Report PW18064, respecting the Implications of the Accessibility for Ontarians with Disabilities Act (AODA) Legislation.

**3. Guide to Finding Housing in Hamilton for People with Disabilities (HSC18046) (City Wide) (Item 8.1)**

- (a) That the Guide to Finding Housing in Hamilton for People with Disabilities attached as Appendix “A” to Report 18-018, be approved; and,
- (b) That the item respecting “A Guide to Finding Housing for Persons with Disabilities in the City of Hamilton” be removed from the Outstanding Business Item List.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the September 11, 2018 Special General Issues Committee meeting was approved, as presented.

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

There were no declarations of interest.

**(c) STAFF PRESENTATIONS (Item 7)**

**(i) Implications of Accessibility for Ontarians with Disabilities Act (AODA) Legislation (PW18064) (City Wide) (Item 7.1)**

The presentation respecting Report PW18064, Implications of Accessibility for Ontarians with Disabilities Act (AODA) Legislation, was received.

**(d) MOTIONS (Item 9)**

**(i) Request for a Pilot Project for a Funding Formula Partnership with Province of Ontario, as it Relates to AODA Infrastructure Renewal Projects (Item 9.1)**

The Motion respecting, a request for a pilot project for a funding formula partnership with Province of Ontario, as it Relates to AODA Infrastructure Renewal Projects, was amended by adding a sub-section (d) to read as follows:

- (d) staff be directed to report back to the General Issues Committee with an outline of the costs for the exclusions listed in Report PW18064, respecting the Implications of the Accessibility for Ontarians with Disabilities Act (AODA) Legislation.

**(e) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Amendments to the Outstanding Business List (Item 11.1)**

The following amendment to the General Issues Committee's Outstanding Business List, was approved:

- (1) Items to be removed:

- (aa) Implications of *Accessibility for Ontarians with Disabilities Act* (AODA) Legislation (Addressed on today's agenda as Item 7.1 – Report PW18064)

**(f) ADJOURNMENT (Item 13)**

There being no further business, the Special General Issues Committee adjourned at 10:44 a.m.

Respectfully submitted,

T. Whitehead, Deputy Mayor  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator  
Office of the City Clerk



Hamilton

# A Guide to Finding Housing in Hamilton for People with Disabilities

Prepared by the City of Hamilton's Advisory Committee for Persons with Disabilities  
(ACPD)

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## SECTION 1: Introduction

Finding housing can be difficult for people with disabilities. This guide includes resources, information and tools which will make it easier for you.

In June 2017, the Hamilton Spectator had [a story](#) about a woman who ran into problems finding a suitable home in Hamilton.<sup>1</sup> She had some limitations, including the use of mobility devices. Her circumstances made finding a home for her and her son more difficult. The story also highlighted that while Hamilton has made considerable progress in supporting the housing needs of people with disabilities. This guidebook’s goal is to help people with visible or invisible disabilities navigate the housing system with less difficulty.

Canadian law does not formally recognize the right to adequate housing. However, Canada is part of several international human rights treaties that recognize the right to adequate housing such as [Article 25 \(1\)](#) of the United Nations Universal Declaration of Human Rights.

Looking at housing needs in a comprehensive manner is important for maintaining a person’s independence and quality of life, especially when they have a disability. This guide is informed by Hamilton’s [Housing and Homelessness Action Plan](#), which is a 10-year, person-centered plan to make sure that everyone in Hamilton has a home. It builds on the progress of the Action Plan by continuing to fill the gaps in access to housing and related services for persons with disabilities. Some of these gaps include:

- Lack of supports for people navigating and understanding the housing system
- Limited housing resources including available accessible housing and supports
- Matching people with disabilities with the appropriate units and supports they need
- Income barriers
- Lack of advocacy for people with disabilities
- Accessible housing for marginalized populations who face discrimination

<sup>1</sup>The long wait for affordable, accessible housing in Hamilton <https://www.thespec.com/news-story/7357112-the-long-wait-for-affordable-accessible-housing-in-hamilton/>

**Please Note Disclaimer:**

This guidebook includes general information and was prepared with the best information available. For more information, contact the organizations listed in [Section 2](#) of this guide. We intend to update this guidebook regularly.


**Availability:**



You can get a copy of this guidebook at the Community Information Services / Information Hamilton at Hamilton Public Library and you can access it online at <https://www.hamilton.ca/city-initiatives/strategies-actions/housing-homelessness-research-and-planning>.



## SECTION 2: General Information

The following organizations provide general information about housing and housing services, broker services or provide housing services directly to people with disabilities.

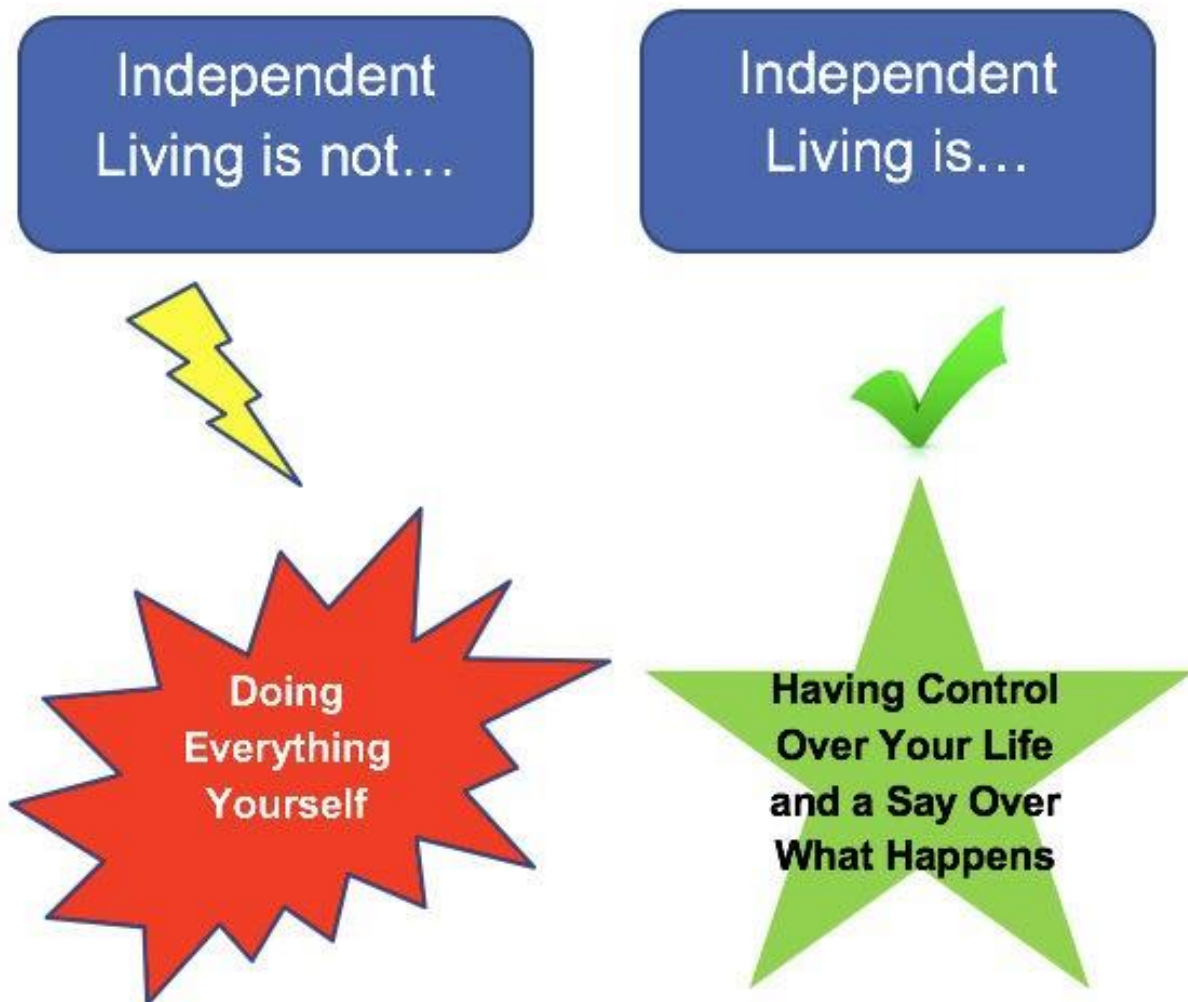
Organization	Address/ Contact Information	Type of Information
City of Hamilton Housing Services Division	350 King Street East, Unit 110 Hamilton, ON L8N 3Y3  <b>General Inquiries</b> Ph: 905-546-3901 Email: <a href="mailto:housing@hamilton.ca">housing@hamilton.ca</a>  <b>Access to Housing Waitlist</b> Ph: 905-546-2424 x3708 Email: <a href="mailto:ath@hamilton.ca">ath@hamilton.ca</a>	<ul style="list-style-type: none"> <li>• Homelessness &amp; housing first</li> <li>• Home renovations &amp; emergency repairs</li> <li>• Affordable housing</li> <li>• Housing supports</li> <li>• Social housing</li> </ul>
Local Health Integrated Network (LHIN)	270 Main Street East, Units 1-6 Grimsby, ON L3M 1P8 Ph: 905-945-4930 Email: <a href="mailto:hamiltonniagara_haldimandbrant@lhins.on.ca">hamiltonniagara_haldimandbrant@lhins.on.ca</a>  For questions about patient care call: 1-800-810-0000	<ul style="list-style-type: none"> <li>• Health supports for Housing</li> <li>• Home and community care</li> <li>• Patient care</li> </ul>
<a href="#">Disability Information Service Program</a>	Hamilton Central Library 55 York Boulevard Hamilton ON L8R 3K1 Ph: 905 546-3200 x3205	<ul style="list-style-type: none"> <li>• Help &amp; advice</li> <li>• Link to community Services and benefits</li> <li>• Assessments</li> </ul>
Hamilton Housing Help Centre	119 Main Street East Hamilton, ON L8N 3Z3 Ph: 905-526-8100 Email: <a href="mailto:info@housinghelpcentre.ca">info@housinghelpcentre.ca</a>	<ul style="list-style-type: none"> <li>• Housing search</li> <li>• Link to community services</li> <li>• Housing stability benefit</li> </ul>
<a href="#">Canada Mortgage &amp; Housing Corporation (CMHC)</a>	Ph: 1-800-668-2642 Email: <a href="mailto:contactcentre@cmhc.ca">contactcentre@cmhc.ca</a>  <a href="#">@CMHC_ca</a>	<ul style="list-style-type: none"> <li>• Housing data and statistics</li> <li>• Housing development programs</li> </ul>

Organization	Address/ Contact Information	Type of Information
<a href="#">Hamilton Community Legal Clinic</a>	100 Main Street East, Suite 203 Hamilton, ON L8N 3W4 Ph: 905-527-4572  <a href="#">@HamiltonJustice</a>	<ul style="list-style-type: none"> <li>• Legal advice</li> <li>• Tenant’s rights</li> <li>• Help with evictions</li> </ul>
<a href="#">Realtors Association of Hamilton and Burlington</a>	505 York Blvd Hamilton, ON L8R 3K4 Ph: 905-529-8101 Email: <a href="mailto:info@rahb.ca">info@rahb.ca</a>  <a href="#">@RAHBNews</a>	<ul style="list-style-type: none"> <li>• Property search</li> <li>• Buying &amp; selling</li> <li>• Housing market news, data and statistics</li> </ul>
Government of Ontario	<p><a href="#">Ontario Healthy Home Renovations Tax Credit</a> Ph: 1-866-668-8297</p> <p><a href="#">Ontario Disability Support Program</a> Ministry of Community &amp; Social Services 119 King Street West, 3rd Floor Hamilton ON L8P 4Y7 Ph: 905-521-7280</p> <p><a href="#">Other Grant Programs</a></p>	

## SECTION 3: Personal Responsibilities

Everyone wants to stay independent. However, to address housing needs you need to know and understand your limitations. You must know where in the City you want to live. This is called "due diligence". Before deciding, you should get as much information as you can and explore all available housing options.

Discuss the housing options with your spouse, children and other family member or close friends. Talk to your family doctor, who can help with applications that refer to limitations and specific needs.



## SECTION 4: Types of Housing

This section describes two types of housing options; homeownership and rental housing. There is financial help and housing supports available for people with disabilities with low-incomes. For more information about these subsidies and supports please call the City of Hamilton's [Housing Services Division](#) at 905-546-3901 or e-mail them at [housing@hamilton.ca](mailto:housing@hamilton.ca).

### 4.1 Types of Ownership Housing



Home ownership can be an asset for people with disabilities. However, it can also become a concern.

If you own your own home, you may have to downsize or move into a more accommodating living situation due to changing needs. Paying for costs of maintenance, utilities and taxes can become a constraint when the changing needs of a disability or condition force you to spend more of your income on health care than what you have budgeted for in the past.

As a homeowner with a disability, you might be able to customize your home to make it more accessible. One benefit of owning your own home is that you can often change it easier than you could if you rented. This is especially the case of major home modifications.

To find homes for sale in Hamilton contact a local real estate office. You can also contact [Realtors Association of Hamilton and Burlington](#) by calling 905-529-8101 as well as looking at listings online.

The following housing options may be useful for people with disabilities:

#### 4.1.1 Garden Suite

A garden suite (commonly known as a granny flat) is a pre-made residential structure set up as one unit (up to 20 years) in the yard of a home owned by a family member. It allows an individual with a disability to live independently and remain close to their family. Garden suites are allowed in Hamilton but planning approvals are necessary. In some cases, servicing a new garden suite with water and sewer services can be expensive.

Call the Canada Mortgage and Housing Corporation (CMHC) at 1-800-668-2642 and/or the City of Hamilton Planning Department at 905-546-2720 for more information.

#### 4.1.2 Home Sharing

Home sharing is when several unrelated people live together in a single dwelling. Owners with an extra bedroom can rent it to a tenant who will typically provide other services like chores and general maintenance in addition to money as a form of compensation. Home sharing works as a traditional financial arrangement and it can also give companionship and a sense of security for both the tenant and owner. For people with disabilities, this living arrangement can save the cost of paying for specialized services.

Home share organizations are popular in Canada and around the world; however, there are not many home share organizations in Hamilton. McMaster University School of Graduate Studies has a small home sharing program called [MacSymbiosis<sup>2</sup>](#). This program connects graduate students with seniors in the McMaster and Westdale community. This housing relationship is good for both students and seniors.

For more information call 647-648-4421 or contact the program by email at [symbiosiscohousing@gmail.com](mailto:symbiosiscohousing@gmail.com).

#### 4.1.3 Co-Housing



Co-housing is when a group of people plan and develop their housing community. It can be a new or existing building(s) that has had changes made to it. Residents own their unit, but often share spaces like dining, laundry and recreational facilities. They can also share support services.

In a co-housing community, people with disabilities keep independent spaces. They can choose to live with friends and share interests and workloads.

<sup>2</sup>McMaster Student-Senior Co-housing Program  
[https://gs.mcmaster.ca/sites/default/files/images/gs\\_symbiosis\\_brochure\\_8.5x11\\_v1.11.pdf](https://gs.mcmaster.ca/sites/default/files/images/gs_symbiosis_brochure_8.5x11_v1.11.pdf)

Email the Canadian Co-Housing Network at [info-east@cohousing.ca](mailto:info-east@cohousing.ca) or for more information visit [www.cohousing.ca](http://www.cohousing.ca).

#### 4.1.4 Purchased Condominiums

Condominiums ("condos") are dwellings (houses, townhouses and apartments) purchased privately from developers or prior owners.



An owner is an individual deed holder of a unit. The owner is responsible for maintaining and paying for the property. They are also a shareholder of common property elements like; passageways, gardens and roadways. These common elements are maintained through regular financial contributions made by the condo owners; these are typically called 'condo fees'. The condo owner handles their share of the condominium and is responsible for selling it when they move. Condos are governed by the *Condominium Act, 1998*. The Canada Mortgage and Housing Corporation has a free [condo buyer's guide](#). This guide can help people learn more about condo buying and living.



#### 4.1.5 Life Lease Housing

Life lease housing is usually owned and managed by a non-profit organization. Residents pay to live in a unit by purchasing a lease for an upfront payment and a monthly maintenance fee. Unlike renting, the lease is set for several years, or for life. When the resident moves out, the lease is sold at fair market value, less a fee. Most life lease communities maintain a waiting list of potential future buyers. Applications are managed by the life lease building staff or corporation.

For more information on life leasing visit the [Ministry of Housing's website](#).

#### 4.1.6 Renovating Your Home

If you have a disability, home renovations can help with your independence both now and in the future. There are many arrangements and adaptations that can reduce barriers and improve accessibility. The best changes depend on your personal circumstances.



Some common options include:

- Adding grab bars in the bathroom
- Changing the bath tub to a barrier-free shower
- Adding hand railings or a stair lift to staircases
- Changing the heights of kitchen cupboards and/or counter heights
- Moving a bedroom to the main floor
- Putting in fire alarms that light up for people who are deaf or hard of hearing

The City of Hamilton has developed guidelines for barrier free design. For more information call 905-546-2424 x8080 or download the PDF document at the following link: [cityofhamilton-barrier-free-design-guidelines.pdf](http://cityofhamilton-barrier-free-design-guidelines.pdf).

#### **4.1.7 Property Tax Assistance**

Paying property taxes can become challenging for people with disabilities since expenses often tend to increase with changes to physical conditions. The City of Hamilton has tax assistance programs available for residential tax payers with disabilities.

##### **Deferral of Tax Increase Program**

This program allows eligible low-income seniors (65+) to defer property tax increases. You must be receiving the Ontario Disability Support Program (ODSP), have a disability and paid under the Guaranteed Income Supplement (GIS) or the CPP disability benefit.

##### **Full Deferral of Taxes Program**

In 2018, the City of Hamilton started a new 3-year pilot program that allows a homeowner with a disability to defer the full amount of property taxes (subject to interest) until the property is sold. Your household must have a combined income of less than \$33,840 to qualify.

For more eligibility criteria for both programs including getting application forms call 905-546-2489 or visit [www.hamilton.ca/tax](http://www.hamilton.ca/tax).

## 4.2. Types of Rental Housing

Rental housing is a common living arrangement where a tenant pays rent to a landlord to live in part of a larger facility.



Rental accommodations can be single detached homes, townhouses, or apartment buildings. These may be owned privately (for profit) or by non-profit organizations. Some condominium owners also rent out their units.

Costs for a rental unit will vary. Refer to the [Glossary](#) for more information about market rents and rent-geared-to income.

### 4.2.1 Apartments

Apartments are typically forms of independent living. Apartments can be studios, garden suites, secondary suites, two-storey flats, maisonettes or lofts. Townhomes, row houses, and semi-detached and single detached homes are also available for rent.

Tenants and landlords have legal rights and responsibilities, most are outlined in the *Residential Tenancies Act (RTA)*. However, some regulations exist in other legislation. Some examples are the *Municipal Act*, the *Housing Services Act*, the *Planning Act* and local by-laws.

### 4.2.2 Group Homes

A group home is a residence licensed and funded by the government for 3 to 10 persons, not including staff. Residents of a group home live under supervision in a single housekeeping unit. Due to different reasons including; emotional, mental, social or physical condition or legal status, living in a group home is best for their well-being.

### 4.2.3 Residential Care Facilities

Residential Care Facilities (RCFs) are homes where a number of people live together and are provided care. They often provide housing for older adults and/or people living with disabilities. An RCF is a type of supported housing.



Some residential complexes have residents who receive 24-hour a day care. RCFs include geriatric care homes, psychiatric care homes, and homes for residents with developmental disabilities. Most are privately owned and licensed by the City of Hamilton. This means they need to follow certain health, fire and living standards. Some RCF units are subsidized for people who have a low-income.

#### **4.2.4 Long Term Care Facilities**

Long term care facilities, sometimes called nursing homes, are institutional buildings for people who can no longer live independently. They need 24-hour a day personal and nursing care, sometimes within a secure setting. They include many services and supports for people with disabilities, older adults and family caregivers. Residents receive personal care and health services, as they have limitations that prevent them from taking part independently in everyday activities.

#### **4.2.5 Retirement Homes (Assistive Living Facility)**



Retirement homes (assistive living facility) provide a fee-based specialty accommodation and communal programs for seniors who may need help with daily living activities.

Retirement homes are usually privately owned. They must have at least 2 of 13 care services as set out by the *Retirement Homes Act (RHA, 2010)*. This housing option may cost too much for people on a fixed income.

#### **4.2.6 Assisted Living Services (Rental or Ownership)**

Assisted living services provide personal and home support services. This allows people to live in their home as their needs change. This includes help with personal care (bathing, mouth and skin care), personal support (dressing and help with taking medicine), homemaking services (light housekeeping and laundry), and home maintenance. Services are accessed through regional “hubs” provided through the Local Health Integration Networks (LHINs). Many private assisted living service providers/services are also available on a fee-for-service basis.

## SECTION 5: Conditions and Special Needs

This section includes information on common conditions and how those conditions can shape and affect the housing needs of people with disabilities. This section also offers resources to help people with these conditions access housing and housing supports in their community.

### 5.1. Circulatory Conditions

The circulatory system describes the heart and blood vessels. Some circulatory diseases include; high blood pressure, coronary artery disease, and hypotension (low blood pressure). On-going circulatory conditions can often result in strokes or heart disease. Results of a stroke may include; weakness or paralysis and vision problems including depth-perception. Other issues include; cognitive problems like reading difficulties, speaking, comprehension and short-term memory loss.

If you have a circulatory condition you often need regular medication for your health. Housing with proper storage for medication is needed. Those with circulatory conditions may also need special diets. In these cases, appropriate or specialized appliances and customized kitchen space may be needed. People with circulatory conditions often need special accommodations in the home such as assistive devices and help with care. In some cases, barrier-free housing that is fully wheelchair accessible might be needed. Housing with proper storage areas and turning radius is needed for those with assistive devices. March of Dimes is one of many community-based rehabilitation organizations for people with circulatory conditions or physical disabilities due to circulatory conditions.

For more information on March of Dimes and other organizations contact:

#### [March of Dimes Canada](#)

20 Emerald Street North, Unit 309

Hamilton, ON L8L 8A4

Ph: 905-527-6653

 @modcanada

[Heart and Stroke Foundation](#)

1439 Upper Ottawa Street, Unit 7  
Hamilton, ON L8W 3J6  
Ph: 905-574-4105

[The Hamilton-Wentworth Stroke Recovery Association](#)

70 King Street East, Unit B  
Stoney Creek, ON L8G 1K2  
Ph: 905-662-7819  
Email: [strokerecovery@gmail.com](mailto:strokerecovery@gmail.com)

[AbleLiving Services](#)

565 Sanatorium Road  
Hamilton, ON L9C 7N4  
Ph: 289-309-8477  
Email: [info@ableliving.org](mailto:info@ableliving.org)

## **5.2. Cognitive Disabilities/Mental Health Conditions**

There is a wide range of mental health conditions and cognitive disabilities. Some are acquired at birth and some acquired later in life like a brain injury. Many people with less severe conditions only need limited supports. Help with daily living activities such as bathing, eating, dressing, cleaning, using the toilet, and/or other personal care are common. Individuals with more serious cognitive disabilities often need special care, including 24-hour supervision. Specialized supports are often needed for those who have communication disorders and have trouble controlling difficult behaviour.

In some cases, people with severe cognitive disabilities, may need residential care as living independently is not possible or practical. In addition, many experience gradual declines in ability over time. Living in a residential care facility allows more 'on-site' services to be added over time to meet the person's needs.

Safety can be a major concern for those with cognitive disorders who live independently and/or with limited supports and supervision; for example, those with Autism Spectrum Disorder (ASD), dementia or brain injuries may have trouble understanding their environment and other people. Safety is a major issue as they may wander off. Proper locks are required to secure the residence and any medication. Other safety measures to consider within the home are; a secure stove to prevent fires and a water heater temperature governor to avoid burns from hot water. Bathroom grab bars and grips and non-skid rugs are also

helpful household features.


For more information on residential care facilities in Hamilton please call the [Housing Services Division](#) at 905-546-3901.

For information on supports for cognitive disabilities contact the following organizations:

[Autism Hamilton](#)

533 Main Street East  
Hamilton, ON L8M 1H9  
Ph: 905 528 8476  
Email: [lb@autismontario.com](mailto:lb@autismontario.com)

[Alzheimer Society Hamilton and Halton](#)

206-1685 Main Street West  
Hamilton, ON L8S 1G5  
Ph: 905-529-7030  
 @DementiaAlzh

[Brain Injury Services of Hamilton \(BISH\)](#)

225 King William Street, Suite 508  
Hamilton, ON L8R 1B1  
Ph: 905-523-8852  
Email: [info.news@braininjuryservices.com](mailto:info.news@braininjuryservices.com)

### 5.3. Developmental Disabilities

There are a range of developmental disabilities which can include; Down Syndrome, Cerebral Palsy and autism. Communication disorders like language/speech disorders, learning disorders and motor disorders fall into this category for the purpose of this guidebook. Some conditions are more visible such as cerebral palsy and some are less visible such as dyslexia.

These conditions can appear at birth or childhood and in some cases, can become more severe over time into adulthood. Because of visible spastic-like movements or unclear means of communication, individuals may be misunderstood or be regarded as not being smart. This is not the case, as in most circumstances people suffering from these types of conditions are quite intelligent.

It is important for people with developmental disabilities to be matched with the

type of housing and supports they need. Contacting Development Services Ontario (DSO) is the first step in this process. DSO will assess the condition and housing needs to determine eligibility for programming.


### [Development Services Ontario](#)

140 King Street East, Suite 4  
Hamilton, ON L8N 1B2  
Ph: 905-522-3304 x214  
Email: [info@dsohnr.ca](mailto:info@dsohnr.ca)

The DSO will make recommendations to find an environment that will maximize safety, independence and enable people to have a satisfying quality of life. There are several local programs and housing providers that provide specialized services for people with developmental disabilities.

Some of these organizations include:

### [Choices](#)

59 Kirby Avenue  
Dundas, ON L9H 6P3  
Ph: 905-628-6147 x221  
 @ChoicesDundas


### [Christian Horizons](#)

4278 King Street East  
Kitchener, ON N2P 2G5  
Ph: 519-650-3241  
Email: [info@christian-horizons.org](mailto:info@christian-horizons.org)

### [Community Living Hamilton](#)

191 York Boulevard  
Hamilton, ON L8R 1Y6  
Ph: 905-528-0281  
Email: [info@clham.com](mailto:info@clham.com)

### [Indwell](#)

1430 Main Street East  
Hamilton, ON L8K 1C3  
Ph: 1-866-529-0454  
 @IndwellCA

[L'Arche](#)

664 Main Street East  
Hamilton, ON L8M 1K2  
Ph: 905-312-0612  
Email: [office@larchehamilton.org](mailto:office@larchehamilton.org)

Housing needs for people with developmental disabilities often grow over time. A common challenge is that as the primary caregivers (typically parents) get older, they may no longer be able to care for the person with the developmental disability. Moving from home with a parent providing primary care to supportive housing is a challenge for people with developmental disabilities.

#### **5.4 Mobility and Physical Disabilities (Neuro-Muscular Conditions)**

People with neuro-muscular disabilities each have different limitations. If you use a mobility device or have cerebral palsy your disability is visible. However, those with early onset multiple sclerosis or neuroglia or epilepsy may not have any visible signs of disability.

Physical limitations often need modifications so tailoring (finding and adapting) the right kind of housing and supports to your needs is important. Speak with your family doctor as they are aware of how a condition will change over time. Your doctor can also refer an occupational therapist to do a home assessment who will recommend specific modifications.

Stairs are the most common barrier for those with mobility restrictions. There are also many other common household design features that are challenging for people with neuro-muscular conditions or physical disabilities. For example, the height of light switches, the location and height of buttons or knobs on kitchen appliances or the shape of taps. Carpeting can be a barrier for people using mobility devices, especially manual wheelchairs. Bathing can be problematic but common mobility aids like bathtub assist bars, bath chairs and 'roll-in' showers can help.

People who have epilepsy or a non-epileptic seizure disorder need to be aware of electronics that can trigger a seizure. This can include flashing lights on smoke detectors and appliances. Depending on how severe a disorder is, there may be greater need to modify homes to prevent injury.

There are several support groups for particular conditions. The Community Care Access Centre at 1-800-810-0000 is usually contacted first. Care Coordinators will set up an assessment first and then coordinate ongoing care.

Quite often, major home modifications can be expensive. If you own your home and have a low-income, you can apply for financial help through the Ontario Renovates Program. Please contact the City of Hamilton’s [Housing Services Division](#) by phone at 905-546-3901.

For more information on specific conditions contact:

[Arthritis Society](#)

460 Brant Street, Suite 11  
Burlington, ON L7R 4B6  
Ph: 905-632-9390  
Email: [info@on.arthritis.ca](mailto:info@on.arthritis.ca)

[Epilepsy Hamilton, Halton, Peel](#)

2160 Dunwin Drive  
Mississauga, ON L5L 5M8  
Ph: 1-855-734-2111  
Email: [info@epilepsysco.org](mailto:info@epilepsysco.org)

[Ontario Federation for Cerebral Palsy](#)

1100 Main Street West, Suite 301  
Hamilton, ON L8S 1B3  
Ph: 905-522-2928




For more information on housing services for physical conditions contact:

[Brain Injury Services of Hamilton](#)

225 King William Street, Suite 508  
Hamilton, ON L8R 1B1  
Ph: 905-523-8852  
Email: [info.news@braininjuryservices.com](mailto:info.news@braininjuryservices.com)

[March of Dimes Canada](#)

20 Emerald Street North, Unit 309  
Hamilton, ON L8L 8A4  
Ph: 905-527-6653  
 @modcanada

[THRIVE Participation House](#)

2080 Trinity Church Road  
Mount Hope, ON L0R 1C0  
Ph: 905-692-4465  
Email: [info@ableliving.org](mailto:info@ableliving.org)

## 5.5 Respiratory Conditions

Asthma is a common respiratory condition; however, there are more serious respiratory conditions like emphysema, chronic obstructive pulmonary disease (COPD) and lung cancer. In some cases, medical equipment helps with breathing or medications are used to control symptoms. Examples include; inhalators, portable oxygen and continuous positive air pressure (CPAP) machines. Respiratory conditions even when treated can still affect your quality of life.

Living in the right environment is critical for those with a respiratory condition. Known triggers for respiratory distress include air quality, dust, mold, pollen and temperature. It is important to keep a clean unit and live in a building with good air quality. A smoke-free environment is beneficial.

Call the Hamilton Housing Help Centre at 905-526-8100 for help with housing searches that suit your needs. When applying for public subsidized housing, the Access to Housing (ATH) application includes the need for oxygen on its list. However, it doesn't ask about smoke-free accommodation, so you must include this under unlisted needs.



Local programs providing specialized services for people with respiratory conditions include:

[Firestone Clinic for Respiratory Health](#)

50 Charlton Avenue East  
Hamilton, ON L8N 4A6  
Ph: 905-522-1155 x36000

[Lung Association](#)

762 Upper James Street, Suite 278  
Hamilton, ON L9C 3A2  
Ph: 905-745-7416  
Email: [schapman@lungontario.ca](mailto:schapman@lungontario.ca)

## **5.6 Hearing/Vision Conditions (Sensory)**

### **Vision**

There are many levels of blindness and vision loss. Some individuals may have improved vision with corrective lenses. Other people may just see some light or shadows or nothing at all. Vision loss can be genetic, caused by a stroke, degenerative diseases, cataracts or glaucoma, just to name a few. People with other disabilities, who also have vision loss have specific housing needs. In these cases, it can be difficult to accommodate an individual's housing needs.

Features such as automatic doors, good lighting, color contrast in walls and floors and no carpets are helpful for those who are blind or have vision loss. Features that someone with vision loss should look for include; a clear front lobby/foyer, audible or tactile markings in elevators to show or say the appropriate floor and tactile or large print numbers on doors.

The [Canadian National Institute for the Blind](#) (CNIB) provides in-home supports, complete assessments, suggest products to improve independence and perform helpful home modifications. Modifications can include; marking appliances or reorganizing units to make them more accessible.

Social isolation can be a challenge for people with vision loss. Living in a central location near shops, medical facilities, good transportation and social and recreation activities is preferred and helpful for mobility purposes.

The [Canadian Council of the Blind](#) is a social group that meets monthly and is a place to meet people and get involved in social activities. Activities include; blind golf, bowling for the blind and curling for the blind.

Some local specialized services for people with vision loss include:

[Canadian National Institute for the Blind](#) (CNIB)

115 Parkdale Avenue South

Hamilton, ON L8K 6K4

Ph: 905-528-8555

 @CNIB

[Lions Foundation of Canada's Dog's for the Blind](#)

152 Wilson Street

Oakville, ON L6K 0G6

Phone: 905-842-2891

TTY: 905-842-1585

 @LFCDogGuides

[Canadian Council of the Blind](#)

Ph: 1-877-304-0968

Email: [ccb@ccbnational.net](mailto:ccb@ccbnational.net)

## **Deaf, Deafened and Hard of Hearing**

Approximately 23% of adult Canadians report experiencing some hearing loss. This number is projected to significantly increase as the average age of Canadians increase. Hearing loss can be mild to profound or in between. Deaf, deafened and hard of hearing individuals may use hearing aids, cochlear implants or other assistive listening devices.

### **Deaf**

The term ‘deaf’ describes people with a severe to profound hearing loss, with little or no residual hearing. Some deaf people use sign language, such as American Sign Language (ASL) or Langue des signes québécoise (LSQ) to communicate. Others use speech to communicate using their residual hearing and hearing aids, technical devices or cochlear implants, and/or speechreading.

## **Deafened (Or Late-Deafened)**

The terms “deafened or late-deafened” describe individuals who grow up hearing or hard of hearing and, either suddenly or gradually, have a profound loss of hearing. Adults who become late-deafened usually cannot understand speech without visual clues such as captioning, computerized notetaking, lip reading or sign language.

## **Hard of Hearing**

Most people who are hard of hearing can understand some sounds with or without hearing aids. They also often supplement their residual hearing with speechreading, hearing aids and technical devices. The term “person with hearing loss” is often used and preferred.

Deaf and hard of hearing people have unique housing needs. They need a quiet and/or well-lit space to properly communicate. End units are preferred in multi-unit buildings as they could be quieter and have less noise and limited hallway traffic.

Some important building design features to look for are:

- Security and fire alarm systems that do not just use sound
- Building layouts that do not block views
- Doorbells that light-up
- High-speed internet access that allows for specialized communications technology

When looking for a home, an interpreter is often needed by the potential homeowner or renter to help with deciding whether a unit meets their needs or not. Once living in a unit, it is important to set up a way to communicate and build a rapport with your building manager. This will help you resolve any future concerns and allow the building manager to better understand and be responsive to your needs.

## **Deaf Blindness**

Someone who is deaf blind is not necessarily totally deaf or totally blind. Many people who are deaf blind have some residual sight and/or hearing. The major challenge is not about the amount of sight and hearing; it is about the combined impact of having more than one sensory impairment.

Since being deaf blind includes both vision and hearing loss, very specific living accommodations are needed. When looking for housing, a community with nearby shopping, medical centres, transportation and audible traffic signals makes it easier to be a part of the community. Within the home or building there are many things to consider. Do the elevators have Braille and raised numbers? Also, are there audible floor indicators, Braille or raised numbers outside the elevator door on all floors?

Other helpful building design features include flashing and/or vibrating door bells, flashing and/or vibrating fire alarms. Help may be needed from several community organizations that specialize in hearing and vision loss to maximize quality of life.

## **5.7 Bowel/Bladder Conditions**

Gastric or urinary issues are common for people with Crohn’s disease, Irritable Bowel Syndrome (IBS), bladder or bowel cancers, incontinence or those who experience frequent bladder infections. People with these conditions often have special housing needs, particularly bathroom use and availability. Group homes, residential care facilities and home share living arrangements can be challenging for people with these conditions due to shared bathrooms.

A specialized service and support group for people with gastric issues is:

[Crohn’s and Colitis Canada - Hamilton](#)

Ph: 1-800-387-1479

Email: [hamilton@crohnsandcolitis.ca](mailto:hamilton@crohnsandcolitis.ca)

## **5.8 Emergency Situations**

People with disabilities experience emergency situations unique to their conditions. Two key factors to consider are prevention and mitigation.

### **Emergency Prevention**

The best way to deal with emergencies is to stop them from happening in the first place. For people living with disabilities, depending on their needs, there are a number of measures that can be put in place to reduce or prevent emergencies.

Common emergency prevention tips include:

- For people with mobility restrictions, install non-slip rugs, grab bars in the kitchen/bathroom or where needed. These will prevent slips or falls or other situations.
- For those who are blind or have low vision and/or those with mobility restrictions, good lighting is important.
- For people who need medication, using a medication dispensing system prevents missed or inaccurate dosages.
- Having a checklist/schedule for regular maintenance for needed assistive devices, appliances or key items in the home.
- Having a home security system.
- All multi-residential buildings must have a fire plan. It is a good idea to participate in fire drills and know the fire routes in your building.
- Fire departments recommend that anyone who uses a mobility device not live higher than six floors. This helps emergency personnel easily evacuate occupants in an emergency.

## Emergency Mitigation

Another key part is to lessen the impact of emergencies when they occur.

Common ways people with disabilities promote harm reduction include:

- Wearing an “Emergency Help” device
- Wearing a [Medic-Alert](#) bracelet
- Having a well-stocked maintenance toolkit for important electronics, appliances or assistive devices that need regular upkeep. This kit could include backup fuses and batteries for hearing aids for example.
- Pre-programming emergency contacts and medical conditions, in your home and/or cell phones.
- Having a list of emergency contacts near the telephone which includes neighbours, friends, family, medical contacts, pharmacy, elevator repair, assistive device repair, etc.
- Keeping a list handy of any medications you take.

## Specific Emergencies

Sometimes your power can go out and this can be an issue if you rely on electricity for medical equipment. If you have such equipment you should have a

backup generator or have batteries on hand for respirators or other items that need power.

A heavy snowfall can be challenging for people with disabilities. If you have respiratory conditions or physical disabilities you can have issues or be unable to shovel your own snow.

## SECTION 6: Decision-Making

Finding or changing where you live isn't always easy especially when it is not your most desirable choice. In the case of moving to social or subsidized housing, it often involves a crisis. The first step is coming to terms with the crisis which can range from financial to health and often include both concerns. The crisis is often sudden and/or unplanned. Both the individual and their family and friends may have a difficult time coming to terms with the new reality.

For people with disabilities, housing choices are limited and come with constraints or limitations. This guide attempts to provide people with information to assist them searching for and selecting housing. Medical conditions and health concerns such as mental health, addictions, chronic conditions and low-income makes finding suitable housing difficult. The reality is you many need to make choices or accept trade-offs between meeting needs/wants and staying within your household budget. One example of a choice for people with disabilities is deciding between affording the cost of finding new accommodations or adapting existing living conditions.

### **Key Factors in Decision-Making**

#### **Person-Centeredness**

This focuses on placing the person at the center of all factors considering their needs including their unique economic, cultural and gendered experiences. This approach has demonstrated value and is widely adopted within medical and health care (Mayo Clinic, Ottawa Hospital Research Institute, CIHI, E-health) as well as in [Hamilton's 10- year Housing and Homelessness Action Plan](#).

#### **Balancing Needs and Wants**

It can be challenging to determine what is a need versus what is a want. Having limited resources, it is important to carefully analyze your personal circumstances, physical, medical, health conditions and preferences. Prioritization assists in navigating through crisis situations, preventing on-going stress and concerns around finding suitable housing and supports.

#### **Cost-Effectiveness**

Means maximizing meeting the needs of people with disabilities while minimizing the costs without compromising quality.

### **A Decision-Making and Housing Example:**

Judy, 61, has a chronic respiratory condition. She needs a suitable environment for her breathing. She works at home as a freelance transcriber and earns approximately \$20.00/hour.

Judy worked with her family to find a home. She took her doctor's advice and selected a recently built smoke-free unit in a duplex. The home was located on the south-west mountain; an area of the city away from the industrial core.

The rent was higher than a similar unit she found in the lower city but having better air quality. Judy determined the higher rents were an acceptable trade-off for the better standard of living as she prioritized her long-term health. As a result of her decision, Judy was not able to immediately afford central air conditioning because of her slightly higher rent. She'll use her window air conditioning unit and save for the system she wants to buy in the future.



## SECTION 7: Respite Care

Respite services give primary caregivers a temporary break from providing care to the person they are caring for with a disability. Caregivers, whether family or health care professionals, are sometimes unable (or unwilling) to give full-time or round-the-clock care. Most people living with a disability have a daily routine that they like; however, they may need a temporary change in the type of care. In these cases, there are agencies that provide respite care. There are also agencies that provide support to people who live in a private unit. They can come once-a-day to once-a-week or on an ‘as-needed’ basis to give needed care and services.

Some agencies require a vulnerable or disabled person to be moved to a centralized setting to provide care. This is the case for extended care. Often there are waitlists which means planning in advance for care and supports needed in a timely manner.

Contact can be made through [LHIN Home and Community Care](#) at 1-800-810-0000 who is the main service agency.

Other organizations that can assist include:

[Community Living](#) at 905-528-0281

[Von Canada Respite Services](#)

414 Victoria Avenue North, Suite M2

Hamilton, ON L8L 5G8

Ph: 905-529-0700 or 905-523-1055

Email: [national@von.ca](mailto:national@von.ca)

## SECTION 8: Safety Features to Check

There are many features to look for when searching for a home in the context of meeting the needs of people who have a disability. Considering and prioritizing the features that apply to your condition will maximize the ability for housing to be tailored to suit your needs.

### **Accessibility to the Home for Care Providers**

It is important to balance between having access for caregivers while preventing strangers or unwanted solicitors entering a home. Common safety features include windows in or beside the front door to see who is at the door; using a key box instead of hiding a key outside for care providers. High-rise and multi-residential buildings may have an intercom system to notify tenants of visitors as well as security cameras so they can watch who comes in and out of the building. These should be working and accessible so caregivers can access the units inside. For automatic doors that are activated by accessibility buttons, keys or fobs, residents should tell caregivers to not allow piggybacking. Piggybacking is when two people enter through a door where there has only been one security swipe.

### **Alarms**

Some buildings have alarms on each floor while others have them in each unit. It is important to tailor the alarm that meets the needs of the resident. This would include a visual alarm for someone who is deaf or hard of hearing and an audible alarm for some who is blind or has low vision.

### **Appliances**

Countertops, cupboards, taps, sinks, buttons and knobs on stoves and ovens should be located at accessible heights and reaching distances.

### **Common Spaces**

Accessibility should be considered for buildings where there are public offices, public meeting rooms, laundry rooms and washrooms.

## **Computers/Cell-Phones**

Access to technological devices can help with being informed about emergencies. These devices also help with communication with others about personal emergencies. Based on location, cell phone and internet reception can vary in units and buildings. Basement apartments tend to have poor reception. Some buildings provide Wi-Fi in common areas.

## **Elevators**

Elevators should be large enough for an ambulance stretcher or a wheelchair to turn around. The buttons should light up and have a tactile surface, like raised letters or ideally Braille. Elevator systems should have audible cues to help those with low vision. The number of elevators should also be considered.

## **Colour Contrast**

This is necessary for people who are blind or have low vision to recognize corners, pathways, doorways and stairs.

## **Fire Drills**

These should be done regularly and include an evacuation plan for people with disabilities. Accommodations should be in place for people who are deaf, hard of hearing, blind or have low vision.

## **Flooring**

Hardwood and tile floors are ideal for people using mobility devices. Even well-laid carpeting can be a problem for people using mobility devices. Scatter rugs can be a tripping hazard, especially for people with vision loss or mobility issues.

## **Grab Bars and Handrails**

These should be installed with the proper grips to be effective. Barrier-free guidelines should be referenced and an Occupational Therapist should assist with placement. Handrails are necessary for all stairways.

## **Height of Building**

The height of a building has many safety considerations. Even a few stairs can

be impossible for people with mobility issues. Fire departments recommend that anyone who uses a mobility device live no higher than six floors so emergency personnel can easily evacuate occupants in an emergency.

### **Height of Intercoms**

The placement of intercoms can often be too high for a person who uses a wheelchair.

### **Smoking**

There are many health and safety issues for people with disabilities related to smoking. It is a particular concern for people with respiratory issues.

### **Sprinkler Systems**

It is a good idea when looking for housing to look at buildings with sprinkler systems. These systems can prevent against risk as in the case of a fire. Systems should be in all multi-residential buildings.

### **Storage Space**

The amount of storage space is different in each housing unit. People with disabilities may have unique storage needs for mobility devices or other items. Sometimes designated space in other areas of the building can be a problem, so in-unit space is needed.

### **Stairs and Ramps**

These should be well-built with wide treads and regular risers. Any carpeting will shorten the tread and may cause slipping or falling incidents. Ideally each step should have a tactile slip edge.

## SECTION 9: Frequently Asked Questions (FAQ’s)

### **Q: Who do I call if I need accessible housing?**

**A:** Everyone’s situation is unique. For more information, contact an organization listed in [Section 2](#) of this guide.

### **Q: How do I identify my needs?**

**A:** A good first step is to discuss your situation with your spouse, children, other family members or close friends. Talk to your family doctor as they can advise, direct or refer you to an agency or organization that can specifically assess your limitations and specific needs.

### **Q: What do I do when my needs change?**

**A:** It is important to stay in touch with your health care and housing providers, so they can respond to changes in your condition. It isn’t always easy to quickly accommodate changing needs. Sometimes there are trade-offs between getting access to additional services and care and maximizing independence.

### **Q: Who do I contact for help with completing an assessment to make my home more accessible?**

**A:** Contact staff at the [Disability Information Service Program](#) at 905-546-3200 x3205 located at the Hamilton Central Library. Program staff will help make arrangements for an in-home assessment.

### **Q: Who do I call for information about the Social Housing waitlist or help with filling out my waitlist forms?**

**A:** Call the City’s Housing Services Division Access to Housing Line at 905-546-2424 x3708 or email [ath@hamilton.ca](mailto:ath@hamilton.ca).

### **Q: Where do I apply for grants to help me in making my living space more accessible?**

**A:** The Homeowner Ontario Renovates offers financial assistance to low-income households who own and occupy sub-standard housing to enable them to repair their dwellings to a minimum level of health and safety.

The Person with Disabilities Ontario Renovates offers financial assistance to households occupied by persons with disabilities who require special modifications to improve accessibility to their residence.

A 10-year forgivable loan up to a maximum of \$20,000 is given to assist with the cost of certain work required to the home. Modifications to increase accessibility includes but is not limited to:

- permanent installations of ramps, handrails, chair and bath lifts
- height adjustments to countertops
- cues for doorbells and fire alarms

For more information or to apply, contact program staff at the City of Hamilton’s Housing Services Division by email at [housing@hamilton.ca](mailto:housing@hamilton.ca) or by phone at 905-546-2424 x2758.

**Q: Who do I contact about an unresolved maintenance problem in my building?**

**A:** If you complain to your landlord about a maintenance issue, make sure you write it down and date it. Verbal complaints cannot be tracked.

Contact the City of Hamilton’s Property Standards Department to arrange for an inspection or to have a work order issued. If this doesn’t fix the problem, tenants can call the [Landlord Tenant Board](#) at 1-888-332-3234 for more help.

**Q: Who do I call about pests (bed bugs, cockroaches, ants, etc.) in my unit?**

**A:** Landlords are responsible for examining a housing unit for pests and taking care of their removal. If you have a disability you may need help to prepare for the treatment. If you have limited income, you can call the [Hamilton Housing Help Centre](#) at 905-526-8100. They offer support for qualified households.

If your landlord doesn’t help, you may need to call the [Public Health Department](#) at 905-546-2489. They can help resolve the matter up to and including issuing a work order.

**Q: How do I know if the unit I am moving into has pests (bed bugs, cockroaches, ants, etc.)?**

**A:** The City of Hamilton has a useful website that has tips, tools and ways to prevent pests. The following link contains helpful information:

<https://www.hamilton.ca/home-property-and-development/pest-control/bed-bugs>

**Q: Should I tell my Building Manager about my disability? If so, how?**

**A:** Yes, this is good idea in case of an emergency. You can give the Building Manager or live-in Superintendent details about your condition. You can also provide them contact information of who they should call if there is an emergency.

**Q: Are service animals allowed?**

**A:** Service animals are allowed in all public buildings. When looking for a home, service dog owners should look for a space that can meet the animal’s needs. This includes enough space, services and nearby park areas.

## SECTION 10: Glossary

<b>Glossary of terms to help in using this guide</b>	
<b>Legend:</b> Housing; <b>Frequently Used Terms</b> ; <b>Equity and Inclusion</b>	
<b>Abuse</b>	May be physical, psychological, social or financial mistreatment. Neglect is often associated with abuse.
<b>Ableism</b>	<p>Is a set of cultural, institutional and individual practices and beliefs that assigns different values to persons who have various kinds of disabilities. It's a form of discrimination, prejudice and social exclusion based on a person's abilities, whether developmental, learning, physical, psychiatric or sensory which devalues and disregards persons with disabilities.</p> <p>It is derived from the unconscious or conscious practice of setting the needs of persons without disabilities as the norm for the provision of programs, services and opportunities. It is coupled with a belief in the inherent superiority of those who do not have a disability. As a result of these beliefs and behaviours, facilities and programs may not be accessible to persons with disabilities.</p>
<b>Access or Accessible Buildings</b>	A person with a disability is, without assistance, able to approach, enter, pass to and from, and make use of an area and its facilities. (BC Building Code, 1992).
<b>Access</b>	Ensuring that the basic needs of everyone are met through the removal of barriers to services, programs, opportunities, resources, information and decision-making, which is essential to maintaining and improving quality of life and sense of belonging.
<b>Accessibility</b>	<p>When this term is used in relation to human rights concepts, it implies that all groups and individuals should be able to participate fully in all programs, services and opportunities free of barriers and limitations.</p> <p>There are many kinds of disabilities such as physical, psychological, mental, learning disabilities which can be visible, non-visible, permanent, temporary, or occur only at certain times.</p> <p>It is often used with specific reference to the needs of persons with disabilities.</p>



<b>Glossary of terms to help in using this guide</b>	
<b>Legend: Housing; Frequently Used Terms; Equity and Inclusion</b>	
<b>Accessibility for Ontarians with Disabilities Act (AODA)</b>	<p>The AODA was enacted in 2005. This legislation is intended to benefit all Ontarians by developing, implementing and enforcing accessibility standards to achieve accessibility for Ontarians with Disabilities, with respect to goods; services; accommodation; facilities; employment; buildings; structures and premises; and to ensure equal citizenship and full human rights.</p> <p>Accessibility standards, customer service standards, integrated accessibility standards, information and communications standards, employment standards, transportation standards and built environment standards set out requirements, to which municipalities, businesses and organizations legally must comply.</p>
<b>Accommodation (verb)</b>	<p>The act of accommodating housing is designed in a way to maximize removal of barriers that may exist for persons with disabilities. Housing services are provided to maximize the inclusion of people with disabilities or in need of assistance.</p> <p>‘Housing providers’ includes landlords and other responsible parties, such as governments or agencies that provide housing related services.</p>
<b>Adaptable Housing</b>	Housing that looks like traditional housing but has features designed and constructed for easy modification and adjustment to suit the needs of any occupant including children, seniors and people with disabilities
<b>Accountability</b>	<p>Means that people (elected officials, managers, staff, contractors, etc.) are responsible for carrying out a defined set of duties or tasks, and for conforming with policies, rules and standards that apply to their jobs and responsibilities.</p> <p>It is being responsible, liable, or answerable to the actions taken by an individual or organization.</p>
<b>Affordable Housing</b>	Housing for lower and middle-income households where a common measure of affordability is that households pay no more than 30% of their household income for housing.
<b>Ageing in Place</b>	Coordination in the delivery of housing, healthcare and services to create and maintain livable communities that respond to the changing needs of people as they get older.

<b>Glossary of terms to help in using this guide</b>	
<b>Legend: Housing; Frequently Used Terms; Equity and Inclusion</b>	
<b>Ageism</b>	Attitudes, labels and behaviours that make assumptions about persons and their abilities based on their age.  It is a way of thinking of older people based on negative stereotypes about ageing and structuring society as if everyone is young. (Ontario Human Rights Commission)
<b>Amenity</b>	Is a desirable or useful feature or facility of a building or place. Synonym: facility, service, convenience, resource, appliance, aid, comfort, benefit, etc., such as a bus stop, drug store, grocery store, library, schools, etc. (Thesaurus)
<b>Anti-Racism</b>	Beliefs, policies and practices that have been put together, designed, adopted or developed in order to identify, isolate and counteract the impacts of racism and to prevent or diminish the oppression of racialized communities, groups and individuals.
<b>Apartment (Apt.)</b>	A self-contained (kitchen, bedroom, bathroom, living space) unit. It is in a building with a few or many other units.
<b>Appliances (Appl.)</b>	These include washer and dryer, refrigerator, stove, dishwasher, etc. Often some or all of the appliances are included in the rent. The most common appliances included are refrigerators and stoves.
<b>Assistive Devices</b>	Compensatory equipment used to overcome a physical or sensory disability. These include hand held, electronic or prosthetic aids.
<b>Bachelor (Bach.)</b>	A one room unit (living room, dining room and bedroom). The kitchen may either be in the main room or in a small separate room. The bathroom is usually a separate room.
<b>Barrier</b>	A barrier is defined as "anything that prevents a person with a disability from fully participating in all aspects of society because of their disability. It includes a physical barrier, an architectural barrier, an informational or communications barrier, an attitudinal barrier...a policy or a practice barrier." ( <i>Ontarians with Disabilities Act, 2001</i> ).
<b>Attitudinal Barriers</b>	Are our assumptions, beliefs, thoughts and fears. Attitudes can be shaped by what we know, previous experience, stereotypes, or what we hear and see from media and others. Attitude affects how we view, interact and treat people with disabilities.

<b>Glossary of terms to help in using this guide</b>	
<b>Legend: Housing; Frequently Used Terms; Equity and Inclusion</b>	
<b>Architectural or Structural Barriers</b>	May result from design elements of a building such as stairs, doorways, width of hallways and room layout. Every day practices such as where we store boxes, if accessible pathways are obstructed, how we layout the office or a meeting room can also create barriers.
<b>Information or Communication Barriers</b>	<p>Affects access to public information, opportunities to express oneself, access to essential services. Communication barriers interfere with the ability of people to participate in life and obtain services.</p> <p>Examples of information and communication barriers can make it difficult for people to receive or convey information include:</p> <ul style="list-style-type: none"> <li>• Only providing material in small print</li> <li>• Low colour contrast between text and background</li> <li>• Not facing someone when speaking</li> <li>• Only accepting information in paper format</li> <li>• Not allowing or using electronic communication</li> </ul>
<b>Barriers (Related to Technology)</b>	Technological barriers can prevent people from accessing information. Common tools like computers, telephones and other aids can all present barriers if they are not set up or designed with accessibility in mind. Using only recorded messages, sending out documents or information as images or inaccessible PDFs, requiring people to use an online service but having an inaccessible website can all create barriers for people with disabilities.
<b>Barriers (Systemic)</b>	Arise when policies, practices and procedures support some groups without considering or understanding needs of others. Having policies that treat everyone the same, regardless of circumstance can create barriers for some groups. For example, a policy that does not allow for people to obtain a copy of a document ahead of the actual meeting can create barriers for people with vision loss or learning disabilities who may not be given the opportunity to read or review the document.
<b>Bias</b>	An inclination with little or no justification towards or against an individual or group that affects the way one sees them.

<b>Glossary of terms to help in using this guide</b>	
<b>Legend: Housing; Frequently Used Terms; Equity and Inclusion</b>	
<b>Bigotry</b>	Intolerant prejudice which tends to glorify one’s own group while denigrating members of other groups.
<b>Built Environment</b>	Refers to more than just buildings, it includes streetscapes, sidewalks, outdoor areas and any space made for people to use.
<b>Canadian Charter of Rights and Freedoms</b>	This legislation falls under the <i>Constitution Act (1982)</i> . It guarantees the rights and freedoms of all Canadians and states that everyone is entitled to fundamental freedoms, protects everyone's right to be treated fairly and without discrimination.
<b>Classism</b>	A system of beliefs and cultural attitudes that ranks people according to economic status, family lineage, job status, level of education, and other divisions. Middle-class and owning or ruling-class people (dominant group members) are seen as smarter and more articulate than working-class and poor people (subordinated groups). In this way, dominant group members (middle-class and wealthy people) define for everyone else what is “normal” or “acceptable” in the class hierarchy. Systems of policies and practices that are set up to benefit the upper classes at the cost of the lower classes, resulting in drastic income and wealth inequality.
<b>Culture</b>	<p>A shared set of ideas, beliefs, customs, values, traditions and beliefs among a group of people. The term can apply to an organization or to a group that subscribe to a common language, religion, history or social norms.</p> <p>Cultural groups are distinguished by a set of unspoken rules that shape their people’s values, beliefs, habits, patterns of thinking, behaviors and styles of communication.</p>
<b>Communication</b>	Providing information in several different formats, such as audio tape, braille, print and speech.
<b>Co-operative Housing (CO-OP)</b>	Housing that runs on a not-for-profit basis. Those living there are members and they help to manage and run the property.
<b>Deposit (Dep.)</b>	Money a tenant may have to provide to a landlord to hold/reserve a rental unit.

<b>Glossary of terms to help in using this guide</b>	
<b>Legend: Housing; Frequently Used Terms; Equity and Inclusion</b>	
<b>Dignity</b>	Providing services in ways that allow people to maintain their self-respect and respect of other people. It means not treating persons with disabilities as an afterthought or forcing them to accept lesser service, quality or convenience. It means understanding and respecting the various ways people can effectively access and use services.
<b>Disability</b>	<p>A disability is any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness.</p> <p>It may lead to the use of a service animal, wheelchair or other assistive equipment or device.</p> <p>A disability can also be invisible. This includes mental health, cognitive and learning disabilities all which might put a person at a disadvantage or may interfere with work or personal activities.</p>
<b>Discrimination</b>	<p>Is different treatment or practice either intentional or otherwise that can occur through action, policy, procedures or practice.</p> <p>Discrimination is the denial of fair treatment, human rights and opportunities. It can be based on race, ethnicity, nationality, gender, sexual orientation, age, religious or political affiliation, marital or family status or disability.</p>
<b>Diversity</b>	<p>Diversity recognizes the broad variety of differences, similarities, backgrounds and life situations among individuals and groups of people.</p> <p>Diversity includes differences in; culture, education, age, class, perceived racial heritages, heritage, religion, ancestry, colour, citizenship, gender, sexual orientation, ethnic origin, abilities and disabilities, marital, parental or family status, geographical location, literacy, income, and work experience.</p>
<b>Duplex/Triplex/ Multi-Plex</b>	<p>Duplex (a building with 2 units)</p> <p>Triplex (a building with 3 units)</p> <p>Multiplex (a building with several separate units)</p>
<b>Emergency Shelter</b>	A temporary place to go if you don't have a home and need somewhere to sleep.

<b>Glossary of terms to help in using this guide</b>	
<b>Legend: Housing; Frequently Used Terms; Equity and Inclusion</b>	
<b>Equal/Equitable Opportunity</b>	Providing services in a way that allows individuals with disabilities to have the same chances, options, benefits and results of service as others. It means that persons with disabilities should not have to make more effort to access or obtain service or accept lesser quality or more inconvenience.
<b>Equality</b>	Equality is based on the concept of ‘fairness’, whereby everyone has the same means to a desired end. However, equality does not always assure equal outcomes because individual abilities, capabilities and access to resources, power and privilege vary. See <a href="#">Equity</a> .
<b>Equity</b>	Equity ensures that differentiated treatment must meet the needs of marginalized groups and to ensure equal outcomes for diverse groups across our society and help reduce the barriers or deficits faced by a specific group.
<b>Ethnicity</b>	<p>Ethnicity is a social construct which categorizes people into social groups based on characteristics such as a shared sense of group membership, values, behavioural patterns, language, political and economic interests, history and ancestral and/or geographical origin.</p> <p>Examples of different ethnic groups are: Caribbean; African Canadians; Haitians; Chinese; Korean; Vietnamese; Cherokee; Mohawk; Navajo; Cuban; Mexican; Puerto Rican; Polish; Irish and Swedish.</p>
<b>Eviction</b>	<p>The Residential Tenancies Act allows a landlord to evict a household for reasons including:</p> <ul style="list-style-type: none"> <li>• Non-payment of rent or persistent late rent payments</li> <li>• Damage to the unit</li> <li>• Conducting illegal activity within the unit or building</li> <li>• Excessive noise</li> <li>• Safety matters</li> <li>• Over-occupancy (too many persons in the unit)</li> <li>• If the landlord wishes to use the unit for themselves or their family</li> </ul> <p>A person cannot be evicted for living with a disability. There are remedies and resources for people with disabilities who need</p>



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	<p>assistance with matters related to evictions including rent repayment plans, interpretation services and appeals through the Landlord Tenant Board. (RTA, 2006)</p> <p>CityHousing Hamilton has an Eviction Prevention Policy. <a href="#">Click here for more information.</a></p>
<b>Harassment</b>	<p>Persistent, ongoing communication in any form of negative attitudes, beliefs or actions towards an individual or group with the intention of placing that person in an unfavourable role. This includes name calling, jokes, slurs, graffiti, insults, threats, discourteous treatment and written or physical abuse.</p> <p>Bill 168, Amendment to the Occupational Health and Safety Act includes workplace violence and workplace harassment.</p>
<b>Holistic</b>	Treatment of the whole person, taking into account mental and social factors rather than the just the disease symptoms.
<b>House</b>	A unit that usually has a yard and is separate from other units.
<b>Identity</b>	<p>Refers to how people are understood or perceived by others in society. Identity is related in one way or another to a description of a person, and how that person fits into their social group(s) and the larger society.</p> <p>An individual’s sense of identity is constantly developing, shifting and evolving in relationship to history, institutional power, shifting beliefs of the dominant culture, an individual’s own personal development and the actions of other social groups to create change.</p>
<b>Impairment</b>	Any disturbance or interference with the normal structure and functioning of the body, including the systems of mental health (WHO). This may or may not be a disability, for example high blood pressure would be classified as an impairment but not a disability.
<b>Independence</b>	Providing service that makes sure people can do things on their own, in their own way, without unnecessary help, interference or influence from others. It means giving individuals the freedom to make their own choices about how they receive service.

<b>Glossary of terms to help in using this guide</b>	
<b>Legend: Housing; Frequently Used Terms; Equity and Inclusion</b>	
<b>Integration</b>	Providing service that allows people with a disability to benefit from the same services, in the same place and in the same or similar way as others. It means that policies, practices and procedures are designed to be accessible to everyone including people with disabilities. It is a seamless continuum of services.
<b>Interpreter</b>	A person trained in sign language to communicate with people who are deaf or hard of hearing. This can also be someone who speaks more than one language and can communicate with people in different languages.
<b>Intervenor</b>	A trained person who acts as the eyes and ears for people who are deaf, blind or deafblind and helps them adapt to their environment.
<b>Landlord</b>	A person who rents out housing (apartments, townhouses, rooms, etc.). Landlords collect rent and keep the housing in good condition. The landlord may use a Property Manager to operate the property.
<b>Landlord and Tenant Board (LTB)</b>	Like court, the Landlord and Tenant Board settle disagreements between landlords and tenants using the <i>Residential Tenancies Act (2006)</i> .
<b>Last Month’s Rent (LMR)</b>	<p>Money you may be asked to pay to the landlord when you first rent your unit. It must be equal to or less than your monthly rent.</p> <p>LMR is typically used to cover final rent payment upon moving out. Should the LMR be less than the current rental amount, you only owe the balance. Any deposit paid should be applied to your LMR. A landlord is allowed to ask for LMR when you move into a unit. Receipts are available for rent as well as LMR.</p>
<b>Lease</b>	<p>A written contract that you and a landlord both sign. You must be given a copy of the lease. A typical lease term is one year or more. A lease will outline things like:</p> <ul style="list-style-type: none"> <li>• how much rent is</li> <li>• when you need to pay your rent</li> <li>• what your rent includes</li> </ul>



<b>Glossary of terms to help in using this guide</b>	
<b>Legend: Housing; Frequently Used Terms; Equity and Inclusion</b>	
<b>Long-Term Care</b>	Includes several different services for older adults, people with disabilities and family caregivers. It refers to a range of personal care, support and health services provided to people who have limitations that affect them participating independently in everyday activities.
<b>Long-Term Care Facilities</b>	Sometimes called nursing homes, they are institutional buildings for people who can no longer live independently in the community and need access to 24 hour personal and nursing care, sometimes within a secure setting.
<b>Market Rent</b>	Rent that is not subsidized and is set according to the local economic conditions.
<b>Modifications (Modified Units)</b>	<p>Usually refers to pre-existing housing that has been changed to meet the particular needs of a person (such as assist bars in the washrooms). Most do not have widened doorways or turning radiuses for wheelchair use.</p> <p>Application forms for social housing include a section where the applicant can specify accommodations that they require to meet their needs.</p> <p>The Person with Disabilities Ontario Renovates Program offers financial assistance to households occupied by persons with disabilities who require special modifications to improve accessibility to their residence.</p>
<b>Non-Profit Housing</b>	Housing provided by community agencies that does not make a profit.
<b>Ontario Human Rights Code</b>	<p>This legislation provides protection from discrimination and harassment at work, including in housing, and in the receipt and delivery of services and contracts because of race, age, colour, heritage and ancestry, country of origin, ethnic background, citizenship, creed (religion), gender, disability, sexual orientation, marital or family status or receipt of public assistance.</p> <p>For more information on the Ontario Human Rights Code please call 1-800-387-9080 or visit their website at <a href="http://www.ohrc.on.ca">www.ohrc.on.ca</a>.</p>

<b>Glossary of terms to help in using this guide</b>	
<b>Legend: Housing; Frequently Used Terms; Equity and Inclusion</b>	
<b>Ontario Disability Support Program (ODSP)</b>	<p>A program that provides people with a disability and their family financial assistance and benefits.</p> <p>ODSP applications are started by telephone or by applying online at the link <a href="#">ODSP Income Support</a>. If you need financial help right away, apply for Ontario Works (OW) as applying for ODSP is a longer process. OW can assist with your application for ODSP.</p>
<b>Ontario Works (OW)</b>	<p>A program that provides financial assistance and benefits to eligible people with little or no income. OW applications are started by telephone or by applying online at the link <a href="#">Application for Social Assistance</a>.</p> <p>You should apply as soon as there is a need as you will only receive assistance from the date a call is made or an application is completed online.</p>
<b>Persons with Disabilities</b>	<p>Persons with disabilities are individuals experiencing difficulties in carrying out the activities of daily living due to a long-term or recurring physical or mental condition.</p> <p>There are a wide variety of disabilities which include physical, mental, audio-visual, developmental, psychological or psychiatric. Disabilities can be visible or invisible.</p> <p>Persons with disabilities may experience different discrimination because they have different types of disabilities and therefore have different, varying and often unmet needs.</p>
<b>Personal Care Worker (PCW)</b>	<p>Personal care workers help in the daily care of elderly or disabled individuals. They can live in the individual's home or live outside the home and make regular visits. They provide day-to-day care. Job duties may include housekeeping, preparing food, bathing individuals and shopping.</p>
<b>Private Market Rental Housing (Market Rent)</b>	<p>Housing that isn't government run or subsidized but is through a private business. These may include:</p> <ul style="list-style-type: none"> <li>• apartments</li> <li>• townhouses</li> <li>• duplexes</li> <li>• triplexes</li> <li>• houses</li> </ul>

<b>Glossary of terms to help in using this guide</b>	
<b>Legend: Housing; Frequently Used Terms; Equity and Inclusion</b>	
<b>Post-Dated Cheques</b>	Cheques dated for some time in the future. These cheques can't be cashed until the date that is written on them.
<b>Quality of Life</b>	Refers to a person's sense of well-being and satisfaction in the context of the culture and value systems in which they live, and in relation to their goals, expectations, standards and concerns. (WHO)
<b>Rent</b>	Money paid to a landlord by a tenant for the right to live in a rental unit. Depending on the lease, you may pay rent weekly, bi-weekly or monthly.
<b>Rent-Geared-to-Income (RGI) or Social Housing/ Subsidized Housing/Public Housing</b>	Housing paid for partly by the government or a community agency. The amount of rent is based on the household income.
<b>Residential Tenancies Act, 2006 (RTA)</b>	The law that sets out rules for tenants and landlords in Ontario.
<b>Rooming House</b>	Licensed by the City, it's housing where tenants have their own rooms but share kitchens, bathrooms and/or common areas. Rooming houses don't provide care for their tenants.
<b>Semi-Detached Unit</b>	Two self-contained units attached side by side. Each unit has its own kitchen, bathroom and living space.
<b>Service Animal</b>	Any animal trained to help a person with a disability with activities related to daily living. Service animals can help those individuals with visual loss, epilepsy, diabetic conditions, autism, etc.
<b>Social Determinants of Health</b>	Refers to factors that affect the quality of life of a person, such as income and social status, social support network, education and literacy, employment and working conditions, physical environment, social environment, coping skills, personal health practices, healthy child development, health services, biology and genetic endowment, gender and culture. (National Health Forum, 1997)

<b>Glossary of terms to help in using this guide</b>	
<b>Legend: Housing; Frequently Used Terms; Equity and Inclusion</b>	
<b>Social Housing</b>	Provided to households who have a limited income and have housing needs. It's administered by private non-owned non-profit corporations and non-profit co-operative housing corporations (co-ops). A subsidy is provided so households only spend 30% of their income on rent. For some people with low-income, a rent subsidy helps them to live in a unit in a private market rental building. This subsidy is referred to as a rent supplement (RGI) or a housing allowance (flat rate reduction). (City of Hamilton Housing and Homelessness Action Plan 2013)
<b>Special Priority</b>	The <i>Housing Services Act (2011)</i> requires special priority applicants rank ahead of all other applicants on the centralized waiting list for RGI housing and a housing provider's internal transfer list. Status is granted by Service Managers who approve applicants or in-situ tenants who have experienced abuse where the abuser is someone they live with or recently separated from or someone sponsoring the abused individual as an immigrant.
<b>Statuses (on the Access to Housing Waitlist)</b>	<p>There are 6 categories on Hamilton's waiting list. Application forms in each area provide details on the processes.</p> <ol style="list-style-type: none"> <li>1. Special Priority Status (SPP)</li> <li>2. Urgent status (the terminally ill fall into this category)</li> <li>3. Homeless status</li> <li>4. Newcomer status</li> <li>5. Youth status</li> <li>6. Chronological status</li> </ol> <p>For more information about each Status click <a href="#">Hamilton Social Services</a>.</p>
<b>Suitability</b>	One size does not fit all.
<b>Supported Housing</b>	When a person receives care in their home from one or more agencies. For example, services can include Personal Care Workers (known as PSW's), physiotherapists, homemakers, cleaning services and meal preparation services.
<b>Supportive Housing</b>	Housing where services are provided to tenants. This includes help with home maintenance, daily activities or health care. A residential care facility is an example of supportive housing.

<b>Glossary of terms to help in using this guide</b>	
<b>Legend: Housing; Frequently Used Terms; Equity and Inclusion</b>	
<b>Tenant</b>	A person who lives in a rental unit and pays rent to a landlord.
<b>Transitional Housing</b>	Long-term but non-permanent stay to help build housing independence.
<b>Townhouses</b>	Self-contained units that include a kitchen, bathroom, bedroom and living space. They can be attached side-by-side, in a row or in a square and can be stacked one on top of the other. All have their own entrance from the outside.
<b>Unit (Dwelling Unit)</b>	A self-contained living space (own kitchen, bathroom and living space). A unit can be an apartment, townhouse, semi-detached house, house or a room.
<b>Universal Design</b>	<p>Provides product, environment, building design and construction that aims to accommodate the functional needs of everyone, including children, adults and seniors, with or without disabilities.</p> <p>The word universal is often seen coupled to specific design environments or products such as universal kitchen design or universal bathroom design.</p>
<b>Utilities</b>	These include water, electricity, hydro, gas, etc. Sometimes the cost of utilities is included in the rent amount and sometimes it is not.
<b>Visitability</b>	A measure of a place's ease of access for people with disabilities. The Canadian Housing and Mortgage Corporations' report on Accessible Housing by Design Visitability is found at <a href="https://www.cmhc-schl.gc.ca/">https://www.cmhc-schl.gc.ca/</a> .

## SECTION 11: Common Abbreviations

Abbreviation	What it Means	Abbreviation	What it Means
A1	good condition	Mo.	month
Appl.	appliances	Msg.	message
Avail. immed.	available immediately	Neg.	negotiable
Apt.	apartment	Na. or N/A	not available
Bach.	bachelor unit	Nr.	near
Bal.	balcony	Ph.	phone (please phone)
BR	bedrooms	Prkg.	parking
Bsmt.	basement	Priv.	private
Dep.	deposit	Refs.	references required
DR.	dining room	Renov.	renovated/newly painted
Fam.	family room	Rm	room
Gar.	garage	Upr.	upper
Flr.	floor	Util.	utilities
Frdg.	fridge	W/	with, included in the rent
Furn.	furnished	XL	extra large
Hyd.	hydro, electricity		
Immed.	immediately		
Incl.	included		
Kit.	kitchen		
Last/LMR	last month’s rent		
Laun/Lndry	laundry		
Lrg.	large		
Lwr.	lower floor		

**Acknowledgements:**

This guidebook was created by the Housing Working Group of the Advisory Committee for Persons with Disabilities (ACPD), and with help of the Housing Working Group of the Seniors Advisory Committee.

Thank you to the ACPD Committee and City of Hamilton staff in the Corporate Services and Healthy and Safe Communities Departments with special thanks to the Housing Services Division for their support.

# CITY OF HAMILTON

## MOTION

Council: September 12, 2018

**MOVED BY COUNCILLOR B. JOHNSON.....**

**SECONDED BY COUNCILLOR.....**

**Amendment to Appendix “D” of Item 12 of the Audit, Finance & Administration Committee Report 18-006 (Grants Sub-Committee Report 18-002, respecting Report GRA18003, 2018 City Enrichment Funding Recommendations)**

That, in order to allow for the approved grants to be paid to the applicants, Appendix “D” to Item 12 of the Audit, Finance & Administration Committee Report 18-006 (Grants Sub-Committee Report 18-002, respecting Report GRA18003, 2018 City Enrichment Funding Recommendations), which was approved by Council on May 9, 2018, be amended by deleting the incorrect organization names provided by the applicants, and replacing them with the correct organization names, to read as follows:

- (a) ART B-9      ~~Renaissance Music~~  
**Ontario Public Interest Research Group McMaster**
- (b) ART D-2      ~~Double Pendulum Performance (Yellow Wallpaper)~~  
**James Ruxton**
- (c) ART D-10     ~~Gillian Nicola~~  
**Gillian Nicola Alexander**
- (d) ART D-11     ~~Industry (Industry Performance Makers)~~  
**Anna Chatterton**



# CITY OF HAMILTON

## MOTION

Council: September 12, 2018

MOVED BY COUNCILLOR T. WHITEHEAD.....

SECONDED BY COUNCILLOR .....

**Amendment to subsections (d), (e) and (f) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update**

- (a) That subsections (d), (e) and (f) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update, which was approved by Council on March 28, 2018, be amended by deleting “(b)” and replacing it with “(c)”, to read as follows:
- (d) That the General Manager, Finance and Corporate Services, be authorized to engage all required professional services to implement subsection ~~(b)~~ **(c)**, including but not limited to, external legal counsel and fiscal agents;
- (e) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are each authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents requiring their respective signatures to implement subsection ~~(b)~~ **(c)**, in a form satisfactory to the City Solicitor;
- (f) That all necessary By-Law(s) be passed to authorize the debenture issue(s) negotiated and placed in accordance with subsection ~~(b)~~ **(c)**;
- (b) That subsections (e) and (f) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update, which was approved by Council on March 28, 2018, be further amended by adding the words “**and (d)**”, to read as follows:
- (e) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are each authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents requiring their respective signatures to implement subsections (c) **and (d)**, in a form satisfactory to the City Solicitor;

- (f) That all necessary By-Law(s) be passed to authorize the debenture issue(s) negotiated and placed in accordance with subsections (c) **and (d)**;
- (c) That subsection (d) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update, which was approved by Council on March 28, 2018, be further amended by adding the words “, **and Infrastructure Ontario’s Loan Program**” after the words “fiscal agents”, to read as follows:
  - (d) That the General Manager, Finance and Corporate Services, be authorized to engage all required professional services to implement subsection (c), including but not limited to, external legal counsel and fiscal agents, **and Infrastructure Ontario’s Loan Program**.

The Main Motion, as amended, to read as follows:

**15. 50 Main Street East Finance Update (PW18021/FCS18024) (City Wide) (Item 8.6)**

- (a) That the additional project budget, as described the attached Appendix “E” to Report 18-007, in the amount of \$1.438M, be debt financed and funded from lease savings;
- (b) That the revised funding for the \$37,237,998 overall project budget at 50 Main Street East (3541441401), be approved as follows:
  - (i) \$17,480,000 Original Construction – Debt funded from additional Net POA Revenues – Debt charge of \$1.575M; 15 years, amortized at 4% interest rate;
  - (ii) \$10,000,000 Original Construction – Debt funded through levy of \$7.7 M and Development Charges (DC) of \$2.3M;
  - (iii) \$4,900,000 Hamilton Community Energy Infrastructure – Debt funded through levy – Debt charge of \$440K; 15 years, amortized at 4% interest rate;
  - (iv) \$349,998 Capital Budget Increase Work-in-Progress (WIP) Appropriations (December 2017);
  - (v) \$500,000 Window Insulation funded from Red Light Camera Reserve;
  - (vi) \$1,000,000 Tenant Fit-ups – Funded from 50 Main Street East Facility Capital Reserve;
  - (vii) \$1,570,000 Tenant Fit-ups – Debt funded from lease savings – Debt charge of \$150K; 15 years, amortized at 4% interest rate; and,

- (viii) \$1,438,000 Capital Budget Increase – Debt funded from additional lease savings – Debt charge of \$130K; 15 years, amortized at 4% interest rate;
- (c) That the General Manager, Finance and Corporate Services, be authorized to negotiate the terms and placement of a debenture issue(s), and / or private placement debenture issue(s), and / or bank loan agreement and debenture issue(s), and / or variable interest rate bank loan agreement and debenture issue(s), in an amount not to exceed \$35,388,000 Canadian currency related to 50 Main Street East included in Report PW18021/FCS18024, which includes \$2,300,000 in Development Charges Tax Supported debt;
- (d) That the General Manager, Finance and Corporate Services, be authorized to engage all required professional services to implement subsection **(c)**, including but not limited to, external legal counsel and fiscal agents, **and Infrastructure Ontario's Loan Program**.
- (e) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are each authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents requiring their respective signatures to implement subsections **(c) and (d)**, in a form satisfactory to the City Solicitor;
- (f) That all necessary By-Law(s) be passed to authorize the debenture issue(s) negotiated and placed in accordance with subsections **(c) and (d)**;
- (g) That pursuant to the City's Procurement Policy By-law (Policy #11 – Non-Competitive Procurements), a single source procurement for the additional budget requirements for 50 Main Street East, Hamilton, be awarded to the Construction Manager currently onsite, Eastern Construction Company Limited, to be added to the Purchase Order to complete contract C11-15-15; and,
- (h) That the General Manager of Public Works be authorized to negotiate, enter into and execute all required documentation to give effect thereto with Eastern Construction Company Limited, in a form satisfactory to the City Solicitor.

# CITY OF HAMILTON

## MOTION

Council: September 12, 2018

**MOVED BY COUNCILLOR T. ANDERSON.....**

**SECONDED BY MAYOR / COUNCILLOR.....**

**Item 3 of the School Board Properties Sub-Committee Report 18-001, August 29, 2018 (Referred to Council by GIC at its meeting of September 5, 2018)**

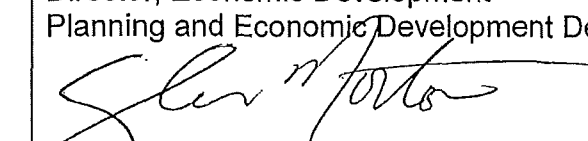
**3. Hamilton-Wentworth District School Board Property at 4 Vickers Road, Hamilton (PED18208) (Ward 7) (Item 8.3) (attached hereto as Appendix "A")**

- (i) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 4 Vickers Road, as shown on Appendix "E" to School Board Properties Sub-Committee Report 18-001; and,
- (ii) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City of Hamilton's site development requirements as identified in Appendix "F" to School Board Properties Sub-Committee Report 18-001.



Hamilton

**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Economic Development Division

<b>TO:</b>	School Board Property Sub-Committee
<b>COMMITTEE DATE:</b>	August 29, 2018
<b>SUBJECT/REPORT NO:</b>	Hamilton-Wentworth District School Board Property at 4 Vickers Road, Hamilton (PED18208) (Ward 7)
<b>WARD(S) AFFECTED:</b>	Ward 7
<b>PREPARED BY:</b>	Stephen Burman (905) 546-2424 Ext 4114
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 4 Vickers Road, as shown on Appendix "A" attached to Report PED18208;
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City of Hamilton's site development requirements as identified in Appendix "B" attached to Report PED18208.

**EXECUTIVE SUMMARY**

On June 19, 2018, the Hamilton-Wentworth District School Board (HWDSB) advised the City of its intention to sell its property located at 4 Vickers Road, Hamilton, which has been used as a school. Based on circulation of the property to stakeholders, and consideration by Portfolio Management Committee (PMC), staff deemed the potential acquisition of the property to not be in the interest of the City.

**Alternatives for Consideration – N/A**

**SUBJECT: Hamilton-Wentworth District School Board Property – 4 Vickers Road, Hamilton (PED18208) (Ward 7) - Page 2 of 3**

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## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

**Legal:** N/A

## **HISTORICAL BACKGROUND**

At the June 5, 2012 Planning Committee and subsequent City Council meeting of June 13, 2012, a motion was approved to establish a Sub-committee of City Council to review those school board properties being declared surplus for disposition by a school board and report back to the General Issues Committee (GIC) with recommendations, including a financial strategy for potential acquisitions.

On June 19, 2018, HWDSB provided written notice to the City of its Proposal to Sell Real Property located at 4 Vickers Road in accordance with Ontario Regulation 444/98. The City and other preferred agencies have 90 days to respond to the HWDSB as to whether or not they have an interest in acquiring the property.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The HWDSB like other school boards in the Province, follows a formal established property disposal protocol for surplus Board owned properties that are intended to be sold, as governed by Section 194(3) of the *Ontario Education Act* and Ontario Regulation 444. Under this protocol, the HWDSB circulates notice of the proposed property sale to preferred agents including the City (as per Ontario Regulation 444).

City Council adopted principles (Portfolio Management Strategy, 2004) for property acquisition states "*Property will be acquired in support of an approved program only. A budget item must be approved for the program, including the costs of the real property and operational impact, before action is taken to acquire property.*"

In keeping with general municipal protocol related to potential surplus school sites, the School Board Sub-Committee is to establish and recommend direction with respect to all surplus school sites that may come available.

## **RELEVANT CONSULTATION**

On June 26, 2018, Real Estate staff circulated a memorandum to all City Departments and relevant stakeholders concerning the HWDSB's proposal to sell its property at 4

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*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: Hamilton-Wentworth District School Board Property – 4 Vickers Road,  
Hamilton (PED18208) (Ward 7) - Page 3 of 3**

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Vickers Road in order to elicit their comments or future interest in acquisition of the property. There was no interest expressed in this property.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The property being offered has a building gross floor area of approximately 26,834 ft<sup>2</sup> (2493 m<sup>2</sup>). It is situated on the North side of Vickers Road, and is improved with a school building.

Following consideration of comments from circulation stakeholders, there is no City requirement to justify the purchase of this school site.

The City divisions have provided valuable information respecting guidelines for the future use of the site.

**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.*

**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"–Site Development Requirements

SB/sd

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*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.*

Location Map

4 Vickers Road





**SITE DEVELOPMENT REQUIREMENTS**

**Planning and Economic Development Department**

<p><b>Transportation Planning</b></p> <p>Planning and Economic Development Department</p>	<p>Existing right of way on East 16th Street, Vickers Road and Jellicoe Court are all approx. 20.1 m</p> <p>Council Approved Urban Official Plan: Chapter C-City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7 (Local to Local).</p> <p>A 4.57 m tringle or radius to be dedicated on the corner of East 16th Street and Vickers Road, as well as Jellicoe Court and Vickers Road.</p> <p>A survey conducted by an Ontario Land Surveyor will determine the ultimate dimensions for the road allowance widening(s).</p>
<p><b>Community Planning and GIS</b></p> <p>Planning and Economic Development Department</p>	<p>The subject lands are not located within a Secondary Plan or Neighbourhood Plan.</p>

# CITY OF HAMILTON

## MOTION

Council: September 12, 2018

**MOVED BY COUNCILLOR B. JOHNSON.....**

**SECONDED BY MAYOR / COUNCILLOR.....**

**Feasibility of Joining a Sidewalk from the Mount Hope Urban Boundary to the John C. Munro International Airport Lands**

That Public Works staff be directed to review the feasibility of joining a sidewalk from the Mount Hope Urban Boundary to the John C. Munro International Airport lands, and report back to the Public Works Committee.

# CITY OF HAMILTON

## M O T I O N

Council: September 12, 2018

**MOVED BY COUNCILLOR T. JACKSON.....**

**SECONDED BY COUNCILLOR.....**

**Request for review of decision of the Local Planning Appeal Tribunal in Case No. PL171270 for a zoning by-law amendment for lands located at 952-954 Concession Street (Ward 6)**

WHEREAS in a decision dated August 16, 2018, the Local Planning Appeal Tribunal granted the appeal of Sammani 786 Inc. from the failure of Council to make a decision on its application for an amendment to City of Hamilton Zoning By-law 6593 to permit the renovation of an existing commercial building to accommodate a veterinary practice on the ground floor and to construct a second storey for three new residential apartment units;

WHEREAS at its meeting on November 22, 2017, City Council approved a direction to Legal staff to oppose Sammani 786 Inc.'s appeal before the Local Planning Appeal Tribunal;

WHEREAS the City appeared at the Local Planning Appeal Tribunal hearing in opposition to the applicant; and

WHEREAS Section 35 of the *Local Planning Tribunal Act, 2017*, S.O. 2017, c.23, Sched. 1, states the Local Planning Appeal Tribunal may review, rescind, or vary any decision or order made by it in according with Tribunal's rules;

THEREFORE BE IT RESOLVED:

- (a) That City staff proceed with filing a request to review the decision of the Local Planning Appeal Tribunal in this matter under Section 35 of the *Local Planning Appeal Tribunal Act, 2017*;
- (b) That the City Solicitor be directed and authorized to take any steps necessary to make the request for review, including submissions to and appearing before the Local Planning Appeal Tribunal; and
- (c) That the City Solicitor be authorized to retain such External Consultants as may be necessary to provide expert advice and evidence to the Local Planning Appeal Tribunal respecting the request for review and any subsequent rehearing, and the amount required to retain any such external consultants be funded through the Tax Stabilization Reserve, account 110046.

# CITY OF HAMILTON

## NOTICE OF MOTION

Council: September 12, 2018

**MOVED BY COUNCILLOR C. COLLINS.....**

**Reconsideration of Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing**

WHEREAS, at its meeting of August 17, 2018, Council approved Item 9 of the Audit, Finance & Administration Committee Report 18-011, which read as follows:

- 9. Development Charge Exemption Request from Trillium Housing (HSC18040) (City Wide) (Outstanding Business List Item) (Added Item 8.5)**
- (a) That the request for Development Charge exemptions for the affordable units in the Highbury and Winona Developments by Trillium Housing, be denied;
  - (b) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized and directed to deliver and administer a municipal Down Payment Assistance Program, with an upset limit of \$1,800,175, for eligible purchasers of the two Trillium Housing Non-Profit housing developments (Winona and Highbury), in accordance with the program guidelines, attached as Appendix “B” to AF&A Report 18-011;
  - (c) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized to approve and execute any agreements and ancillary documentation, in a form satisfactory to the City Solicitor, that are required to deliver and administer a municipal Down Payment Assistance Program for eligible purchasers of the two Trillium Housing Non-Profit housing developments (Winona and Highbury);
  - (d) That the annual interest cost of \$61,000 (when the program is at capacity) of providing the Trillium Down Payment Assistance Program in accordance with the program guidelines, be absorbed within the Housing Services Division existing operating budget;
  - (e) That the initial, one-time cost of administration of the Trillium Housing Down Payment Assistance Program for the two Trillium Housing Non-Profit housing developments (Winona and Highbury), in the amount of \$100,000 be funded through the Municipal Down Payment Assistance Program Reserve (#112009); and,

- (f) That the matter respecting “Trillium Housing Non-Profit” be identified as complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

WHEREAS, staff have advised that Appendix “B” to Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing, states that the applicants would be applying for a Trillium Municipal Down Payment Assistance Program **forgivable** loan;

WHEREAS, staff have advised that the report should have stated that the applicants would be applying for a Trillium Municipal Down Payment Assistance Program **repayable** loan; and,

WHEREAS, staff have advised that several housekeeping amendments also need to be completed in order to correct and provided clarity to the Trillium Municipal Down Payment Assistance Program Guidelines;

THEREFORE, BE IT RESOLVED:

That Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing, which was approved by Council on August 17, 2018, be reconsidered at this time.

The following motion, will be put forward:

- following a two-thirds majority affirmative vote for the waiving of the Rules of Order to allow for the introduction of a Motion for the reconsideration of Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing; and
- following a two-thirds majority affirmative vote for the reconsideration of this matter.

# CITY OF HAMILTON

## MOTION

Council: September 12, 2018

MOVED BY COUNCILLOR C. COLLINS.....

SECONDED BY COUNCILLOR M. PEARSON.....

That Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing, be **amended** by:

- (a) deleting Appendix “B” to Item 9 in its entirety and replacing it with the REVISED Appendix “B” attached hereto;
- (b) adding the words “**as amended**” to sub-section (b); and,
- (c) adding the word “**Municipal**” to sub-sections (d) and (e).

To read as follows:

9. **Development Charge Exemption Request from Trillium Housing (HSC18040) (City Wide) (Outstanding Business List Item) (Added Item 8.5)**

- (a) That the request for Development Charge exemptions for the affordable units in the Highbury and Winona Developments by Trillium Housing, be denied;
- (b) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized and directed to deliver and administer a municipal down payment assistance program, with an upset limit of \$1,800,175, for eligible purchasers of the two Trillium Housing Non-Profit housing developments (Winona and Highbury), in accordance with the program guidelines, **as amended**, attached as Appendix “B” to AF&A Report 18-011;

- (c) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized to approve and execute any agreements and ancillary documentation, in a form satisfactory to the City Solicitor, that are required to deliver and administer a municipal down payment assistance program for eligible purchasers of the two Trillium Housing Non-Profit housing developments (Winona and Highbury);
- (d) That the annual interest cost of \$61,000 (when the program is at capacity) of providing the Trillium **Municipal** Down Payment Assistance Program in accordance with the program guidelines, be absorbed within the Housing Services Division existing operating budget; and,
- (e) That the initial, one-time cost of administration of the Trillium **Municipal** Housing Down Payment Assistance Program for the two Trillium Housing Non-Profit housing developments (Winona and Highbury), in the amount of \$100,000 be funded through the Municipal Down Payment Assistance Program Reserve (#112009).

**Hamilton Trillium *Municipal* Down Payment Assistance Program Guidelines (2018)  
Contents**

Background ..... 1  
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Eligibility Criteria..... 2  
Purchase Price ..... 2  
Maximum Household Income ..... 3  
Loan Conditions ..... 3  
Conditions for Repayment..... 5  
Documentation Required for Records ..... 6

**Background**

The Housing and Homelessness Action Plan includes strategies that ensure affordability and a range of housing options for low to moderate income households in Hamilton. Action Plan Strategy 2.3 recommends down payment assistance programs to increase homeownership opportunities for renters, enhancing affordability for households with financial barriers to homeownership.

Recent federal legislation aimed at cooling the housing market has made it more difficult to qualify for a mortgage by establishing a higher interest rate threshold for mortgage approval. Borrowers must now pass a stress test when prequalifying for a mortgage by qualifying for a 2% higher interest rate than the current interest rate. The stress test is to ensure that purchasers will still be able to afford their mortgage payments if interest rates increase at renewal time. This test also means borrowers will qualify for less financing and there will be fewer low-moderate income earners qualifying for a mortgage.

These challenges, as well as current market indicators, were considered in the development of the 2018 Trillium *Municipal* Down Payment Assistance Program (TMDPAP), including eligibility criteria. The new criteria reflect the current housing market.

**Program Description**

The TMDPAP provides down payment assistance to households currently meeting their rent and shelter costs but struggling to accumulate the down payment necessary to purchase a home.



## **Program Benefits**

There are benefits that result from homeownership not only for the individual household, but for the broader community, including:

1. Rental housing units are made available for other households in need of rental housing as a result of households moving into homeownership;
2. Enables households to build assets and personal wealth; and,
3. Increases the demand for lower cost ownership housing options by increasing the pool of potential first-time homebuyers with moderate incomes.

## **Program Administration**

Trillium Housing will administer the *TMDPAP* on behalf of the City of Hamilton in accordance with the Program Guidelines.

## **Eligibility Criteria**

### **The Applicant(s):**

1. must be over the age of 18;
2. must not currently own a home or property;
3. must be a legal resident of Canada and intend to have this home as their one and only residence;
4. must be pre-approved for a mortgage from a Canada Mortgage and Housing Corporation (CMHC) approved lender;
5. must not be in a spousal relationship (including a same-sex spousal relationship) with a person that has any form of interest in ownership of a property; and,

## **Home Type on Property**

The Property being purchased may only contain a single detached dwelling, semi-detached dwelling, apartment condominium dwelling unit, townhouse dwelling or row house dwelling. Mobile homes and co-op units are not eligible dwellings for this program.

## **Purchase Price**

The purchase price of the Property must not exceed \$400,000 or such other amount as determined by the General Manager, Healthy and Safe Communities Department. This home price threshold is to be reviewed every three (3) years by the Investment in Affordable Housing Program Manager, Housing Services Division or earlier, and the

guidelines updated accordingly and approved by the General Manager, Healthy and Safe Communities Department.

### **Maximum Household Income**

The maximum household income will be \$81,300, or the current Investment in Affordable Housing Program income threshold. This income threshold is to be reviewed every three (3) years or earlier by the Investment in Affordable Housing Program Manager, Housing Services Division, if the housing market changes significantly, with the guidelines updated accordingly and approved by the General Manager, Healthy and Safe Communities Department.

### **Loan Conditions**

All applicants will submit a completed TMDPAP application form, identification information, income and financial documents, ***including proof of primary lender***, in a format acceptable to the City in its absolute discretion, and any other documentation or evidence the City may require, to evaluate the loan application.

All applicants receiving approval for a TMDPAP ~~forgivable~~ ***repayable*** loan under the TMDPAP shall be required to enter into a Loan Agreement with the City with provisions including, but not limited, to the terms and conditions set out herein.

The down payment is in the form of a 25-year ~~forgivable~~ ***repayable*** loan with the maximum loan amount being determined on a per purchaser basis by Trillium Housing’s review of each purchaser’s financial situation, ***up to a maximum of 15% of the purchase price of the home.***

The City’s loan must be secured by a mortgage registered on the title of the Property being purchased which can only be lesser in priority to a mortgage securing the primary financing of the purchase of the Property and a Trillium Mortgage.

On the date of closing, the City of Hamilton will provide a cheque for the borrower, to the borrower’s lawyer.

***Prior to closing, the City of Hamilton’s Legal Services Department will require the following:***

- (a) ***Certificate of Insurance. The certificate is to be received by the City no later than seven (7) days prior to the closing date and the certificate of insurance should include the following:***
  1. ***states that it is being issued to the “City of Hamilton”;***
  2. ***shows evidence of All-Risk insurance for the replacement cost equal to the value of the property;***

3. *shows the City as Mortgagee and Loss payee as their interests may appear; and,*
4. *states that the City will be given a thirty (30) day cancellation notice; and,*

***Once provided to the City, the certificate of insurance will be reviewed by its Risk Management Department to ensure its accuracy. Any deficiencies in the certificate of insurance may result in delays to the closing date; and,***

- (b) **A Solicitor's** Undertaking (prepared by the City and sent to the borrower's lawyer for signature) confirming that certain documents will be provided to the City within thirty (30) days of closing. These documents will include, but may not be limited to, the following:
1. an opinion letter regarding title (please note that title insurance is not accepted in lieu of an opinion letter);
  2. confirmation of a valid and enforceable third Charge/Mortgage;
  3. a copy of the Status Certificate issued by a Condominium Corporation disclosing that there are no arrears or orders as may affect the Unit (if applicable);
  4. an Acknowledgment re: Receipt of Standard Charge Terms;
  5. a Declaration that the property will be owner occupied and used as a single-family dwelling;
  6. photocopies of two (2) pieces of identification for each Borrower; and,
  7. a copy of the registered Transfer/Deed of Land, first Charge/Mortgage, and second Charge/Mortgage being the Trillium Mortgage.

If the program participants no longer meet all program requirements, excepting the maximum home price and income level, or when 25 years have elapsed, the loan is **shall be** repaid to the City of Hamilton, Housing Services Division along with the same proportion of any capital gains as the down payment assistance was of the original purchase price. This repayment requirement is outlined in the agreement between the City of Hamilton and the homeowner.

## Conditions for Repayment

The original down payment assistance loan amount plus the same proportion of any capital gains as the down payment assistance was of the original purchase price must be repaid to the City of Hamilton, Housing Services Division, if **any of** the following situations occur while the loan is outstanding:

1. There is a disposition of the Property including, but not limited to, a sale, assignment, transfer, conveyance, lease, license, any indebtedness of the loan recipient secured by a mortgage registered on title to the Property other than the mortgage whose purposes was to secure the purchase of the Property, registration of a Charge or other transaction or disposition of any nature or kind whatsoever in respect of the Property or of any right, title or interest in or to the Property;
2. The Property or a portion thereof is rented to another person;
3. The loan recipient is in breach or default of any agreement or security in respect of any other financing secured on the Property;
4. The unit is no longer the sole and principal residence of the loan recipient;
5. The loan recipient becomes bankrupt or insolvent;
6. The loan recipient misrepresented their eligibility for the program;
7. The loan recipient used the proceeds of the loan for a purpose other than the acquisition of the unit; or,
8. In the case of the death of both debtors named on the Agreement, only the principal amount of the loan must be repaid by the estate.
9. Change in spousal relationship:
  - (a) If the loan recipient(s) divorces or their spousal relationship is terminated. However, the General Manager, Healthy and Safe Communities Department, at his or her sole, absolute and unfettered discretion, may determine whether repayment is required, based on considerations including, but not limited to, whether the loan is at risk, or any potential for undue hardship for loan recipient(s).
  - (b) A new marriage or spousal relationship of ~~the~~ **a** loan recipient. If the new partner does not want to be added to the title of the home, it is not necessary to sign an appending agreement. If the new spouse or partner wishes to be added to the title of the home, the newly formed household must meet the eligibility criteria prior to signing an amending loan agreement. If the newly formed household does not meet the eligibility criteria, the loan may be ~~recalled~~ **repaid** at the discretion of the

General Manager, Healthy and Safe Communities Department. (This may arise if the second spouse/partner is required to be on title of the home for the purposes of renewing a mortgage or refinancing);

10. Home Insurance Cancellation / Expiry: The borrower must have home insurance in good standing;
11. Municipal taxes must be in good standing;
12. Postponements: As a condition of advancing funds, institutional lenders will require that the City of Hamilton agree to postpone the current mortgage and remain in third position. In the event that equity is being removed from the property, the City may postpone its mortgage to third place, provided the Investment in Affordable Housing Program Manager performs the due diligence to ensure there is sufficient equity in the home to cover the aggregate of the first mortgage, the Trillium Mortgage, and the down payment assistance loan;
13. Property standards orders to comply: If there is, as determined by the City in its sole, absolute, and unfettered discretion, a violation of any law in respect of the Property, including but not limited to the Ontario Fire Code, Building Code, any City zoning by-law, and any City property standards by-law, the down payment assistance loan will be recalled. However, the General Manager, Healthy and Safe Communities Department may in his sole, absolute and unfettered discretion waive this repayment requirement; and,
14. ***If the loan recipient(s) purchase a second property, including a vacation property.***

### **Documentation Required for Records**

The Housing Services Division is responsible for retaining the following documents over the life of the program:

Eligibility information:

- The signed application form, including a declaration that all information is accurate
- The notice of assessment for all members of the household
- Copies of photo identification
- Unit eligibility information and home inspection
- Proof of financing from a primary lender

Loan information:

- Agreements of Purchase and Sale
- Loan Agreement and Independent Legal Counsel Documentation
- Mortgage Registration Documentation
- Title Search

Payment documents and default actions:

- Records of All Payments and Defaults
- Confirmation of Compliance with the Terms of the Loan Agreement (e.g., letter confirming that the unit remains the sole and principal residence of the eligible purchaser.)
- Record of Any Defaults

### **Additional Program Terms**

Approval of the loan application is at the absolute discretion of the City and subject to the availability of funds.

The City's loan ~~must~~ **may** be registered as the **second or** third mortgage after registration of any mortgage securing the primary financing (first mortgage), and the Trillium Mortgage. A household may not have a guarantor on title, nor may a household have a co-signer on title that will not be living in the home. If a household requires additional financing, that mortgage will be registered as the **third or** fourth mortgage, after the City's ~~loan~~ **mortgage; and,**

The Trillium **Municipal** Down Payment Assistance Program cannot be stacked with any other government down payment assistance programs, but households may utilize other affordable housing programs such as renovation programs.

**Authority:** Item 14, Committee of the Whole  
 Report 01-003 (FCS01007)  
 CM: February 6, 2001  
 Ward: 1,2,3,7,9

**Bill No. 251**

**CITY OF HAMILTON**

**BY-LAW NO. 18-**

**To Amend By-law No. 01-218, as amended,  
 Being a By-law To Regulate On-Street Parking**

**WHEREAS** Section 11(1)1 of the *Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*,

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

**AND WHEREAS** it is necessary to amend By-law No. 01-218, as amended.

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

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 – No Parking	E	Vineland Ave.	South	29m west of Barnesdale Ave. to 14m westerly	Anytime	Adding
8 – No Parking	E	King St. E (lay-by)	South	29m west of Catherine St. to 40m westerly	Anytime	Adding
8 – No Parking	G	East 28th St.	West	16m north of Fennell Ave. to 11m northerly	8 am - 8 pm Mon - Fri	Adding
8 – No Parking	E	Grant Ave.	West	35m north of Allanson St. to 12m northerly	6 pm - 8 pm, Mondays Only, Except for Bookmobile	Adding

To Amend By-law No. 01-218, as amended,  
Being a By-law to Regulate On-Street Parking

<b>Schedule</b>	<b>Section</b>	<b>Highway</b>	<b>Side</b>	<b>Location</b>	<b>Times</b>	<b>Adding/ Deleting</b>
<i>8 – No Parking</i>	F	Morrissey Blvd.	Both	Green Mountain Rd. to Crafters Cres. (S. Leg.)	Anytime	Adding
<i>8 – No Parking</i>	F	Morrissey Blvd.	East	Crafters Cres. (S. Leg) to West Glen Ave.	Dec. 1 - Mar 31	Adding
<i>8 – No Parking</i>	F	Morrissey Blvd.	West	West Glen Ave. to Aldgate Ave.	Dec. 1 - Mar 31	Adding
<i>8 – No Parking</i>	F	Morrissey Blvd.	East	Aldgate Ave. to Crafters Cres. (N. LEg)	Dec. 1 - Mar 31	Adding
<i>8 – No Parking</i>	F	Crafters Cres.	South	Bradshaw Dr. (S. Leg) to Rexdale St.	Anytime	Adding
<i>8 – No Parking</i>	F	Crafters Cres.	North	Rexdale St. to Morrissey Blvd. (S. Leg)	Anytime	Adding
<i>8 – No Parking</i>	F	Crafters Cres.	South & East	Morrissey Blvd. (S. Leg) to Crafters Crt.	Anytime	Adding
<i>8 – No Parking</i>	F	Crafters Cres.	South	Crafters Crt. to Morrissey Blvd. (N. Leg)	Anytime	Adding
<i>8 – No Parking</i>	F	Crafters Cres.	North	Morrissey Blvd. (S. Leg) to Rexdale St.	Anytime	Adding
<i>8 – No Parking</i>	F	Crafters Cres.	South	Rexdale St. to Bradshaw Dr.	Anytime	Adding
<i>8 – No Parking</i>	F	West Glen Ave.	South	Rexdale St. to Morrissey Blvd.	Anytime	Adding
<i>8 – No Parking</i>	F	West Glen Ave.	North	Morrissey Blvd. to Crafters Cres.	Anytime	Adding
<i>8 – No Parking</i>	F	Aldgate Ave.	South	Rexdale St. to Morrissey Blvd.	Anytime	Adding
<i>8 – No Parking</i>	F	Aldgate Ave.	North	Morrissey Blvd. to Crafters Cres.	Anytime	Adding
<i>8 – No Parking</i>	F	Sherway St.	East	Crafters Cres. (S. Leg) to 115m northerly	Anytime	Adding
<i>8 – No Parking</i>	F	Sherway St.	West	115m north of Crafters Blvd. (S. Leg) to Crafters Blvd. (N. Leg)	Anytime	Adding
<i>8 – No Parking</i>	F	Rexdale St.	East	Crafters Cres. (S. leg) to Crafters Cres. (N. Leg)	Anytime	Adding



To Amend By-law No. 01-218, as amended,  
Being a By-law to Regulate On-Street Parking

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
12 – Permit	<i>E</i>	Hillyard St.	West	commencing 75m north of Burlington St. E. and extending 6m northerly.	Anytime	Deleting
12 – Permit	<i>E</i>	Stirton St.	West	71m south of Barton to 6m southerly	Anytime	Adding
12 – Permit	<i>E</i>	Grosvenor Ave	West	commencing 86m south of Roxborough and extending 6m southerly.	Anytime	Deleting
12 – Permit	<i>E</i>	Ray St.	East	40m north of York Blvd. to 6m northerly	Anytime	Adding
12 – Permit	<i>E</i>	Gibson Ave.		34m south of Princess St. to 6m northerly	Anytime	Adding
12 – Permit	<i>E</i>	Avondale	West	from 76m south of Barton to 6.2m southerly	Anytime	Deleting
12 – Permit	<i>E</i>	Avondale	East	from 75.8m south of Barton to 6m southerly	Anytime	Deleting
12 – Permit	<i>E</i>	Railway	West	from a point 156 feet north of Cannon to the northerly end	Anytime	Deleting
12 - Permit	<i>E</i>	Railway St.	West	45m north of Cannon St. to northerly end.	Anytime	Adding

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
  
3. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 12<sup>th</sup> day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**CITY OF HAMILTON**

**BY-LAW NO. 18-**

**To Amend By-law No. 07-170, 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 24 (Personal Transportation Provider), and Schedule 25 (Taxi Cabs) of By-law 07-170.

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

1. Section 1 of Schedule 24 (Personal Transportation Provider) is amended by adding the following definition and placing it so that it immediately follows the definition of “facilitating”:  
“**model year**” means the year of the vehicle as identified on the Owner’s Vehicle Permit Portion to be calculated from January 1<sup>st</sup> to December 31<sup>st</sup>.
2. Clause 34.(1)(b) of Schedule 24 is repealed and the following substituted:  
(b) the PTP vehicle is no more than ten years old, calculated from the model year.
3. Subsection 1.(1) of Schedule 25 (Taxi Cabs) is amended by adding the following definition and placing it so that it immediately follows the definition of “licensed”:  
“**model year**” means the year of the vehicle as identified on the Owner’s Vehicle Permit Portion to be calculated from January 1<sup>st</sup> to December 31<sup>st</sup>.
4. Subsection 40.(2) of Schedule 25 is repealed and the following substituted:  
(2) Any former police vehicle that is operating as of January 1, 2018, as a taxicab, is permitted to remain as such until the vehicle is ten years old, calculated from the model year.

5. Clause 41.(3)(a) and clause 41.(3)(b) of Schedule 25 are repealed and the following substituted:
  - (a) to three years old, calculated from the model year shall provide a Safety Standard Certificate once per year;
  - (b) more than three years old, calculated from the model year shall provide two Safety Standard Certificates per year;
6. Subsection 42.(1) of Schedule 25 is repealed and the following substituted:
  - (1) A taxicab shall be no more than ten years old, calculated from the model year.
7. Clause 42.(2)(a) of Schedule 25 is repealed and the following substituted:
  - (a) a taxicab that is accessible, as determined by the Director of Licensing from time to time, and is no more than five years old when first approved as a taxicab, may remain in service until it is ten years old, calculated from the model year;
8. Clause 42.(2) (b) and clause 42.(2)(c) of Schedule 25 are repealed.
9. The numbering/lettering of clause 46.(1)(A), clause 46.(1)(B), clause 46.(1)(C), clause 46.(1)(D) and clause 46.(1)(E) of Schedule 25 which follows clause 46.(1)(z) be replaced with (aa), (bb), (cc), (dd) and (ee) respectively.
10. The numbering/lettering of clause 47.(1)(A), clause 47.(1)(B), clause 47.(1)(C), clause 47.(1)(D), clause 47.(1)(E), clause 47.(1)(F), clause 47.(1)(G) and clause 47.(1)(H) of Schedule 25 which follows clause 47.(1)(z) be replaced with (aa), (bb), (cc), (dd), (ee), (ff), (gg) and (hh) respectively.
11. The numbering/lettering of clause 48.(1)(A) of Schedule 25 which follows clause 48.(1)(z) be replaced with (aa).

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

**PASSED** this 12<sup>th</sup> day of September, 2018

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 31, Planning and Economic  
Development Committee  
Report 06-005  
CM: April 12, 2006  
Ward: 9

**Bill No. 253**

**CITY OF HAMILTON**  
**BY-LAW NO. 18-**

**To Amend Zoning By-law No. 3692-92, as amended by By-law No. 17-186  
Respecting Lands Located at 440 First Road West (Stoney Creek)**

**WHEREAS**, the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chapter 14, Schedule C did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS**, the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

**AND 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;

**AND 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;

**AND WHEREAS**, the Council of the City of Hamilton, in adopting By-law No. 17-186 as its meeting on August 18, 2017, recommended that the Senior Director of Growth Management give notice ; and

**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), be amended by changing the zoning from Multiple Residential "RM2-44 (H1)" Zone, Modified, Holding and Single Residential "R4-33 (H1)" Zone, Modified, Holding to the Multiple Residential "RM2-44" Zone, Modified and Single Residential "R4-33" Zone, Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Section 3.8 – "Holding Zones" of By-law No. 3692-92, be amended by deleting Holding (H1) in the Single Residential "R4-33 (H1)" Zone, Modified and be amended by deleting Holding (H1) from Multiple Residential "RM2-44 (H1)" Zone, Modified, Holding.

3. That the Clerk be authorized and directed to proceed with the notice of the passing of this By-law in accordance with the "*Planning Act*".

**PASSED** this 12<sup>th</sup> day of September, 2018.

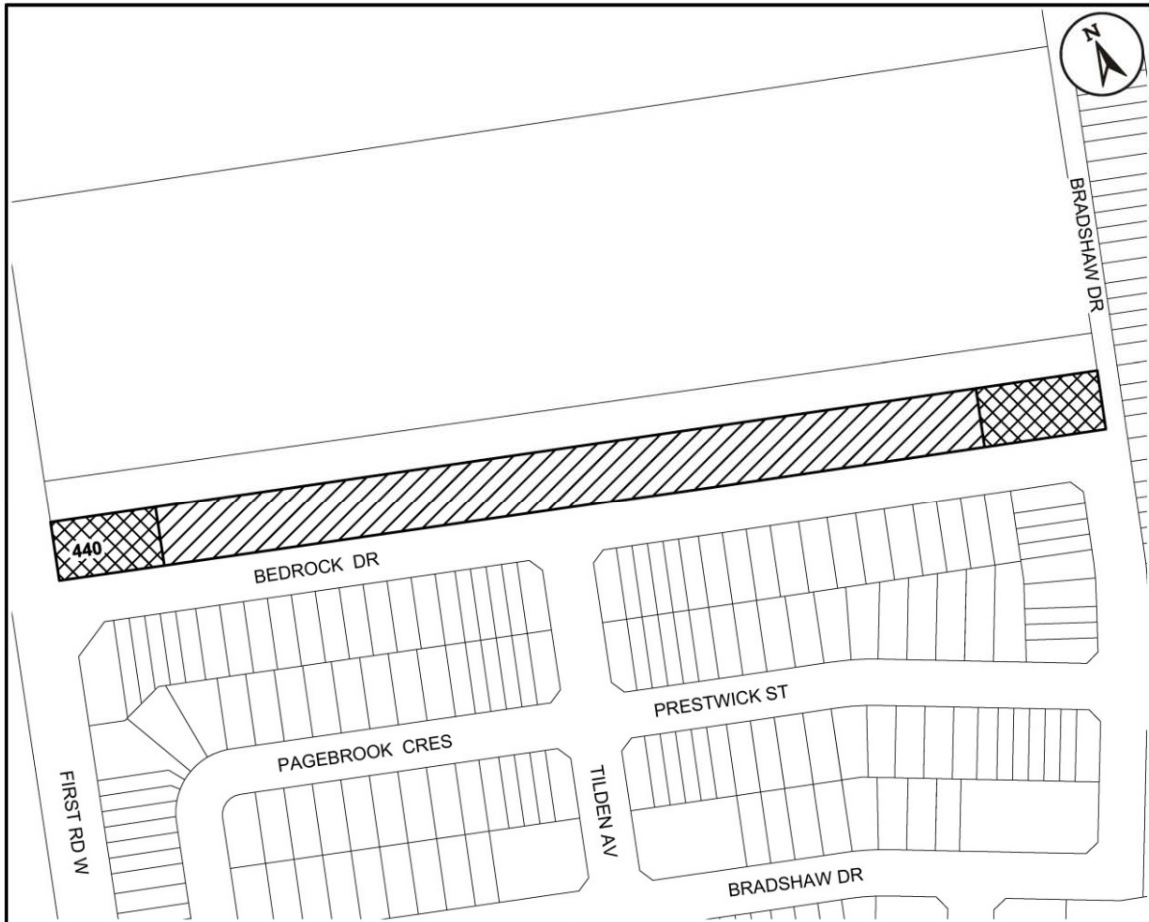
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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

ZAH-18-038



This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 3692-92</p>	<p><b>Subject Property</b> 440 First Road West</p> <p> <b>Block 1</b> - Change in zoning from the Single Residential "R4-33-H1" Zone to Single Residential "R4-33" Zone</p> <p> <b>Block 2</b> - Change in zoning from the Multiple Residential "RM2-44-H1" Zone to Multiple Residential "RM2-44"</p>
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Scale: N.T.S.	File Name/Number: ZAH-18-038	
Date: August 23, 2018	Planner/Technician: JR/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:** Item 31, Planning and Economic  
Development Committee  
Report 06-005  
CM: April 12, 2006  
Ward: 9

**Bill No. 254**

**CITY OF HAMILTON**  
**BY-LAW NO. 18-**

**To Amend Zoning By-law No. 3692-92, as amended by By-law No. 18-055  
Respecting Lands Located at 2 Glover Mountain Road (Stoney Creek)**

**WHEREAS**, the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chapter 14, Schedule C did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS**, the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

**AND 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;

**AND 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;

**AND WHEREAS**, the Council of the City of Hamilton, in adopting Section 31 of Report 06-183 of the Planning and Economic Development Committee at its meeting held on the 2<sup>nd</sup> day of June, 2006, which recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the “H” Holding Provision from By-laws where the conditions have been met;

**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: by changing the zoning from Single Residential “R4-34(H1, H2)” Zone, Modified, Holding to the Single Residential “R4-34” Zone, Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That Section 3.8– “Holding Zones”, of By-law No. 3692-92, be amended by deleting the Holding (H1, H2) in the Single Residential “R4-34(H1, H2)” Zone, Modified.



3. That the Clerk be authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the "*Planning Act*".

**PASSED** this September 12, 2018

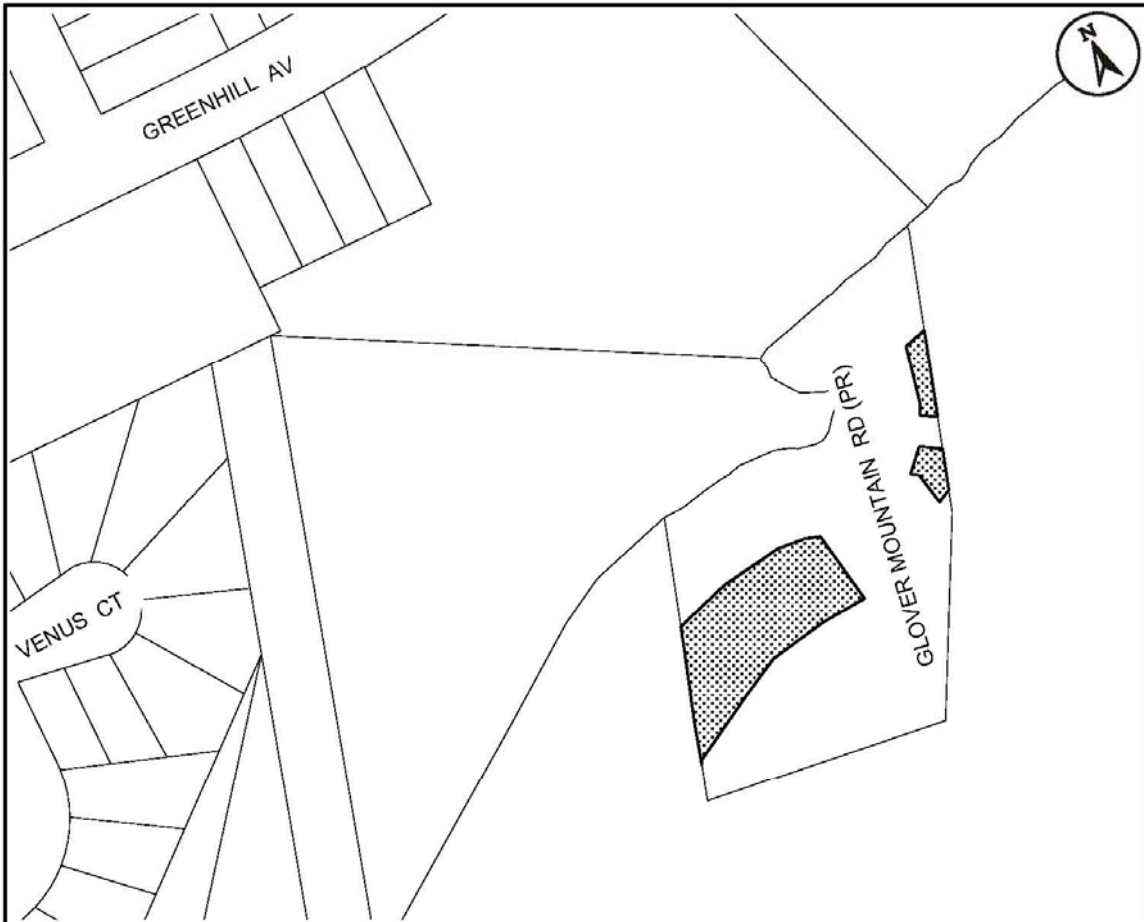
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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

ZAH-18-044



This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2>  <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3>  <h3 style="margin: 0;">to Amend By-law No. 3692-92</h3>	<b>Subject Property</b> 2 Glover Mountain Road, Stoney Creek  Change in Zoning from Single Residential - Holding (R4-34(H1,H2)) Zone to Single Residential (R4-34) Zone
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Scale: N.T.S.	File Name/Number: ZAH-18-044	
Date: August 30, 2018	Planner/Technician: JR/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:** Item 9, Public Works Committee  
Report: 07-016 (PW07153)  
CM: December 12, 2007  
Ward: 6

**Bill No. 255**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Amend By-law No. 01-215 Being a By-law To Regulate Traffic**

**WHEREAS** sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

**AND WHEREAS** it is necessary to amend By-law No. 01-215.

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

1. Schedule 9 (No Right Turn on Red) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" (Hamilton) thereof the following item, namely;

Upper Ottawa Street	Southbound	Rymal Road	7:00 am – 7:00 pm
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2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** on this 12th day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**Authority:** Item 3, Planning Committee  
Report: 18-013 (PED18199)  
CM: September 12, 2018  
Ward: 1

**Bill No. 256**

**CITY OF HAMILTON**

**BY-LAW NO. 18-**

**To Adopt:**

**Official Plan Amendment No. 113 to the  
Urban Hamilton Official Plan**

Respecting:

**925 Main Street West and 150 Longwood Road South  
(Hamilton)**

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

1. Amendment No. 113 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 12<sup>th</sup> day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

## Urban Hamilton Official Plan Amendment No. 113

The following text, together with:

Appendix “A”	Volume 1, Schedule E-1 – Urban Land Use Designations
Appendix “B”	Volume 2, Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. 113 to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate lands and add a Site Specific Policy within the Ainslie Wood Westdale Secondary Plan to permit the redevelopment of the lands for high density residential purposes.

### 2.0 Location:

The lands affected by this Amendment are known municipally as 925 Main Street West and 150 Longwood Road South, in the former City of Hamilton.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development allows for the redevelopment of a site that meets the intent of the Residential Intensification policies of the Urban Hamilton Official Plan.
- The proposal is compatible with the existing and planned development in the immediate area, and is not anticipated to produce any adverse wind impact, or adverse shadow impacts on public space and/or private outdoor amenity spaces.
- The proposed development supports the achievement of complete communities as it is in close proximity to existing or planned community facilities/services, such as existing and planned public transit, schools, and recreational facilities.

- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

#### 4.0 **Actual Changes:**

#### 4.1 **Volume 1 – Parent Plan**

##### *Schedules and Appendices*

##### 4.1.1 Schedule

- a. That Volume 1, Schedule E-1 – Urban Land Use Designations be amended by redesignating a portion of the subject lands from “Open Space” to “Neighbourhoods”, as shown on Appendix “A”, attached to this Amendment.

#### 4.2 **Volume 2 – Secondary Plans**

##### *Text*

##### 4.2.1 Chapter B.6.0 – Hamilton Secondary Plans – Section B.6.2 – Ainslie Wood Westdale Secondary Plan

- a. That Volume 2, Chapter B.6.0 – Hamilton Secondary Plans, Section B.6.2 – Ainslie Wood Westdale Secondary Plan be amended by adding a new Site Specific Policy, as follows:

##### **“Site Specific Policy – Area H**

B.6.2.17.10 In addition to Section E.3.6 – High Density Residential of Volume 1, Section B.6.2.5.5 – High Density Residential Designation of Volume 2, and Section B.6.2.10 – Parks and Open Space Designations of Volume 2, for lands located at 925 Main Street West and 150 Longwood Road South, designated “High Density Residential 1” and “Open Space”, and identified as Site Specific Policy – Area H, the following policies shall apply:

- a) Notwithstanding Policy E.3.6.6 b) of Volume 1 and Policy B.6.2.5.5 b) of Volume 2, the maximum residential density for the entire site shall be 250 units per hectare; and,
- b) Notwithstanding Policy B.6.2.5.5 a) of Volume 2, the maximum building height for the High Density Residential 1 designation shall be 18 storeys.”

## *Maps and Appendices*

### 4.2.2 Map

- a. That Volume 2, Map B.6-2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan be amended by:
- i) redesignating a portion of the subject lands from “Local Commercial” to “High Density Residential 1” ,
  - ii) redesignating a portion of the subject lands from “General Open Space” to “High Density Residential 1”; and,
  - iii) identifying the subject lands as Site Specific Policy Area “H” ,
- as shown on Appendix “B” , attached to this Amendment.

### 5.0 **Implementation:**

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 18-256 passed on the 12<sup>th</sup> day of September, 2018.

**The  
City of Hamilton**

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F. Eisenberger  
MAYOR


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J. Pilon  
ACTING CITY Clerk




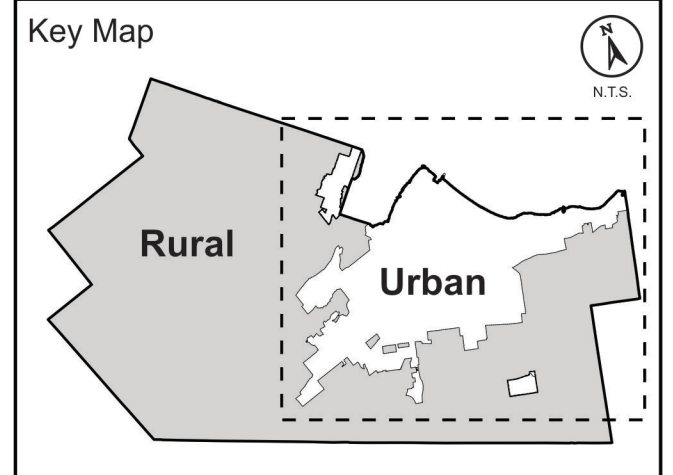
**APPEALS**

Appendix A  
APPROVED Amendment No. 113  
to the Urban Hamilton Official Plan

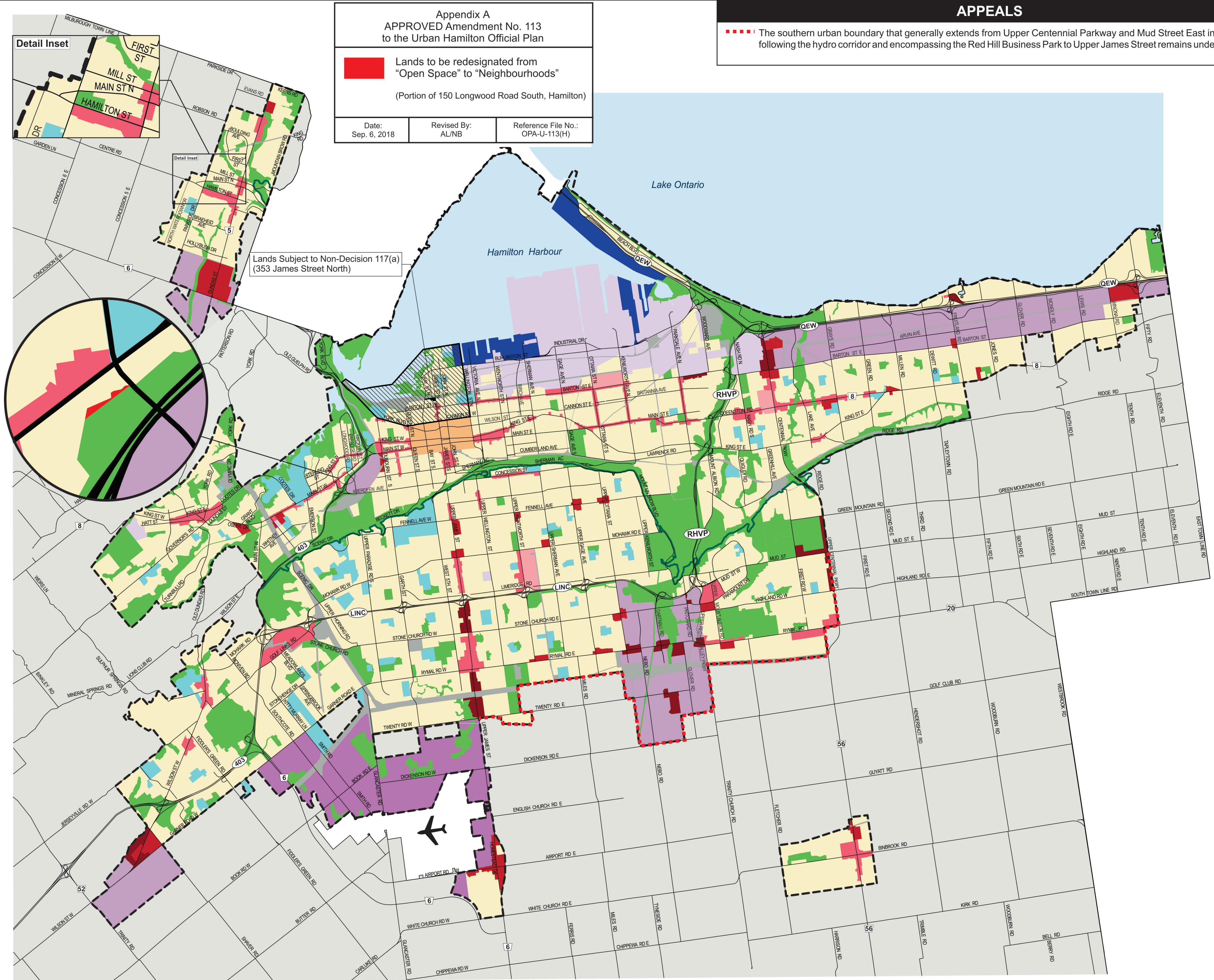
 Lands to be redesignated from "Open Space" to "Neighbourhoods"  
(Portion of 150 Longwood Road South, Hamilton)














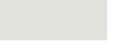





Date: Sep. 6, 2018	Revised By: AL/NB	Reference File No.: OPA-U-113(H)
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 The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal.



**Note:** For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.



-  Neighbourhoods
  -  Open Space
  -  Institutional
  -  Utility
- Commercial and Mixed Use Designations**
-  Downtown Mixed Use Area
  -  Mixed Use - High Density
  -  Mixed Use - Medium Density
  -  District Commercial
  -  Arterial Commercial
- Employment Area Designations**
-  Industrial Land
  -  Business Park
  -  Airport Employment Growth District
  -  Shipping & Navigation
- Other Features**
-  Rural Area
  -  John C. Munro Hamilton International Airport
  -  Niagara Escarpment
  -  Urban Boundary
  -  Municipal Boundary
  -  Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009  
Ministerial Approval: March 16, 2011  
Effective Date: August 16, 2013

**Urban Hamilton Official Plan  
Schedule E-1  
Urban Land Use Designations**

Not To Scale



Date: July 3, 2018



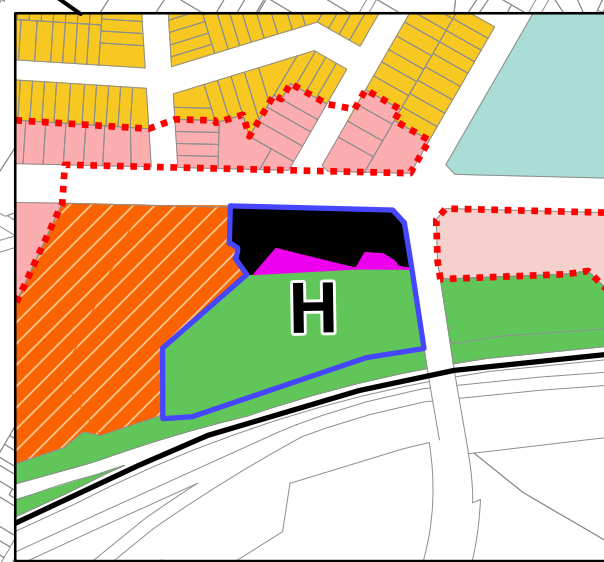
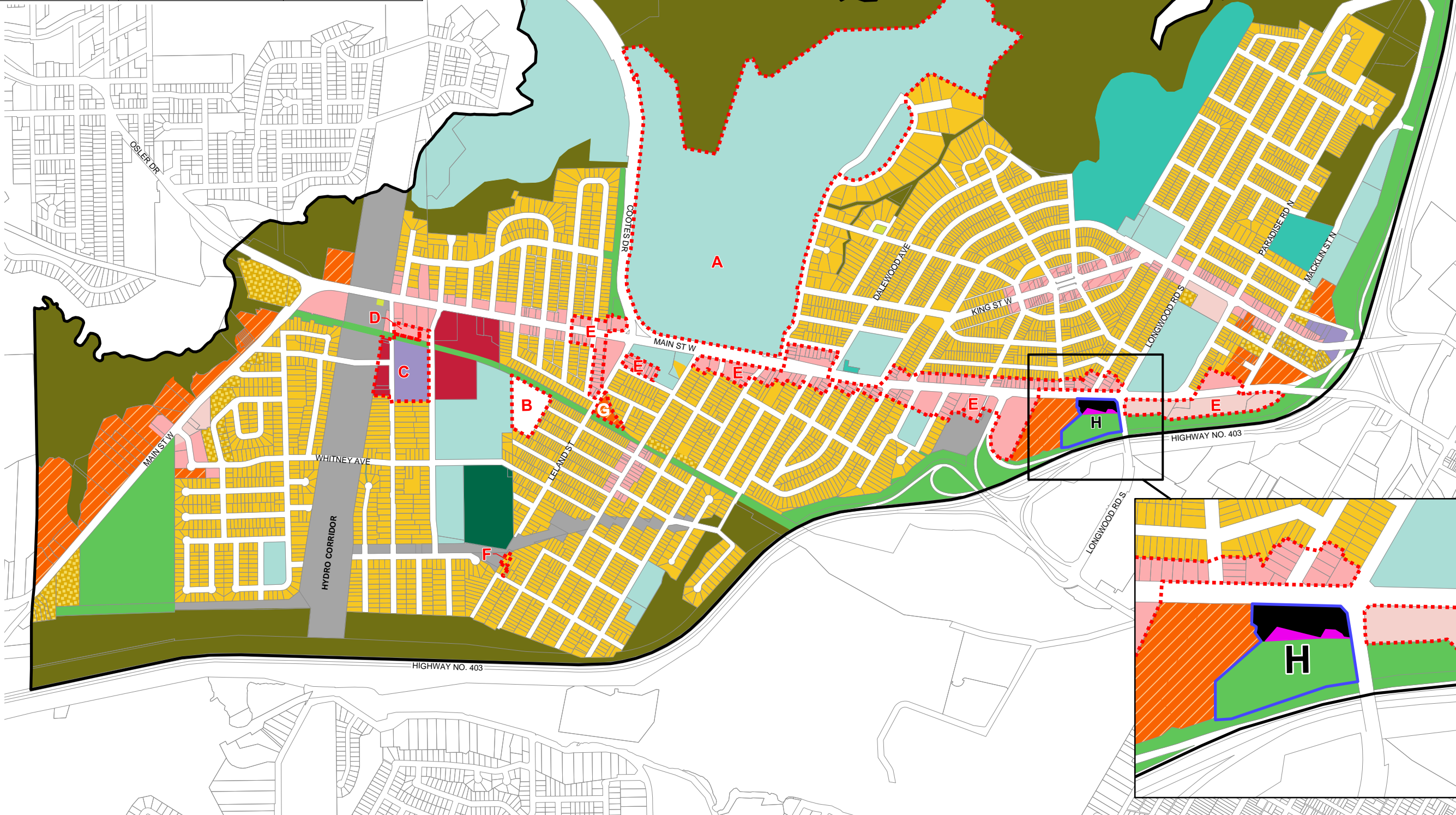
Appendix B  
 APPROVED Amendment No. 113  
 to the Urban Hamilton Official Plan

- Lands to be redesignated from "Local Commercial" to "High Density Residential 1"
- Lands to be redesignated from "General Open Space" to "High Density Residential 1"
- H Lands to be identified Site Specific Policy - Area "H"  
 (925 Main Street West and 150 Longwood Road South, Hamilton)

Date:  
 Sep. 6, 2018

Revised By:  
 AL/NB

Reference File No.:  
 OPA-U-113(H)



**Legend**

- Residential Designations**
  - Low Density Residential 2
  - Low Density Residential 3c
  - High Density Residential 1
- Commercial and Mixed Use Designations**
  - Local Commercial
  - Mixed Use - Medium Density
  - Mixed Use - Medium Density - Pedestrian Predominant
  - District Commercial
- Parks and Open Space Designations**
  - Parkette
  - Neighbourhood Park
  - Community Park
  - General Open Space
  - Natural Open Space
- Other Designations**
  - Institutional
  - Employment Area - Industrial Lands
  - Utility
- Other Features**
  - Area or Site Specific Policy
  - Secondary Plan Boundary

Council Adopted: July 9, 2009  
 Ministerial Approval: March 16, 2011  
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan**  
**Ainslie Wood Westdale**  
**Secondary Plan**  
 Land Use Plan  
 Map B.6.2-1



**Authority:** Item 3, Planning Committee  
Report 18-013 (PED18199)  
CM: September 12, 2018  
Ward: 1

**Bill No. 257**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Amend Zoning By-law No. 05-200 Respecting Lands Located at 925 Main Street West and 150 Longwood Road South, Hamilton**

**WHEREAS** Council approved Item 3 of Report PED18199 of the Planning Committee at its meeting held on the 4<sup>th</sup> day of September, 2018;

**AND WHEREAS** this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 113.

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

1. That Map No. 949 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to this By-law by:
  - a. Lands to be added to Zoning By-law No. 05-200 as Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone; and,
  - b. Lands to be added to Zoning By-law No. 05-200 as Conservation / Hazard Lands (P5, 703) Zone.
2. That Schedule "C" – Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

"703. Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone, and Conservation / Hazard Lands (P5, 703) Zone, identified on Map No. 949 of Schedule "A" – Zoning Maps and described as 925 Main Street West and 150 Longwood Road South, Hamilton, the following special provisions shall apply:

- a) Notwithstanding Section 3: Definitions, Main Street West shall be deemed the Front Lot line.
- b) Notwithstanding Section 4.23 d), all building and structures located on a property shall be setback a minimum of 3.0 metres from a (P5) Zone boundary, except below grade which shall be setback a minimum of 0.0 metres from the (P5) Zone boundary.
- c) Notwithstanding Section 5.2 b) iii), where a wall or any other obstruction is located abutting or within any parking space within an

above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres; except for where a column is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.1 metres.

- d) Notwithstanding Section 5.6 c) i. and 5.7 c) i. and e), the following shall apply:

**Column 1**

**Column 2**

**i. Residential Use(s)**

Lodging House

- A) 1 parking space for each 8.3 persons accommodated or designed for accommodation.
- B) A minimum of 5 short term bicycle parking spaces shall be provided.
- C) A minimum of 0.5 long term bicycle parking spaces per unit shall be provided.

- e) In addition to Subsection 7.5.1, the following use shall also be permitted:

i) PERMITTED USES

Recreation

- f) Notwithstanding Subsection 11.1.3 a) i) and ii), c), d) ii) and iii), and g) iii) and v), the following special provisions shall apply:

- i) Minimum Building Setback from Main Street West
- A) 0.0 metres for any portion of a building up to 22.0 metres in height, including to the hypotenuse of the daylight triangle.
- B) 6.1 metres for any portion of a building greater than 22.0 metres in height.
- ii) Minimum Building Setback from Longwood Road
- A) 0.0 metres for any portion of a building up to 22.0 metres in height, including to the hypotenuse of the daylight

South triangle.

- B) 15.0 metres for any portion of a building greater than 22.0 metres in height, except 8.8 metres to the hypotenuse of the daylight triangle.
- iii) Minimum Interior Side Yard
  - A) 0.9 metres for any portion of a building up to 22.0 metres in height when abutting a Residential Zone.
  - B) 4.0 metres for any portion of a building greater than 22.0 metres in height when abutting a Residential Zone.
- iv) Building Height
  - A) Maximum 22.0 metres for the podium;
  - B) Maximum 56.0 metres for “Tower A” as shown on Figure 21 of Schedule F - Special Figures.
  - C) Maximum 62.0 metres for “Tower B” as shown on Figure 21 of Schedule F - Special Figures is 62.0 metres.
- v) Built Form for New Development
  - A) Maximum of two 6.0 metre wide driveways shall be permitted for ingress and egress.
  - B) For a corner lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 50% of the measurement of the front lot line abutting the street, and the minimum width of the ground floor façade facing the flankage lot line shall be greater than or equal to 25% of the measurement of the flankage lot line abutting the street.

3. That Schedule “D” – Holding Provisions of By-law No. 05-200 is hereby amended by adding the following Holding Provision:

“31. Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone on Map No. 949 of Schedule “A” – Zoning Maps, and

described as 925 Main Street West and 150 Longwood Road South, development shall not proceed until:

- (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP) for 925 Main Street West. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee.
  - (b) The Owner acquires the lands at 150 Longwood Road South required to implement the proposed development and merges the lands on title with 925 Main Street West, to the satisfaction of the Director of Planning and Chief Planner.
4. 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*.
  5. That for the purposes of the Building Code, this By-law or any part of it is not made until it has actually come into force as provided by Section 34 of the *Planning Act*.
  6. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this 12<sup>th</sup> day of September, 2018

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-16-029





This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2>  <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3>  <h3 style="margin: 0;">to Amend By-law No. 05-200 Map 949</h3>	<p><b>Subject Property</b>                  925 Main Street West &amp; 150 Longwood Road South</p> <p> <b>Block 1</b> - Lands to be added to Zoning By-law No. 05-200 and zoned as a Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone</p> <p> <b>Block 2</b> - Lands to be added to Zoning By-law No. 05-200 and zoned as Conservation / Hazard Land (P5, 703) Zone</p>
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Scale: N.T.S.	File Name/Number: ZAC-16-029/UHOPA-16-011	
Date: August 9, 2018	Planner/Technician: AL/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

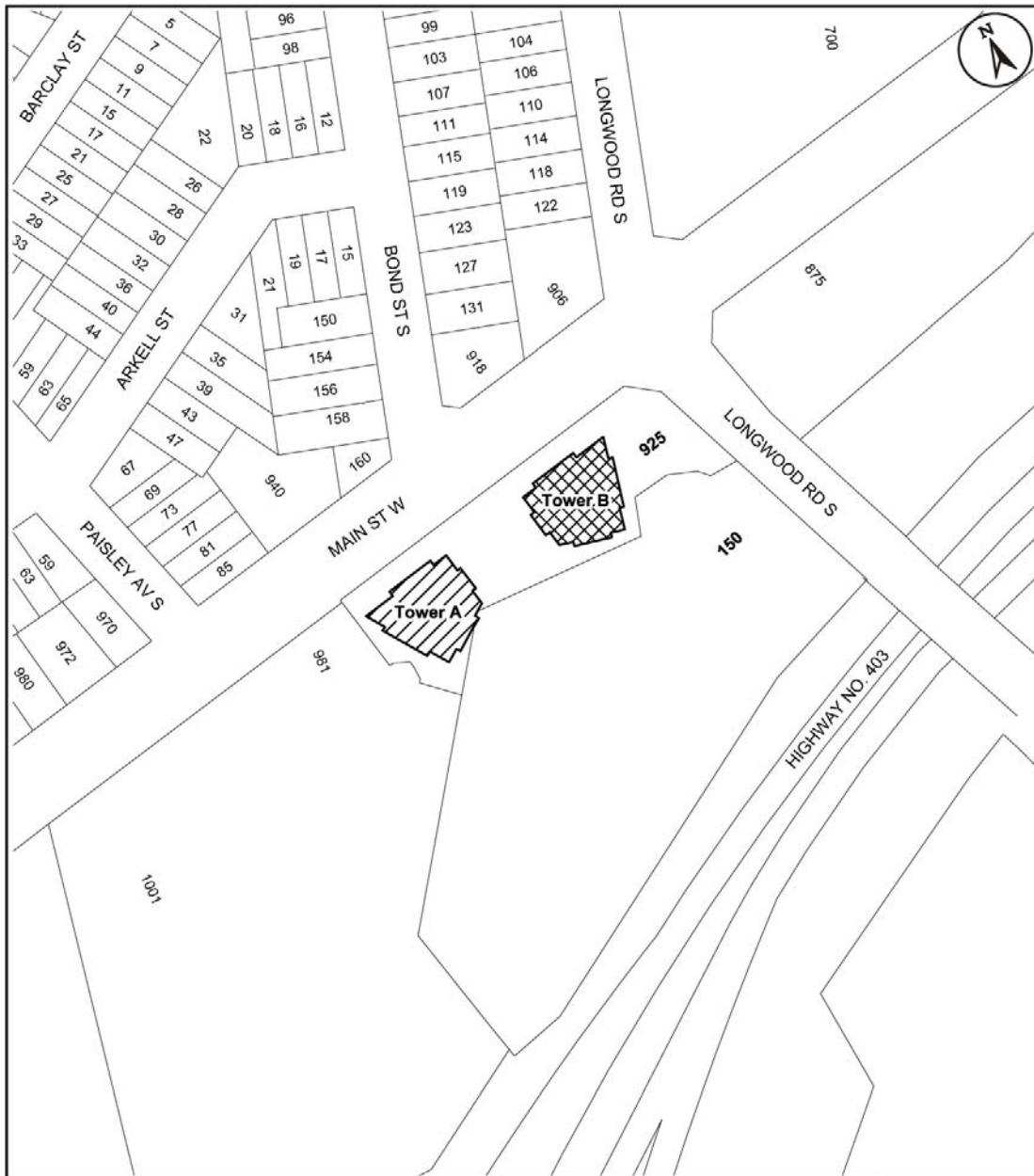


Figure 21 to Schedule F: 925 Main Street West and 150 Longwood Road South

Date:  
July 25, 2018

**Legend**

-  Tower A
-  Tower B



**Authority:** Item 4, Planning Committee  
Report: 18-013 (PED18161)  
CM: September 12, 2018  
Ward: 15

**Bill No. 258**

**CITY OF HAMILTON**

**BY-LAW NO. 18-**

**To Adopt:**

**Official Plan Amendment No. 19 to the  
Rural Hamilton Official Plan**

Respecting:

**163 and 167 Highway No. 5 West  
(Flamborough)**

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

1. Amendment No. 19 to the Rural Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 12th day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk



## Rural Hamilton Official Plan Amendment No. 19

The following text constitutes Official Plan Amendment No. 19 to the Rural Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to replace the inset map for Rural Site Specific Area R-4 to reflect the extent of the land subject to the policies that permit a Golf Course on 167 Highway No. 5 West.

### 2.0 Location:

The lands affected by this Amendment are known municipally as 163 and 167 Highway No. 5 West, in the former Town of Flamborough.

### 3.0 Basis:

The basis for permitting this Amendment is:

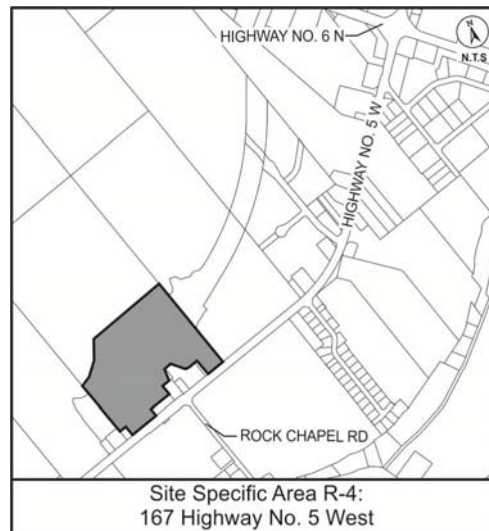
- The lot boundaries of 163 and 167 Highway No. 5 West have changed since the adoption of the Rural Hamilton Official Plan, through the approval of severance applications for minor lot line adjustments.
- The proposed Amendment will permit the continued use of the Golf Course on the lands located at 167 Highway No. 5 West and remove the permissions for a Golf Course on the lands located at 163 Highway No. 5 West that are currently being utilized for a Garden Centre.
- The proposed Amendment is in keeping with the Minor Lot Line Adjustment policies of the Rural Hamilton Official Plan.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Greenbelt Plan, 2017.

### 4.0 Actual Changes:

#### 4.1 Volume 3 – Special Policy and Site Specific Areas

## Map Changes

4.1.1 That the inset map for Site Specific Area R-4, respecting 167 Highway No. 5 West, Flamborough, be deleted and replaced with the following new inset map:



## 5.0 Implementation:

An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. 18-258 passed on the 12th day of September, 2018.

The  
City of Hamilton

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F. Eisenberger  
MAYOR

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J. Pilon  
ACTING CITY CLERK

**Authority:** Item 4, Planning Committee  
Report 18-013 (PED18190)  
CM: September 12, 2018  
Ward: 15

**Bill No. 259**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Amend Zoning By-law No. 05-200 Respecting Lands Located at 163 and 167 Highway No. 5 West, formerly in the Town of Flamborough, now in the City of Hamilton**

**WHEREAS** Council approved Item 4 of Report 18-013 of the Planning Committee, at the meeting held on September 12, 2018;

**AND WHEREAS** this By-law will be in conformity with the Rural Hamilton Official Plan.

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

1. That Map No. 85 of Schedule "A" to Zoning By-law No. 05-200 is amended by changing the zoning from the Open Space (P4, 80) Zone to the Rural (A2, 104) Zone (Block 1) and from the Rural (A2, 104) Zone to the Open Space (P4, 80) Zone (Block 2), to the lands the extent and boundaries of which are shown as Schedule "A" to this By-law.
2. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, as amended, is hereby further amended by repealing and replacing subsection b) ii) of the site specific Rural (A2, 104) Zone with the following provisions:
  - ii) The Garden Centre located at 163 Highway No. 5 West, the following regulations shall apply:
    1. In accordance with Section 12.2.3.1 b), and d).
    2. Notwithstanding Section 12.3.3.1 c), the minimum side yard setback shall be 11 metres.
    3. Notwithstanding Section 12.2.3.1 f), outdoor storage existing on the date of the passing of this by-law shall be permitted.
    4. Notwithstanding Section 12.2.3.1 g), accessory buildings shall be permitted 0.4 metres from the required side yard.

4. 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*.
5. That this By-law No. 18-259 shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

**PASSED** this 12<sup>th</sup> day of September, 2018.

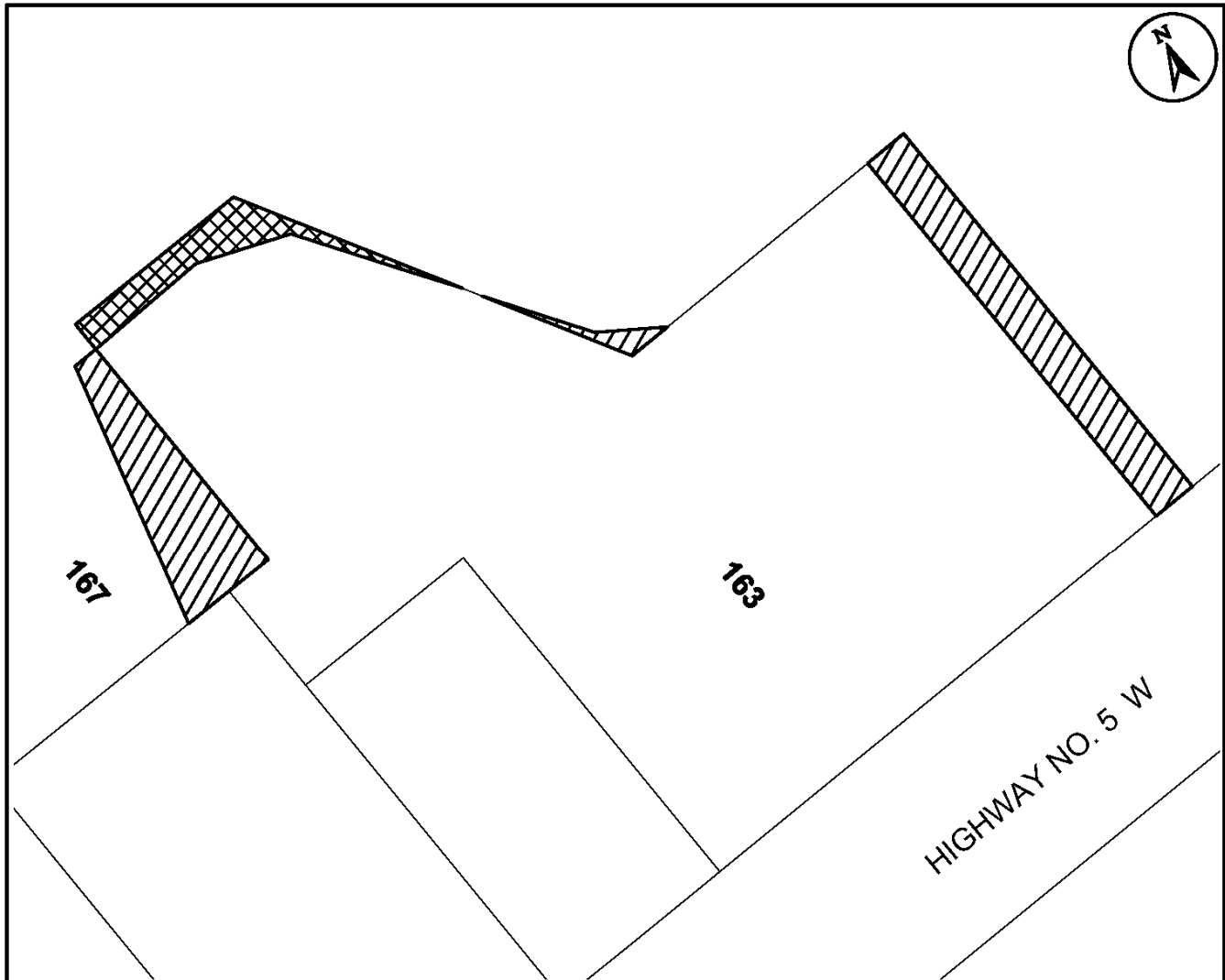
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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

RHOPA-18-019  
ZAC-18-019



This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 85</p>	<p><b>Subject Property</b></p> <p>163 and 167 Highway No. 5 West</p> <p> <b>Block 1</b> - Change in Zoning from the Open Space (P4, 80) Zone to the Rural (A2, 104) Zone</p> <p> <b>Block 2</b> - Change in Zoning from the Rural (A2, 104) Zone to the Open Space (P4, 80) Zone</p>
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Scale: N.T.S.	File Name/Number: ZAR-18-019	 <b>Hamilton</b>
Date: June 19, 2018	Planner/Technician: RF/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:** Item 5, Planning Committee  
Report 18-013 (PED18179)  
CM: September 12, 2018  
Ward: 15

**Bill No. 260**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 5 Hamilton Street North (Flamborough)**

**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 Town of Flamborough" 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality 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. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

**WHEREAS** the Council of the City of Hamilton, in adopting Item 5 of Report 18-013 of the Planning Committee, at its meeting held on the 12<sup>th</sup> day of September, 2018, which recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

**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 Schedule No. "A-30", attached to and forming part of Zoning By-law 90-145-Z (Flamborough), as amended, is hereby amended by changing from the Urban Commercial "UC" Zone to the Urban Commercial "UC-18(H)" Zone, Modified, the extent and boundaries of which are shown on Schedule "A", annexed hereto and forming part of this By-law.
2. That the Urban Commercial "UC" Zone regulations, be modified to include the following special requirements:

"17.3.18 "UC-18(H)" (See Schedule A-30)

- a) Notwithstanding Subsection 17.2(c), the maximum height shall be 19.5 metres.

- b) Notwithstanding Subsection 5.21.1(c), the maximum parking space requirement for an apartment dwelling shall be 1.61 spaces per unit.
  - c) Notwithstanding Subsection 5.21.1(t), a Retail Establishment, Service Shop, Personal Service Establishment, Convenience Retail Store or Custom Workshop shall not require a minimum parking space.
  - d) Notwithstanding Subsection 5.21.1(r), an Office shall not require a minimum parking space
  - e) Notwithstanding Subsection 5.21.6(b), a driveway with two-way vehicular movement shall have a minimum unobstructed width of 6.0 metres.
  - f) Notwithstanding Subsection 5.21.11(b), an enclosed parking structure shall be setback a minimum of 0.1 metres from any lot line.
  - g) In addition to Subsection 17.3.18 “UC-18(H)”, ground floor residential units fronting onto Hamilton Street North, shall be prohibited.
3. That the amending By-law be added to Schedule “A-30” of Flamborough Zoning By-law No. 90-145-Z.
4. (H) Holding Symbol

Where an (H) Symbol is prefixed to a Zone identified in Schedule “A”, the following condition must be fulfilled, to the satisfaction of the City, prior to the lifting of the (H) provision on any portion of the lands:

- i) That an updated Traffic Impact Study is submitted, approved, and implemented, to the satisfaction of the Manager, Transportation Planning, Planning and Economic Development Department.
5. 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*.

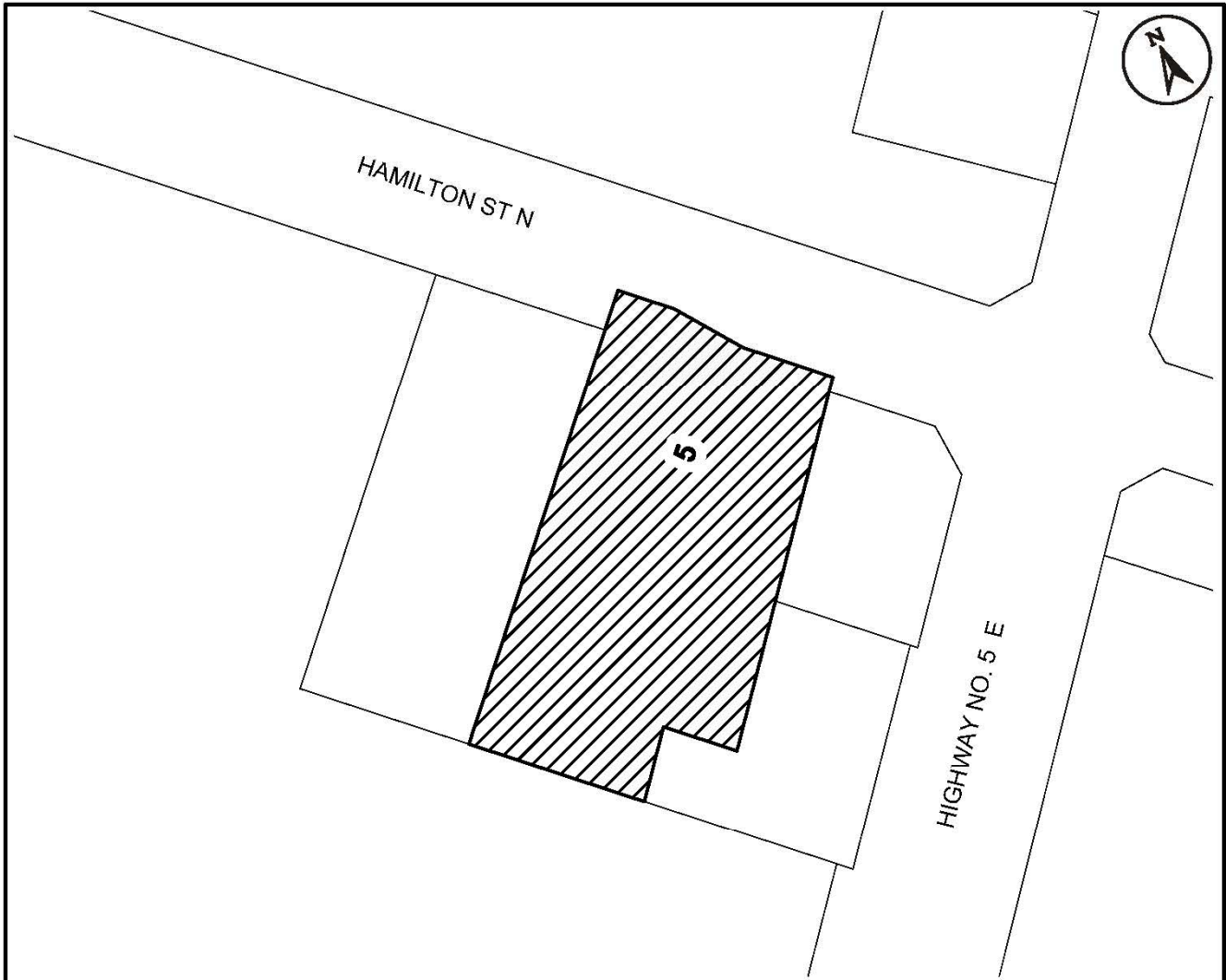
**PASSED** this 12th day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk



This is Schedule "A" to By-law No. 18-  
 Passed the ..... day of ....., 2018

-----  
 Mayor  
 -----  
 Clerk

## Schedule "A"

Map Forming Part of  
 By-law No. 18-\_\_\_\_\_

to Amend By-law No. 90-145-Z

### Subject Property

5 Hamilton Street North



Change in zoning from "UC" Urban Commercial  
 Zone to "UC-18(H)" Urban Commercial Zone,  
 Holding, Modified

Scale:  
 N.T.S.

File Name/Number:  
 ZAR-18-015

Date:  
 July 12, 2018

Planner/Technician:  
 EM/NB



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



**Authority:** Item 5, Planning Committee  
Report 18-013 (PED18179)  
CM: September 12, 2018  
Ward: 15

**Bill No. 261**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Amend Zoning By-law No. 05-200 Respecting Lands Located at 5 Hamilton Street North (Flamborough)**

**WHEREAS** Council approved Item 5 of Report 18-013 of the Planning Committee, at the meeting held on September 12, 2018;

**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. 482 of Schedule "A" of Zoning By-law No. 05-200 be amended as follows:
  - (a) For a change in zoning from the Mixed Use – Medium Density (C5, 582) Zone to the Mixed Use – Medium Density (C5, 700) Zone on lands described in Schedule "A";
2. That Schedule "C" – Special Exemptions, Subsection 582 of By-law No. 05-200 is amended by deleting the following:

5 Hamilton Street North	Map 482
-------------------------	---------

3. That Schedule "C" – Special Exemptions of Zoning By-law No. 05-200, as amended, is hereby further amended by adding the following:
  - 700 Within the lands zoned Mixed Use Medium Density (C5, 700) Zone, identified on Map No. 482 of Schedule "A" and described as 5 Hamilton Street North, the following additional special provisions shall apply:
    - a. In addition to Subsection 10.5.1, the following uses shall also be permitted:
      - i) Duplex
      - ii) Stacked townhouse
      - iii) Townhouse
      - iv) Triplex
    - b. Notwithstanding Section 5.6 (c)(i), the maximum parking for dwelling units greater than 50 m<sup>2</sup> shall be 1.61 spaces per unit.

- c. Notwithstanding Section 10.5.1.1 (i)(1), the finished floor elevation of any dwelling unit shall be a minimum of 0.10 metres above grade.
  - d. Notwithstanding Section 10.5.3 (g)(vii)(1), the principal commercial entrance within the ground floor façade shall be located on the east side of the building.
  - e. In addition to Section 10.5.2, ground floor residential units fronting onto Hamilton Street North, shall be prohibited.
4. That Schedule “D” – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:
- “106. For the lands zoned Mixed Use – Medium Density (C5,700) Zone on Map 482 on Schedule “A” – Zoning Maps, and described as 5 Hamilton Street North, the (H106) symbol may be removed by further amendment to this By-law at such time as the following condition has been satisfied:
- (i) That an updated Traffic Impact Study is submitted, approved, and implemented to the satisfaction of the Manager, Transportation Planning, Planning and Economic Development.

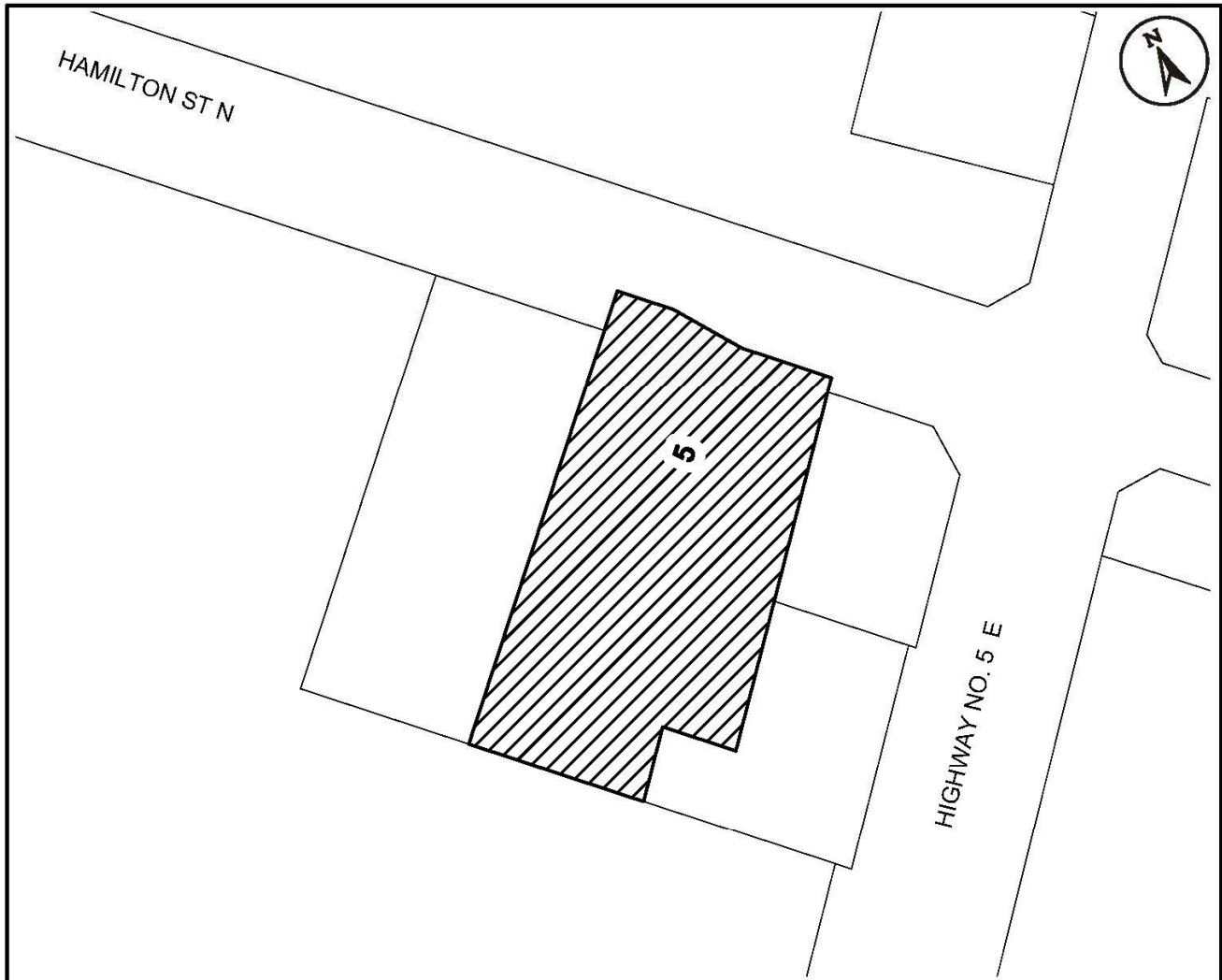
**PASSED** this 12th day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk




This is Schedule "A" to By-law No. 18-  
 Passed the ..... day of ....., 2018

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 Mayor  
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 Clerk

**Schedule "A"**  
  
 Map Forming Part of  
 By-law No. 18-\_\_\_\_\_  
  
 to Amend By-law No. 05-200  
 Map 482

**Subject Property**  
 5 Hamilton Street North

 Change in zoning from Mixed Use - Medium Density (C5, 582) Zone to Mixed Use - Medium Density (C5, 700, H106) Zone

Scale:  
 N.T.S.  
 Date:  
 July 12, 2018

File Name/Number:  
 ZAR-18-015  
 Planner/Technician:  
 EM/NB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



**Authority:** Item 6, Planning Committee Report  
18-013 (PED18190)  
CM: September 12, 2018  
Ward: 4

**Bill No. 262**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Amend Zoning By-law No. 6593 Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 6 of Report 18-013 of the Planning Committee, at its meeting held on the 12th day of September 2018, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

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

1. That Sheet No. E75 of the District Maps appended is amended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “H” (Community Shopping and Commercial, Etc.) District to the “H/S-1764-‘H” (Community Shopping and Commercial, Etc.) District, Holding, Modified; the extent and boundaries of which are shown on a plan here to annexed as Schedule “A”.
2. That the “H” (Community Shopping and Commercial, Etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be further modified to include the following special requirements:
  - a) That notwithstanding Section 4(3)(a), two buildings used for residential purposes shall be permitted.

- b) That in addition to Section 14(1) the following uses shall be permitted:
    - i) A Multiple Dwelling in conjunction with the commercial uses permitted in Section 14(1); and,
    - ii) A Multiple Dwelling on a lot on which there is an existing building containing a mix of commercial and residential uses.
  - c) That notwithstanding Section 14(3)(ii)(a), a southerly side yard of width of 0.0 metres.
  - d) That notwithstanding Section 14(9)(i), a planting strip of not less than 1.5 metres in width shall be provided and maintained along the rear lot line, except where a bicycle storage area, recycling storage area or waste storage area is located, which is located a minimum 0.45 metres from the rear lot line.
  - e) That in addition to Section 14(9)(ii), a hydro transformer shall be permitted within the required landscape area.
  - f) That notwithstanding Section 18A(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 3.0 metres wide by 5.8 metres long.
  - g) That notwithstanding Section 18A (Table 1) & (Table 2), a multiple dwelling shall provide 0.21 parking spaces per Class A dwelling unit of which 0.0 spaces per unit shall be allocated for visitor parking.
  - h) That notwithstanding Section 18A (Table 3) one (1) loading space shall be provided for all uses on the lot, with a minimum size of 12.0 metres in length and 3.7 metres in width.
3. That the 'H' symbol applicable to the four storey multiple dwelling use on the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- (i) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition or the Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee.
4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used,

except in accordance with the “H” (Community Shopping and Commercial, Etc.) District provisions, subject to the special requirements referred to in Sections 2 and 3.

5. That Sheet No. E75 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as “H/S-1764-‘H’”.
6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1764.
7. 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*.

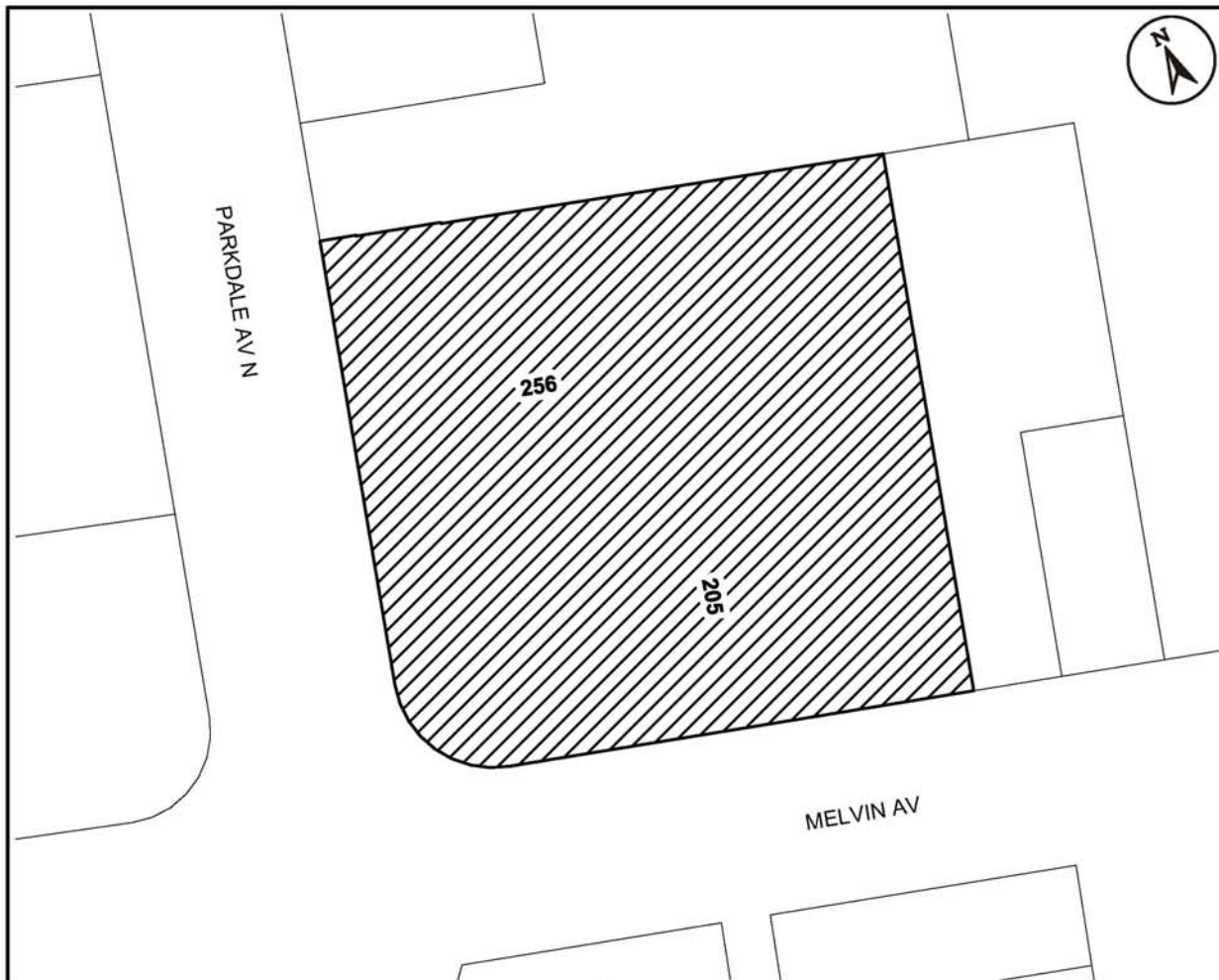
**PASSED** this 12th day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk



This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	----- Mayor  ----- Clerk
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<h2>Schedule "A"</h2>  <h3>Map Forming Part of By-law No. 18-_____</h3>  to Amend By-law No. 6593	<b>Subject Property</b> 256 Parkdale Avenue North & 205 Melvin Avenue "H" (Community Shopping and Commercial, Etc.) District to "H/S-1764-H" (Community Shopping and Commercial, Etc.- Holding) District, Modified
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Scale: N.T.S.	File Name/Number: ZAR-18-027	
Date: July 11, 2018	Planner/Technician: MKJAL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:** Item 6, Planning Committee  
Report 18-013 (PED18190)  
CM: September 12, 2018  
Ward: 4

**Bill No. 263**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Amend Zoning By-law No. 05-200 Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue**

**WHEREAS** Council approved Item 6 of Report 18-013 of the Planning Committee at its meeting held on the 12<sup>th</sup> day of September, 2018;

**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. 1045 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from the Mixed Use – Medium Density (C5) Zone to the Mixed Use – Medium Density (C5, 698, H71) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to the By-law.
2. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

"698. Within the lands zoned Mixed Use – Medium Density (C5, 698, H71) Zone, identified on Map No. 1045 of Schedule "A" and described as 256 Parkdale Avenue North and 205 Melvin Avenue, the following special provisions shall apply:

a) Notwithstanding Sections 5.1 a) v) b), 5.6 c) i., 10.5.1.1 i) 1, 10.5.3 (g) (vii) 2 and in addition to Section 3, the following special provisions shall also apply:

b) REGULATIONS

a) Planting Strip

v) Unless otherwise regulated in this By-law, parking spaces and aisles giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:

b) Shall provide a 3.0 metre wide planting strip being required and permanently maintained between the street line and said parking



spaces or aisle, except that a hydro transformer shall be permitted within the required planting strip.

- |  |   |
|--|---|
| b) Residential Parking Rate              | Parking for dwelling units less than 50.0 square metres in gross floor area shall be provided at a rate of 0.21 per unit.                                       |
| c) Restriction of Uses Within a Building | 1. That Section 10.5.1.1 i) 1. shall not apply.   |
| d) Built form for New Development        | vii) A minimum of one principal entrance shall be provided:<br><br>2. shall be accessible via a walkway from any building façade directly to a public sidewalk. |
| e) Definitions                           | For the purposes of this By-law, Parkdale Avenue North shall be deemed the front lot line.  |

3. That Schedule D – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

For the lands zoned “Mixed Use – Medium Density (C5, 698, H71) Zone, on Map 1045 of Schedule A – Zoning Maps, and described as 256 Parkdale Avenue North and 205 Melvin Avenue (Hamilton), the H Symbol applicable to the lands referred to in Section 1 of this By-law shall prohibit development of a four storey multiple dwelling and shall be removed conditional upon:

- (a) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition or the Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton’s current RSC administration fee.

4. That the Clerk is hereby authorized to proceed with the giving of notice of the passing of this by-law, in accordance with the *Planning Act*.

**PASSED** this 12<sup>th</sup> day of September , 2018.

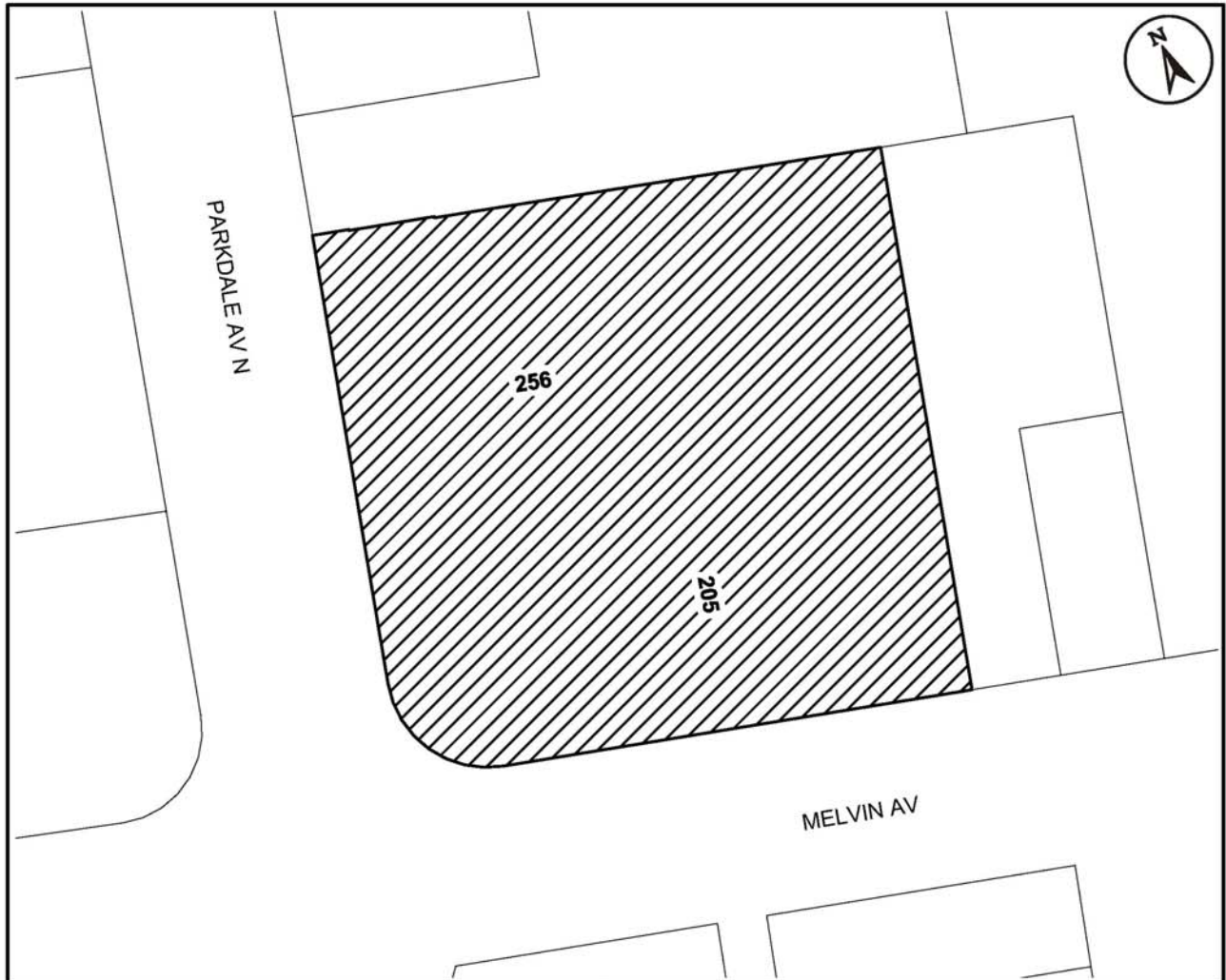
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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

ZAR-18-027



This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1046</p>		<p><b>Subject Property</b>                  256 Parkdale Avenue North &amp; 205 Melvin Avenue</p> <p> Change in zoning from the Mixed Use – Medium Density (C5) Zone to the Mixed Use – Medium Density (C5, 698, H71) Zone</p>			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Scale: N.T.S.</td> <td style="padding: 2px;">File Name/Number: ZAR-18-027</td> </tr> <tr> <td style="padding: 2px;">Date: June 28, 2018</td> <td style="padding: 2px;">Planner/Technician: MK/AL</td> </tr> </table>	Scale: N.T.S.	File Name/Number: ZAR-18-027	Date: June 28, 2018	Planner/Technician: MK/AL	<p><b>Hamilton</b></p>
Scale: N.T.S.	File Name/Number: ZAR-18-027				
Date: June 28, 2018	Planner/Technician: MK/AL				
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT					

**Authority:** Item 9, Planning Committee  
Report: 18-013 (PED18194)  
CM: September 12, 2018  
Ward: City Wide

**Bill No. 264**

**CITY OF HAMILTON**

**BY-LAW NO. 18-**

**To Adopt:**

**Official Plan Amendment No. 21 to the  
Rural Hamilton Official Plan**

Respecting:

**Cannabis Growing and Harvesting Facilities**

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

1. Amendment No. 21 to the Rural Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 12th day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

## Rural Hamilton Official Plan Amendment No. 21

The following text constitutes Official Plan Amendment No. 21 to the Rural Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to revise medical marihuana growing and harvesting facility policies to reflect the recent approval of the *Cannabis Act* and to include additional regulations related to the use.

### 2.0 Location:

Lands affected by this Amendment are located within the Agricultural, Rural and Specialty Crop Land Use Designations, as identified on Volume 1, Schedule D of the RHOP.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The Federal government introduced the *Cannabis Act* which allows for the growing and harvesting of cannabis for recreational purposes. A consistent policy framework for both medical and recreational marihuana is appropriate;
- The addition of separation distances between sensitive land uses and a cannabis production facility additional regulations to separate a cannabis production facility from sensitive land uses; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

#### 4.0 Actual Changes:

#### 4.1 Volume 1 – Parent Plan

##### *Text*

##### 4.1.1 Chapter D – Rural Systems/Designations

- a. That Policy D.2.1.1.4 of Section D.2.1 – Permitted Uses, be amended by:
- i) deleting the words “medical marihuana” and replacing them with “cannabis”;
  - ii) adding three new policies, as follows:
    - “c) The testing, packaging, and shipping of cannabis shall be accessory to the cannabis production growing and harvesting facility;
    - d) An appropriate setback between a cannabis production growing and harvesting facility and a *sensitive land use* shall be established in the Zoning By-law;
    - g) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
      - i) Odour and Dust Impact Assessment;
      - ii) Light Impact Assessment;
      - iii) Transportation Impact Study;
      - iv) Hydrogeological studies; and,
      - v) any other appropriate studies, identified as part of the complete application and formal consultation process; and,”
- and renumbering the existing clauses c), d) and e) to clauses e), f) and h).
- b. That renumbered Policy D.2.1.1.4 h) of Section D.2.1 – Permitted Uses, be amended by:
- i) deleting the words “size and” between the words “building” and “location”;

- ii) replacing the word "set-backs" with the word "setbacks"; and,
- iii) adding the words ", sustainable private services, odour/dust, traffic" between the words "drainage" and "and",

so that the policy reads, as follows:

"D.2.1.1.4 h) The establishment of a new *cannabis production growing and harvesting facility* or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building location, setbacks, drainage, sustainable private services, odour/dust, traffic and any other matters."

c. That Section D.6.6 – Permitted uses be amended by adding a new clause c) as follows:

- c) a cannabis production growing and harvesting facility, in accordance with the regulations in Policy D.2.1.1.4.

and renumbering the subsequent policies.

#### 4.1.2 Chapter G – Glossary

a. That the definition of Medical Marihuana Growing and Harvesting Facility Production Growing and Harvesting Facility be deleted and replaced with the following new definition:

**"Cannabis Growing and Harvesting Facility:** shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law."

**5.0 Implementation:**

An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. 18-264 passed on the 12<sup>th</sup> of September, 2018.

**The  
City of Hamilton**

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F. Eisenberger  
MAYOR

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J. Pilon  
ACTING CITY CLERK



**Authority:** Item 9, Planning Committee  
Report: 18-013 (PED18194)  
CM: September 12, 2018  
Ward: City Wide

**Bill No. 265**

**CITY OF HAMILTON**

**BY-LAW NO. 18-**

**To Adopt:**

**Official Plan Amendment No. 112 to the  
Urban Hamilton Official Plan**

Respecting:

**Cannabis Growing and Harvesting Facilities,  
Aquaponics and Greenhouses within Specific Employment Districts**

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

1. Amendment No. 112 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 12th day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

## Urban Hamilton Official Plan Amendment No. 112

The following text constitutes Official Plan Amendment No. 112 to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to revise medical marihuana growing and harvesting facility policies to reflect the recent approval of the *Cannabis Act* and to include additional regulations related to the use.

### 2.0 Location:

The lands affected by this Amendment are located within the Employment Area, specifically, the Industrial Land and Business Park Designations on Volume 1, Schedule E-1 – Urban Land Use Designations, as well as lands designated Airport Prestige Business and Airport Light Industrial Designations on Volume 2, Map B.8-1 – Airport Employment Growth District Secondary Plan, Land Use Plan.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The Federal government introduced the *Cannabis Act* which allows for the growing and harvesting of cannabis for recreational purposes. A consistent policy framework for both medical and recreational marihuana is appropriate;
- The addition of separation distances between sensitive land uses and a cannabis production facility additional regulations to separate a cannabis production facility from sensitive land uses; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

#### 4.0 Actual Changes:

#### 4.1 Volume 1 – Parent Plan

##### *Text*

##### 4.1.1 Chapter E – Urban Systems/Designations

- a. That Section E.5.3 – Employment Area – Industrial Land Designation be amended as follows:
  - i) Policy E.5.3.2 d) be amended by deleting the words “medical marihuana” and replacing them with “cannabis”
  - ii) Policy E.5.3.9 be amended by deleting the words “medical marihuana” and replacing them with “cannabis”
  - iii) Policy E.5.3.9 b) be deleted in its entirety and replaced with the following new policy:

“E.5.3.9 b) an appropriate setback between a cannabis growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;”
  - iii) Policy E.5.3.9 c) be amended by deleting the word “and, ”;
  - iv) Policy E.5.3.9 d) be amended by replacing the period with a semi colon and adding the word “and, ” at the end of the clause;
  - v) Section E.5.3.9 be amended by adding a new clause e):
    - e) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
      - i) Odour and Dust Impact Assessment;
      - ii) Light Impact Assessment;
      - iii) Transportation Impact Study;
      - iv) Hydrogeological studies; and,
      - v) any other appropriate studies, identified as part of the complete application and formal consultation process.”

b. That Section E.5.4 – Employment Area – Business Park Designation be amended as follows:

- i) Policy E.5.4.3 d) be amended by deleting the words “medical marihuana” and replacing them with “cannabis”;
- ii) Policy E.5.4.9 be amended by deleting the words “medical marihuana” and replacing them with “cannabis”;
- iii) Policy E.5.4.9 b) be deleted in its entirety and replaced with the following new policy:

“E.5.4.9 b) an appropriate setback between a cannabis growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;”.

- iii) Policy E.5.4.9 c) be amended by deleting the word “and,”;
- iv) Policy E.5.4.9 d) be amended by replacing the period with a semi colon and adding the word “and,” at the end of the clause;
- v) Section E.5.4.9 be amended by adding a new clause e):
  - e) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
    - i) Odour and Dust Impact Assessment;
    - ii) Light Impact Assessment;
    - iii) Transportation Impact Study;
    - iv) Hydrogeological studies; and,
    - v) any other appropriate studies, identified as part of the complete application and formal consultation process.”

c. That Section E.5.5 – Employment Area – Airport Employment Growth District Designation be amended as follows:

- i) Policy E.5.5.1 f) be amended by deleting the word “and,”;
- ii) Policy E.5.5.1 g) be amended by replacing the period with a semi colon and adding the word “and,” at the end of the clause;
- iii) Policy E.5.5.1 be amended by adding a new clause h) as follows:

“h) Limited agricultural uses, including only a *cannabis growing and harvesting facility*, a greenhouse and an aquaponics facility.”

iv) adding the following as Policy E.5.5.10:

**“Cannabis Growing and Harvesting Facility**

E.5.5.10 In addition to the requirements of Section E.5 – Employment Area-Airport Employment Growth District Designation, the following conditions shall apply to a *cannabis growing and harvesting facility*:

- a) the appropriate locations within the Employment Area – Business Park Designation and regulations for *cannabis growing and harvesting facility* shall be determined in accordance with the Zoning By-law;
- b) an appropriate setback between a cannabis growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;
- c) notwithstanding E.5.5.1, retail sales shall not be permitted;
- d) no outside storage shall be permitted; and,
- e) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
  - i) Odour and Dust Impact Assessment;
  - ii) Light Impact Assessment;
  - iii) Transportation Impact Study;
  - iv) Hydrogeological studies; and,
  - v) any other appropriate studies, identified as part of the complete application and formal consultation process.”

- a. That the definition of Medical Marijuana Growing and Harvesting facility Production Growing and Harvesting Facility be deleted and replaced with the following new definition:

**“Cannabis Growing and Harvesting Facility:** shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law.”

## 4.2 Volume 2 – Secondary Plans

### *Text*

#### 4.2.1 Chapter B.8.0 – Airport Employment Growth District Secondary Plan

- a. That Policy B.8.2.13 – Agricultural Principles be amended by adding the words “agricultural and” between the words “complements” and “food” so that portion of the policy reads, as follows:

“B.8.2.13 The employment lands shall develop in a manner which complements agricultural and food production operations and minimizes conflict between land uses.”

- b. That Policy B.8.4 – Employment Area Policies be amended by deleting the first sentence of the preamble and replacing it with the following new sentence:

#### **“B.8.4 Employment Area Policies**

The Airport Employment Growth District Secondary Plan provides for a wide range of employment, airport-related employment and limited agricultural uses within the Airport Prestige Business, Airport Light Industrial, Airside Industrial, and Airport Related Business Designations.”

- c. That Section B.8.4.5 – Airport Prestige Business be amended by:

- i) adding a new clause as Policy B.8.4.5.2, as follows:

“B.8.4.5.2 Limited agricultural uses including only a *cannabis growing and harvesting facility*, a greenhouse and an aquaponics facility may be permitted in accordance with Policy E.5.5.10 of Volume 1.”; and,

ii) renumbering the subsequent policies.

d. That Section B.8.4.6 – Airport Light Industrial, be amended by:

i) adding a new clause as Policy B.8.4.6.2, as follows:

“B.8.4.6.2 Limited agricultural uses including only a *cannabis growing and harvesting facility*, a greenhouse and an aquaponics facility may be permitted in accordance with Policy E.5.5.10 of Volume 1.”; and,

ii) renumbering the subsequent policies.

## 5.0 **Implementation:**

An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 18-264 passed on the 12<sup>th</sup> day of September, 2018.

### The City of Hamilton

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F. Eisenberger  
MAYOR

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J. Pilon  
ACTING CITY CLERK

**Authority:** Item: 9, Planning Committee  
Report :18-013 (PED18194)  
CM: September 12, 2018  
Wards: City Wide

**Bill No. 266**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Amend Zoning By-law No. 05-200 Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing and Harvesting Facilities**

**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*, S.O. 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 first stage of the new Zoning By law, being By-law No. 05-200, came into force on the 25<sup>th</sup> day of May, 2005;

**WHEREAS** the Council of the City of Hamilton, in adopting Item 9 of Report 18-013 of the Planning Committee, at its meeting held on the 12<sup>th</sup> day of September, 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, upon approval of Official Plan Amendment No. 112.

**WHEREAS** this By-law is in conformity with the Rural Hamilton Official Plan, upon approval of Official Plan Amendment No. 21.

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

1. That SECTION 3: DEFINITIONS of By-law No. 05-200 is hereby amended as follows:
  - 1.1 That the definition of **Agricultural Processing Establishment - Stand Alone** be amended by adding the words “or processing of cannabis products” after the words “Agricultural Brewery/Cidery/Winery”.
  - 1.2 That the definition of **Agriculture** be amended by deleting the words “medical marihuana” and replacing with “cannabis”;
  - 1.3 That the definition of **Medical Marihuana Growing and Harvesting Facility** be deleted and replaced with the following new definition



**“Cannabis Growing and Harvesting Facility** shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law. “

- 1.4 That the definition of **Urban Farm** be amended by deleting the words “medical marihuana” and replacing with “cannabis”.
2. That SECTION 5: PARKING be amended as follows:
  - 2.1. That Subsection 5.6 vi be amended by deleting the words “medical marihuana” and replacing them with “cannabis”.
3. That SECTION 9: INDUSTRIAL ZONES be amended as follows:
  - 3.1 That Subsection 9.2.1 - PERMITTED USES is amended by deleting the words “medical marihuana” and replacing them with the word “cannabis”.
  - 3.2 That Subsection 9.2.3 l) - Additional Regulations For Medical Marihuana Growing and Harvesting Facility be amended by:
    - a) deleting the words “medical marihuana” and replacing them with the word “cannabis”;
    - b) amending clause ii) to delete “h)” and replace it with “i); and,
    - c) adding the following new clause as iii) :
      - “iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from:
        - a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and,
        - b) any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, day care or park in a Rural Classification Zone.”
  - 3.3 That Subsection 9.3.1 - PERMITTED USES is amended by deleting the words “medical marihuana” and replacing them with the word “cannabis”.
  - 3.4 That Subsection 9.3.3 s) - Additional Regulations For Medical Marihuana Growing And Harvesting Facility be amended by:

- a) deleting the words “medical marihuana” and replacing them with the word “cannabis”;
  - b) amending clause ii) to delete “m)” and replace it with “o); and,
  - c) adding the following new clause as iii) :
    - “iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from:
      - a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and,
      - b) any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, day care or park in a Rural Classification Zone.”
- 3.5 That Subsection 9.5.1 - PERMITTED USES is amended by deleting the words “medical marihuana” and replacing them with the word “cannabis”.
- 3.6 That Subsection 9.5.3 k) - Additional Regulations For Medical Marihuana Growing And Harvesting Facility be amended by:
- a) deleting the words “medical marihuana” and replacing them with the word “cannabis”; and,
  - b) deleting the existing clause iii) and replacing it with a new clause as iii) :
    - “iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone.”
- 3.7 That Subsection 9.6.1 – PERMITTED USES is amended by deleting the words “medical marihuana” and replacing them with the word “cannabis”.
- 3.8 That Subsection 9.6.3 s) - Additional Regulations for Medical Marihuana Growing and Harvesting Facility be amended by:
- a) deleting the words “medical marihuana” and replacing them with the word “cannabis”; and,

b) delete clause iii) and replace it with the following new clause :

“iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone.”

3.9. That Subsection 9.10.1– PERMITTED USES be amended by adding the following three new uses alphabetically:

- a) Aquaponics;
- b) Greenhouse; and,
- c) Cannabis Growing and Harvesting Facility

3.10 That Subsection 9.10.2 I) – PROHIBITED USES be amended by deleting “agricultural greenhouse”;

3.11. That Subsection 9.10.3 - REGULATIONS be amended by adding the following new provisions and renumbering the subsequent clauses:

m) Additional Regulations for Cannabis Growing and Harvesting Facility	In addition to the regulations of Section 9.10.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.10.3 g), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.10.3 I), no retail sales shall be permitted.
	<p>iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from:</p> <ul style="list-style-type: none"> <li>a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and,</li> <li>b) any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment,</li> </ul>

	residential care facility, place of worship, day care or park in a Rural Classification Zone.
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3.12. That Subsection 9.11.1- PERMITTED USES be amended by adding the following threes new uses alphabetically:

- a) Aquaponics;
- b) Greenhouse; and,
- c) Cannabis Growing and Harvesting Facility

3.13 That Subsection 9.11.2. iii) be deleted in its entirety and renumber the subsequent clause.

3.14. That Subsection 9.11.3 - REGULATIONS be amended by adding the following new provisions and renumbering the subsequent clauses:

o) Additional Regulations for Cannabis Growing and Harvesting Facility	In addition to the regulations of Section 9.11.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.11.3 m), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.11.3 o), No retail sales shall be permitted.
	iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from: <ul style="list-style-type: none"> <li>a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and,</li> <li>b) any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of</li> </ul>

	worship, day care or park in a Rural Classification Zone.
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3.15 That Subsection 9.12.3.1 m) - Additional Regulations for Medical Marihuana Growing and Harvesting Facility be amended by:

- a) deleting the words “medical marihuana” and replacing them with “cannabis”;
- b) deleting “20” and replacing it with “30” in clause iii);
- c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:

“iii) The testing, packaging, and shipping shall be accessory to the cannabis growing and harvesting facility.

iv) Notwithstanding Section 4.12 c), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:

1. any portion of a lot line abutting a Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zones; or
2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, day care or park.”

4. That SECTION 12: RURAL ZONES be amended as follows:

4.1 That Subsection 12.1.3.1 m) - Medical Marihuana Growing and Harvesting Facility be amended by:

- a) deleting the words “medical marihuana” and replacing them with “cannabis”;
- b) deleting “20” and replacing it with “30” in clause iii);
- c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:

“iii) The testing, packaging, and shipping shall be accessory to the Cannabis Growing and Harvesting Facility.

- iv) Notwithstanding Section 4.12 d), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:
  - 1. any portion of a lot line abutting Residential, Institutional Commercial and Mixed Use Zones, Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zone; or,
  - 2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, day care or park.”

4.2 That Subsection 12.2.3.1 m) - Medical Marihuana Growing and Harvesting Facility be amended by:

- a) deleting the words “medical marihuana” and replacing them with “cannabis”;
- b) deleting “20” and replacing it with “30” in clause iii);
- c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:

“iii) The testing, packaging, and shipping shall be accessory to the Cannabis Growing and Harvesting Facility.

- iv) Notwithstanding Section 4.12 d), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:
  - 1. any portion of a lot line abutting Residential, Institutional Commercial and Mixed Use Zones, Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zone; or,
  - 2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, day care or park.”.

5.0 That Schedule “C” – SPECIAL EXCEPTIONS is amended by:

- a) That Special Exceptions 271 and 459 be amended by deleting the words “medical marihuana” and replacing them with “cannabis”;

6.0 That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*.

7.0 That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this 12th day of September, 2018

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

CI-18-H

**Authority:** Item 5, Public Works Committee  
Report 16-020 (PW16112)  
CM: December 14, 2016  
Ward: 10

**Bill No. 269**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

**To Permanently Close and Sell a Portion of a Road Allowance Abutting 40 Maple Drive, Stoney Creek, namely Part of Road Allowance between Lots 18 & 19, Concession 3, in the Geographic Township of Saltfleet, in the City of Hamilton, designated as Part 1, Plan 62R-20595, being Part of PIN 17319-0569 (LT)**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

**WHEREAS** highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law; and

**WHEREAS** at its meeting of December 14, 2016, Council approved Item 5 of Public Works Committee Report 16-020, and authorized the City of Hamilton to permanently close and sell the portion of a road allowance abutting 40 Maple Drive, Stoney Creek; and

**WHEREAS** notice to the public of the proposed sale of the portion of a public unassumed alley has been given in accordance with the requirements of the Sale of Land Policy By-law.

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

1. The portion of a road allowance abutting 40 Maple Drive, Stoney Creek, described as Part of Road Allowance between Lots 18 & 19, Concession 3, in the Geographic Township of Saltfleet, in the City of Hamilton, designated as Part 1, Plan 62R-20595, which is owned by the City of Hamilton, is permanently closed.



To Permanently Close and Sell a Portion of a Road Allowance Abutting 40 Maple Drive, Stoney Creek, namely Part of Road Allowance between Lots 18 & 19, Concession 3, in the Geographic Township of Saltfleet, in the City of Hamilton, designated as Part 1, Plan 62R-20595, being Part of PIN 17319-0569 (LT)

Page 2 of 2

2. The soil and freehold of the part of the road allowance permanently closed under section 1 is to be sold to the Marko Pavunkovic for the sum of Forty Thousand and Two Dollars (\$40,002.00).
3. This by-law comes into force on the date of its registration in the Land Registry Office (No. 62).

**PASSED** this 12<sup>th</sup> day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**CITY OF HAMILTON**

**BY-LAW NO. 18-**

To Confirm the Proceedings of City Council at its meeting held on September 12, 2018.

**THE COUNCIL OF THE  
CITY OF HAMILTON  
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 12<sup>th</sup> day of September, 2018, in respect of each recommendation contained in,

Planning Committee Report 18-013 – September 4, 2018,  
General Issues Committee Report 18-017 – September 5, 2018  
Audit, Finance & Administration Committee Report 18-012 – September 10, 2018,  
Healthy & Safe Communities Report 18-009 – September 10, 2018,  
and  
Special General Issues Committee Report 18-018 – September 11, 2018,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

**PASSED** this 12<sup>th</sup> day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk