



City of Hamilton

CITY COUNCIL REVISED

19-009

Wednesday, May 8, 2019, 5:00 P.M.
Council Chambers, Hamilton City Hall
71 Main Street West

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 April 24, 2019

5. **COMMUNICATIONS**

5.1 Correspondence from the Town of Minto requesting endorsement and support for their resolution respecting the potential reduction and/or loss of the Ontario Municipal Partnership Fund (OMPF).

Recommendation: Be received.

- 5.2 Correspondence from Joshua Weresch respecting electric buses and LRT.
Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.
- 5.3 Correspondence from Grant Bivol, Interim Clerk, Niagara Peninsula Conservation Authority to Niagara Region respecting the term of the Niagara Region's appointees and to recommend a list of competencies for their consideration.
Recommendation: Be received.
- 5.4 Correspondence from The Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the Ministry's continued support for critical housing investments and leveraging federal funding under the National Housing Strategy
though new provincial investments and outlining the City of Hamilton's funding for housing and homelessness programs as confirmed through the 2019 Ontario Budget.
Recommendation: Be received and referred to the General Manager of Healthy & Safe Communities.
- 5.5 Correspondence from Dena Jones; Mario and Kathy Tedesco respecting the Mount Hope Pending Construction.
Recommendation: Be received and referred to the consideration of Item 5 of Planning Committee Report 19-007.
- 5.6 Correspondence from Joshua Weresch respecting the Imperial Oil Pipeline and the City's declaration of 'Climate Emergency'.
Recommendation: Be received and referred to Corporate Climate Change Task Force for appropriate action.
- 5.7 Correspondence from Jamie McGarvey, AMO President in response to the Mayor's letter respecting Council's resolution requesting support for a pilot program for the City of Hamilton to meet Accessibility for Ontarians with Disabilities Act (AODA) requirements and to prioritize accessibility priorities in Canada and Ontario infrastructure programs.
Recommendation: Be received and referred to the Advisory Committee for Persons with Disabilities.
- *5.8 Correspondence from Susan O'Rourke respecting 745 Crooks Hollow Road, Dundas, Ontario.
Recommendation: Be received and referred to the consideration of item 4 (1)(b) of Planning Committee Report 19-007.

- *5.9 Correspondence from the Honourable Heather J. Smith, Chief Justice of the Superior Court of Justice appointing the Honourable Mr. Justice Herman Wilton-Siegel to investigate pursuant to the resolution passed by Council of the City of

Hamilton on March 20, 2019 respecting the inquiry into matters connected to the Red Hill Valley Parkway.

Recommendation: Be received.

- *5.10 Correspondence from the Honourable Mr. Justice Herman Wilton-Siegel, Superior Court of Justice appointing Robert A. Centa of the law firm of Paliare Roland Rosenberg Rothstein LLP as his counsel to assist with the inquiry into

matters connected to the Red Hill Valley Parkway.

Recommendation: Be received.

- *5.11 Correspondence from the Honourable Rod Phillips, Minister of the Environment, Conservation and Parks respecting the board composition at the Niagara Peninsula Conservation Authority.

Recommendation: Be received and referred to the consideration of Item 8 of General Issues Committee Report 19-009

6. COMMITTEE REPORTS

6.1 Public Works Committee Report 19-006 - April 29, 2019

6.2 Planning Committee Report 19-007 - April 30, 2019

Due to the size of Appendix D, it is only available online.

6.3 General Issues Committee Report 19-009 - May 1, 2019

6.4 Audit, Finance and Administration Committee Report 19-007 - May 2, 2019

6.5 Emergency and Community Services Committee Report 19-004 - May 2, 2019

7. MOTIONS

7.1 Removal of the Stop Sign at Atkins Drive & Golfwood Drive

7.2 Authorization for CityHousing Hamilton to Apply for Variances to a By-law for Lands Located at 41 Reid Avenue

7.3 Funding for the Construction of John Rebecca Park at 76 John Street North, Hamilton

7.4 Funding for the Gazebo Capital Project at 226 Rebecca Street

7.5 2019 Development Charges By-law - Deferral Agreement

7.6 Amendment to Item 1 of the Public Works Committee Report 19-002 respecting Proposed Permanent Closure and Sale of a Portion of Wetenhall Court, Hamilton (PW19011) (Ward 11) (Item 8.2)

8. NOTICES OF MOTIONS

9. STATEMENTS BY MEMBERS

10. PRIVATE AND CONFIDENTIAL

10.1 Appointments to the Various City of Hamilton Agencies, Boards and Committees for the 2018-2022 Term

Pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-section (b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees.

*10.2 35 Market Street South, Dundas (LS19009(b)//PW19020(b)) (distributed under separate cover)

Pursuant to Section 8.1, Sub-sections (e) and (k) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (k) 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 City; 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.

*10.3 Labour Relations Matter (no copy)

Pursuant to Section 8.1, Sub-sections (b) and (d) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (b) and (d) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain personal matters about an identifiable individual, including City employees; and, labour relations or employee negotiations.

11. BY-LAWS AND CONFIRMING BY-LAW

11.1 090

To Amend By-law No. 18-270, the Council Procedural By-law

Ward: City Wide

11.2 091

To Amend Solid Waste Management By-law No. 09-067, as amended, to Prohibit Leaf and Yard Waste in Organic Waste Collection

Ward: City Wide

11.3 092

To Permanently Close and Sell a Portion of a Public Unassumed Alley Abutting 34 Alma 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) and to Repeal By-law No. 18-206

Ward: 13

11.4 093

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 Part 1, Plan 62R-20858, City of Hamilton, being Part of PIN 17585-0090 (LT), and to Repeal By-law No. 18-207

Ward: 13

11.5 094

Respecting Removal of Part Lot Control, Block 211, Registered Plan No. 62M-1238, Waterdown Bay Phase 2, 75, 77, 79, 81, 83, 85 Riverwalk Drive

Ward: 15

PLC-18-032

11.6 095

Respecting Removal of Part Lot Control, Lots 91 and 174, Registered Plan No. 62M-1238, Municipally known as 39 Mill Stone Terrace and 331 Humphrey Street, Flamborough

Ward: 15

PLC-19-012

11.7 096

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 2515 Upper James Street

Ward: 11

ZAH-19-019

- 11.8 097
To Amend Zoning By-law No. 05-200, as amended by By-law No. 18-011, respecting lands located at 43-51 King Street East and 60 King William Street (Hamilton)
Ward: 2
ZAH-19-015
- 11.9 098
Delegation of Authority to the Treasurer and Deputy Treasurers with Respect to the Adjustment of Taxes and Payments In lieu of Taxes
Ward: City Wide
- 11.10 099
To Amend By-law No. 17-225, a By-law to Establish a System of Administrative Penalties
(Table 16 – By-law No. 10-197 Hamilton Sign By-law)
Ward: City Wide
- 11.11 100
To Amend City of Hamilton By-law No. 10-221, as amended, being a By-law to Prescribe Standards for the Maintenance and Occupancy of Property; and City of Hamilton By-law No. 10-118, as amended, being a By-law to regulate Exterior Property Maintenance including Vegetation, Waste and Graffiti
Ward: City Wide
- 11.12 101
To Amend Zoning By-law No. 05-200, as amended by By-law No. 18-261 Respecting Lands Located at 5 Hamilton Street North (Flamborough)
Ward: 15
ZAR-18-015
- 11.13 102
To Amend Zoning By-law No. 6593 Respecting Lands Located at 122 & 126 Augusta Street and 127 Young Street and 125 Young Street, Hamilton
Ward: 2
ZAC-18-013

- 11.14 103
To Amend By-law No. 05-200, as amended by By-law No. 17-083, Respecting Pilot Project for Entertainment on Outdoor Commercial Patios generally located in the areas of Downtown Hamilton, Hess Village and for certain lands Zoned Open Space (P4) Zone and Settlement Commercial (S2) Zone in the Rural Area
Ward: City Wide
CI-17-C
- 11.15 104
To Amend Zoning By-law No. 05-200, as amended by By-law No. 17-255, Respecting Pilot Project for Entertainment on Outdoor Commercial Patios generally located in the areas of Upper James Street between Stone Church Road and Rymal Road, and Downtown Dundas
Ward: City Wide
CI-17-C
- 11.16 105
To Amend Zoning By-law No. 6593, as amended by By-law No. 17-082, for Entertainment on Outdoor Commercial Patios on James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South between Hunter Street East and Young Street
Ward: City Wide
CI-17-C
- 11.17 106
To Amend Zoning By-law No. 05-200 Respecting a Pilot Project for Entertainment on Outdoor Commercial Patios located along James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South, Augusta Street, Hughson Street, John Street South, and Haymarket Street
Ward: City Wide
CI-17-C
- 11.18 107
Respecting Removal of Part Lot Control, Part of Lots 2, 3, 5, 7, 10, 15, 17, 20, 21, 23, 25 and 26, Registered Plan No. 62M-1261
Ward: 9
PLC-19-005

11.19 108

To Amend By-law No. 12-282, Respecting Tariff of Fees

Ward: City Wide

11.20 109

To Confirm the Proceedings of City Council

12. ADJOURNMENT



CITY COUNCIL MINUTES 19-008

5:00 p.m.
April 24, 2019
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger
Councillors B. Clark (Deputy Mayor), C. Collins, J.P. Danko, J. Farr, L. Ferguson, T. Jackson, B. Johnson, S. Merulla, N. Nann, E. Pauls, J. Partridge, M. Pearson, A. VanderBeek and M. Wilson

Absent: Councillor T. Whitehead - Personal

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.

The Mayor called upon the Revered Father Andrew Quarshie the Parish Priest of St. Eugene and St. John the Baptist Parishes, to provide the invocation.

The Mayor called for a moment of silence to remember the victims of the Rwandan Genocide, as April 7th marked 15th anniversary where an estimated one million Rwandans were slaughtered.

The Mayor extended condolences on the passing of Alan Rousseaux on April 10, 2019. Alan was a sensational staff member of the City of Hamilton, with 25 years of service in the Public Works Department. Alan worked as a Waste Collections Operator.

CEREMONIAL ACTIVITIES

Mayor Eisenberger welcomed and congratulated the 2019 Women of Distinction Nominees and Award Winner. YWCAs from across Canada join in the celebration each year, honouring the achievements of women across the country who have made an impact on their respective communities. Three City employees were nominated for the 2019 Women of Distinction Award, Pike Krpan, Firefighter, Healthy and Safe Communities; Carolynn Reid, Business Development Consultant, Planning and Economic Development; and Tammy Hwang, Business Development Officer Global Hamilton, Planning and Economic Development who was awarded the 2019 Women of Distinction Award.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. COMMUNICATIONS (Item 5)

5.7 Correspondence from Lakewood Beach Community Council respecting 310 Frances Avenue, Planning Committee Delegations - April 16, 2019

Recommendation: Be received and referred to Item (f)(iii) of Planning Committee Report 19-006.

2. MOTIONS (Item 7)

Councillor Whitehead wished to defer the consideration of his motion to the next meeting of Council as he was unable to attend.

7.1 Removal of the Stop Sign at Atkins Drive & Golfwood Drive

3. NOTICES OF MOTION (Item 8)

8.1 Amendments to the Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P. (Global Spectrum) and to the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Mercanti Banquet & Convention Centre Ltd. (Carmen's Group)

(Pearson/VanderBeek)

That the agenda for the April 24, 2019 meeting of Council be approved, as amended.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- NOT PRESENT - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

DECLARATIONS OF INTEREST

Councillor Clark declared an interest to Item 10.1(c), respecting Appointments to the Rental Housing Sub-Committee for the 2018-2022 Term, as he has a previous professional relationship with an appointee.

Councillor Merulla declared an interest to Item 10.1(c), respecting Appointments to the Rental Housing Sub-Committee for the 2018-2022 Term, as he owns rental properties.

Councillor Pearson declared an interest to Item 10.1(c), respecting Appointments to the Rental Housing Sub-Committee for the 2018-2022 Term, as she owns rental properties.

Councillor VanderBeek declared an interest to Item 10.1(c), respecting Appointments to the Rental Housing Sub-Committee for the 2018-2022 Term, as she owns rental properties.

Councillor Pauls declared an interest to Item 10.1(c), respecting Appointments to the Rental Housing Sub-Committee for the 2018-2022 Term, as she owns rental properties.

APPROVAL OF MINUTES OF PREVIOUS MEETING
--

4.1 April 10, 2019**(Clark/Partridge)**

That the Minutes of the April 10, 2019 meeting of Council be approved.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

COMMUNICATIONS

(Clark/Pearson)

That Council Communications 5.1 to 5.7 be approved, ***as amended***, as follows:

- 5.1 Correspondence from York Region regarding their initial resolution from February 28, 2019 respecting Proposed Amendment 1 to the Growth Plan.

Recommendation: Be received.

- 5.2 Correspondence from the Ministry of Community Safety and Correctional Services respecting providing emergency response assistance to First Nations Communities located in the Province through an agreement with the Government of Canada.

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

- 5.3 Correspondence from Cameron Kroetsch respecting the process that was recently used to select a citizen representative to sit on the Hamilton Police Services Board.

Recommendation: Be received.

- 5.4 Correspondence from Renu Mandhane, Chief Commissioner, Ontario Human Rights Commission urging all municipalities in Ontario to engage Indigenous communities about the use of Indigenous-themed logos and team names in their sports arenas.

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

- 5.5 Correspondence from Enbridge Gas Inc., respecting a Notice of Second Information Session Kirkwall-Hamilton Pipeline Project.

Recommendation: Be received.

- 5.6 Correspondence from the City of Brantford requesting support for their resolution respecting Single-Use Plastic Straws.

Recommendation: Be received.

- 5.7 Correspondence from Lakewood Beach Community Council respecting 310 Frances Avenue, Planning Committee Delegations - April 16, 2019

Recommendation: Be received and referred to Item (f)(iii) of Planning Committee Report 19-006.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Jackson/Pauls)

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

CARRIED

BOARD OF HEALTH 19-004

- 1. Correspondence from the Windsor Essex County Health Unit in support of Peterborough Health Unit's Support for Increased Actions to the Opioid Crisis (Item 5.1)**

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Eisenberger/Partridge)

That the FOURTH Report of the Board of Health be adopted, as presented, and the information section received.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

PLANNING COMMITTEE REPORT 19-006

1. Hamilton Municipal Heritage Committee Report 19-002 (Item 7.1)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

4. To Incorporate City Lands into Soho Street By By-law (PED19079) (Ward 9) (Item 7.4)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla

YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

5. To Incorporate City Lands into Upper Mount Albion Road by By-law (PED19080) (Ward 9) (Item 7.5)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

6. To Incorporate City Lands into Columbus Gate by By-law (PED19081) (Ward 9) (Item 7.6)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge

NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7. **Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision “Midtown” for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9) (Item 8.1)**

The Deputy Mayor relinquished the Chair to the Mayor to introduce the following amendment to the Information Section:

(Clark/Collins)

That Item (f)(i)(a) of the Planning Committee Report 19-006, respecting Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision “Midtown” for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9) be amended by adding the words “at the Applicant’s expense” which further amends Appendix “G” to Report PED19030 to read as follows:

19. That staff be directed to retain an independent firm, **at the Applicant’s expense**, to conduct a Peer Review of the Hydrogeological and Geotechnical studies of the natural spring as SP3 which includes; Monitoring Plan, Karst Management Protection, Buffering and Implementation.

Result: Amendment CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Clark/Collins)

That Item 7(d)(i) of the Planning Committee Report 19-006, respecting Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision “Midtown” for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9) be amended by adding the word “further” to the amendment of Appendix “G” to read as follows:

- (d) That Draft Plan of Subdivision Application 25T-201609 by Losani Homes Limited (Owner), to establish a Draft Plan of Subdivision known as “Midtown”, on lands located at 1809, 1817 and 1821 Rymal Road East, Stoney Creek, as shown on Appendix “F” to Report PED19030, be approved, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Midtown”, 25T-201609, prepared by MHBC and certified by D. McLaren, O.L.S., dated November 16, 2018, consisting of one block for multiple dwellings and street townhouses including karst spring SP-3 (Block 1), one block for commercial development (Block 2), and one block for the purpose of a right of way widening along Rymal Road East (Block 3), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix “G”, as **further** amended, to Report PED19030.

Result: Main Motion, as amended CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Sam Merulla
 YES - Councillor Chad Collins
 YES - Councillor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 NOT PRESENT - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

8. Durand Neighbourhood Character Study Review (PED19017) (Ward 2) (Item 10.1) (Deferred from the March 19, 2019 meeting)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Sam Merulla

YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Pearson/Clark)

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

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

GENERAL ISSUES COMMITTEE REPORT 19-008

3. Office Tenancy Assistance Program - 286 Sanford Avenue North, 2nd Floor, Hamilton (PED19020) (Ward 3) (Item 10.3)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson

YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

4. Office Tenancy Assistance Program - 286 Sanford Avenue North, 3rd Floor, Hamilton (PED19021) (Ward 3) (Item 10.4)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

5. Airport Sub-Committee Report 19-002, March 29, 2019 (Item 10.5)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

8. 2019 Tax Policies and Area Rating (FCS19022) (City Wide) (Item 10.8)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

9. Open for Business Sub-Committee Report 19-001, February 27, 2019 (Item 10.9)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

10. Advisory Committee for Persons with Disabilities Report 19-002, March 12, 2019 (Item 10.10)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

11. Interview Sub-Committee (to the General Issues Committee) Report 19-001, March 29, 2019 (Item 10.12)

(a) Appointment of Chair and Vice Chair (Item 1)

- (i) That Councillor B. Clark, be appointed as Chair of the Interview Sub-Committee (to the General Issues Committee) for the balance of the 2018 to 2022 term of Council; and,
- (ii) That Councillor J. Farr, be appointed as Vice Chair of the Interview Sub-Committee (to the General Issues Committee) for the balance of the 2018 to 2022 term of Council; and, General Issues Committee April 17, 2019 Report 19-008 Page 9 of 15 Council – April 24, 2019

(b) Arts Advisory Commission Citizen Member Appointments (Item 4.1)

- (i) ***That the following citizen appointments to the Arts Advisory Commission, be approved for the balance 2018 to 2022 term of Council or until successors are appointed by Council:***

- (1) Monolina Bhattacharyya-Ray***
- (2) Elizabeth Jayne Cardno***
- (3) Monika Ciolek***
- (4) Lisa La Rocca***
- (5) Janna Malseed***
- (6) Annette Paiement***
- (7) Steve Parton***
- (8) Eileen Reilly***

- (ii) That, upon approval of Council, the names of the citizen appointments to the Arts Advisory Commission, as outlined in Private & Confidential Appendix "A" to Report 19-001 to the Interview Sub-Committee, be released to the public; and,
- (iii) That the Terms of Reference for the Arts Advisory Commission be amended, by changing the composition from "up to 8 members" to "up to 9 members".

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

12. Judicial Investigation Red Hill Valley Parkway (LS19017) (City Wide) (Item 10.14)

Result: Motion CARRIED by a vote of 13 to 2, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
NO - Councillor Lloyd Ferguson
NO - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

14. Disposition of Real Estate in the Barton-Tiffany Area (PED19063(a)) (Ward 2) (Item 14.3)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

15. Strathearne Avenue North Monitoring - Potential Regulatory Litigation (PW19036 / LS19016) (Ward 4) (Item 14.4)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Eisenberger/Partridge)

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

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Jackson/Pauls)

That Section 5.7(2) of the City's Procedural By-law 18-270, 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 & Administration Committee Report 19-006, dated Thursday, April 18th, 2019.

Result: Motion CARRIED by a 2/3's majority vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 19-006

5. Tax and Rate Operating Budget Variance Report as at December 31, 2018 – Budget Control Policy Transfers (FCS18067(b)) (City Wide) (Item 9.1)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- NOT PRESENT - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

6. Governance Review Sub-Committee Report 19-002 – March 25, 2019 (Item 10.1)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- NOT PRESENT - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

7. Terrapure Environmental - Heritage Green Community Trust Indenture (LS19013 / FCS19034) (Ward 9) (Item 10.2)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- NOT PRESENT - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

8. Lead Water Service Replacement Loan Program Amendments (FCS19025) (City Wide) (Outstanding Business List Item) (Item 10.3)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- NOT PRESENT - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

9. Development Charges Stakeholders Sub-Committee Report 19-003 (Item 10.4)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr

- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- NOT PRESENT - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

(Collins/Merulla)

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

Result: Motion CARRIED by a vote of 15 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- NOT PRESENT - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

(Jackson/Pauls)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

- 7.1 Amendments to the Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P. (Global Spectrum) and to the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Mercanti Banquet & Convention Centre Ltd. (Carmen's Group)**

(Eisenberger/Merulla)

WHEREAS, the City of Hamilton underwent the “External Audit Review of HECFI Operations” with the assistance of KPMG in 2011;

WHEREAS, upon completing the “External Audit Review of HECFI Operations” in 2013, Council directed and authorized staff to enter into a Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P. (Global Spectrum) and into a Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Carmen’s Group;

WHEREAS, the initial 5-year terms of the Management Agreement between the City of Hamilton and Global Spectrum and the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Carmen’s Group were set to expire on December 31, 2018;

WHEREAS, at the July 13, 2018 Council Meeting, Council approved a report titled “Downtown Entertainment Assets Operating Agreements CM19013 (City Wide)”, which authorized 6-month extensions of both the Management Agreement between the City of Hamilton and Global Spectrum and the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Carmen’s Group, while staff initiated a competitive renewal process;

WHEREAS, at the January 23, 2019 Council Meeting, and with the consent of Global Spectrum and Carmen’s Group, Council approved a motion directing staff to forgo the competitive renewal process and negotiate 5-year extensions of the existing Management Agreement between the City of Hamilton and Global Spectrum and the existing Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Carmen’s Group and report back to General Issues Committee;

WHEREAS, staff are currently in the process of finalizing their negotiation of 5-year extensions with Global Spectrum and Carmen’s Group; and,

WHEREAS, both the Management Agreement between the City of Hamilton and Global Spectrum and the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Carmen’s Group contain a right of extension in favour of the City, which right must be exercised at least 60 days prior to expiry of the term;

THEREFORE BE IT RESOLVED:

- (a) That the Mayor and City Clerk be authorized and directed to execute an amendment to the existing Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P. (Global Spectrum) as amended by Extension Agreement dated as of August 3, 2018, to reduce the notice period by which the City of Hamilton must exercise its right to extend the Management Agreement from 60 days to any time prior to expiry of the Management Agreement; and,

- (b) That the Mayor and City Clerk be authorized and directed to execute an amendment to the existing Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Mercanti Banquet & Convention Centre Ltd. (Carmen’s Group) as amended by Extension Agreement dated as of August 3, 2018, to reduce the notice period by which the City of Hamilton must exercise its right to extend the Facility Operating Agreement from 60 days to any time prior to expiry of the Facility Operating Agreement.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- NOT PRESENT - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

NOTICES OF MOTION

8.1 Amendments to the Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P.(Global Spectrum) and to the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Mercanti Banquet & Convention Centre Ltd. (Carmen’s Group)

(Eisenberger/Merulla)

That the Rules of Order be waived in order to allow for the introduction of a Motion respecting the amendments to the Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P. (Global Spectrum) and to the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Mercanti Banquet & Convention Centre Ltd. (Carmen’s Group).

Result: Motion CARRIED by a 2/3’s majority vote of 15 to 0, as follows:

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko

- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- NOT PRESENT - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

For disposition of this matter, refer to Item 7.1.

STATEMENTS BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.

PRIVATE & CONFIDENTIAL

10.1 Appointments to Various City of Hamilton Agencies, Boards and Committees for the 2018-2022 Term

(Johnson/Nann)

- (a) That the following citizens be appointed to the Waste Management Advisory Committee, for a term commencing April 24, 2019, and until a successor is chosen:
 - 1. Kevin Hunt
 - 2. Lynda Lukasik

- (b) That the following citizens be appointed to the Hamilton Future Fund Board of Governors, for a term commencing April 24, 2019, and until a successor is chosen:
 - 1. Piero Cherubini
 - 2. Tara Crugnale
 - 3. Gerry Davis
 - 4. Anthony Frisina
 - 5. John Kirkpatrick
 - 6. Anthony Macaluso
 - 7. Sonja Macdonald
 - 8. Evelyn Myrie
 - 9. Cam Galindo
 - 10. Sherry Parsley
 - 11. Marie Scime
 - 12. Thomas Weisz
 - 13. Megan Dickson

- (c) That the following citizens be appointed to the Rental Housing Sub-Committee, for a term commencing April 24, 2019, and until a successor is chosen:
 - 1. Sandra Bedawed
 - 2. Sherry Parsley

3. Nigel Warren

Result: Motion CARRIED by a vote of 9 to 0, as follows:

- YES - Councillor Maureen Wilson
- NOT PRESENT - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- CONFLICT - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Councillor Tom Jackson
- CONFLICT - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- NOT PRESENT - Councillor Terry Whitehead
- CONFLICT - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- CONFLICT - Councillor Maria Pearson
- CONFLICT - Councillor Brad Clark

BY-LAWS

(Clark/Pearson)

That Bills No. 19-077 to No. 19-089, 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:

By-law No.

- 19-077** To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 2 (Speed Limits) Schedule 3 (Flashing School Zones – Reduced Speed Limit) Ward: 1, 9, 13
- 19-078** To Establish City of Hamilton Land Described as Part of Block 54 on Plan 62M-1199 as Part of Morrissey Boulevard Ward: 9
- 19-079** To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 612 Harvest Road (Flamborough) ZAH-19-024 Ward: 13
- 19-080** To Adopt Official Plan Amendment No. 241 to the City of Hamilton Official Plan, respecting 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton Ward: 2
- 19-081** To Amend Zoning By-law No. 05-200 Respecting Lands Located at 80 and 92 Barton Street East, and 245 Catharine Street North, Hamilton ZAC-17-090/OPA-17-041 Ward: 2

- 19-082** To Adopt Official Plan Amendment No. 121 to the Urban Hamilton Official Plan Respecting 1809, 1817 and 1821 Rymal Road East, Stoney Creek
Ward: 9
- 19-083** To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 1809, 1817 and 1821 Rymal Road East (Stoney Creek)
ZAC-16-064
Ward: 9
- 19-084** To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1809, 1817 and 1821 Rymal Road East, Stoney Creek
ZAC-16-064
Ward: 9
- 19-085** To Establish City of Hamilton Land Described as Part 7 of 62R-20860, as Part of Columbus Gate
Ward: 9
- 19-086** To Establish City of Hamilton Land Described as Parts 1, 2 and 4 of 62R-20860; and, Part 2 of Plan 62R-21053, as Part of Soho Street
Ward: 9
- 19-087** To Establish City of Hamilton Land Described as Parts 6 and 8 of 62R-20860, as Part of Upper Mount Albion Road
Ward: 9
- 19-088** To Amend By-law no. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 14 (Wheelchair Loading Zones)
Ward: 1, 2, 4, 13
- 19-089** To Confirm the Proceedings of City Council

Result: Motion CARRIED by a vote of 14 to 0, as follows:

- YES - Councillor Maureen Wilson
- NOT PRESENT - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- NOT PRESENT - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

(Pearson/Danko)

That, there being no further business, City Council be adjourned at 6:41 p.m. on April 24, 2019.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Janet Pilon
Acting City Clerk

Pilon, Janet

Subject: Town of Minto Council Meeting Tuesday April 16, 2019 Item 9 f) Ontario Municipal Partnership Fund Resolution

From: Annilene McRobb <annilene@town.minto.on.ca>

Sent: April 17, 2019 4:05 PM

Subject: Town of Minto Council Meeting Tuesday April 16, 2019 Item 9 f) Ontario Municipal Partnership Fund Resolution

Good Afternoon:

The Council of the Town of Minto met on April 16, 2019 to consider the above noted item and passed the following motion:

MOTION: COW 2019-069

Moved by: Councillor Elliott; Seconded by: Councillor Anderson

Whereas the Provincial government announced it was conducting a review of the Ontario Municipal Partnership Fund (OMPF), which provides annual funding allotments to municipal governments to help offset operating and capital costs; and

Whereas Municipalities were further advised that the overall spending envelope for the program would decrease having a significant impact on future budgets and how funds are raised by Municipalities as funding will be reduced by an unspecified amount; and

Whereas if allocations to municipalities are reduced, Councils will need to compensate with property tax increases or local service reductions; and

Whereas, the 2018 Town of Minto allocation was \$1,630,700 which is equivalent to 33.96% of the Town's municipal property tax revenue; and

Whereas the Town of Minto prides itself on efficient and value for money practices every day;

And Whereas, a 33.96% increase in the municipal property tax rate would increase the municipal component of property taxes paid for an average household by \$403 per year;

Now therefore be it resolved that although an interim payment has been received, Council of the Town of Minto expresses grave concern with the potential reduction and/or loss of the OMPF allotment in future years;

And Further, Council petitions the Provincial government to complete the OMPF review in an expeditious manner as future financial consideration ensures municipal sustainability;

And furthermore, that this resolution be circulated to the Premier, Ministers of Finance, Municipal Affairs and Housing, our local MPP and all Ontario municipalities for their endorsement and support.

Annilene McRobb, Dipl. M.M., CMO

Deputy Clerk

Town of Minto

T 519.338.2511 x 230

F 519.338.2005

E annilene@town.minto.on.ca

www.town.minto.on.ca

Pilon, Janet

Subject: Letter to City Council re: electric buses and LRT

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

From: Joshua Weresch <

Sent: April 26, 2019 2:01 PM

To: clerk@hamilton.ca

Subject: Letter to City Council re: electric buses and LRT

Dear City Clerk:

Please include my letter, below, in public correspondence on the next City Council meeting's agenda. I write, as a resident of Ward 7 on Anishinaabeg land.

Kindly,

Joshua Weresch

26 April 2019

Dear Mayor and City Councillors:

I write in regards to the article published in this morning's Hamilton Spectator regarding the Hamilton Street Railway's test-run of an electric bus, having begun doing so in December 2018, to add to its fleet and the implications of this article for the city's discussion regarding light-rail transit. I write, too, as an almost-daily user of public transit since beginning work as a supply-teacher for the city's public-school Board in 2011.

I would ask that the city's plan for light-rail transit (LRT) be abandoned in favour of express buses, for several reasons, environmental, economic, and social in nature.

I am in favour of the use of electric buses, instead of natural gas, as natural gas is, by and large, obtained by hydraulic fracturing, poisoning ground-water and aquifers. Electrical energy in Ontario is drawn, according to the Independent Electricity System Operator, from nuclear energy, for the most part (9,165 MW of 26,451 MW, as of 0800 EST) and the disposal of nuclear waste is still an unsolvable environmental problem; Deep Geological Repositories under Kincardine, Ontario, for example, are not a solution, thinking seven or more generations ahead. Electric buses are better, at least, as far as air pollution is concerned, as the main cause of air pollution in Hamilton is private transit's vehicular emissions, according to Environment Hamilton. Certainly, light-rail transit would use electricity, too, but buses are much more manoeuvrable.

Fraser Pollock writes an article, *With Love from Ottawa, on Raise the Hammer* (19 Oct 2018) about Bus Rapid Transit (BRT) in Ottawa and includes this phrase: "The advantage of LRT is that it requires a far smaller bus fleet and, by association, fewer bus drivers." Ryan McGreal, editor of *Raise the Hammer*, argues the same, that paying for drivers is the highest cost of transit systems in his article, *BRT Is Not Just Express Buses* (19 Sep 2014). I would not want to advocate for a LRT system that, ultimately, costs unionized HSR drivers their employment. What we require is not less employment but, in fact, full employment—and Universal Basic Income and exploration of Ivan Illich's idea of useful unemployment—for all people living here on Turtle Island. Full employment is important but unionized full employment is best of all, especially under a union that fairly and democratically represents all of its members. It may be possible, and should be argued, that Metrolinx's employees unionize, too, if they've not already done so.

The \$1-billion provincial government's money that was to be dedicated to light-rail transit can be used to purchase more express buses instead of expropriating properties in service of an economic revival that will benefit only those with wealth. Express buses can also be routed around accidents and adding more articulated buses to routes already in existence would help alleviate the by-passing of passengers, especially on the 1-King route, and especially at stops where many secondary-school students are boarding. Private- and public-sector employers could also help increase ridership by offering all of their employees a subsidized transit pass, though public-sector employers may quail at the thought of including these passes in the midst of collective bargaining, as the passes could be considered a part of wages and monetary negotiations. Express buses are a realistic option for those who are using the HSR often throughout the day and would require less upheaval as far as businesses and traffic are concerned. It would be best, in my opinion, to fix the system we already have in place than to uproot it completely in favour of a light-rail transit system that may not yet be unionized (though, of course, Metrolinx could and should be), requires fewer drivers to operate, and will have to overcome significant social head-winds to remove the unfair stigma of public transit and the apparent conveniences of private transit, despite private transit's contributions to air and noise pollution and to a growing infrastructure debt through road maintenance.

(If there is to be an economy built for every single person in the city, beginning with the poorest, it has to begin with giving money taken from those with wealth, specifically those with higher net worth and taxable incomes, to those without. This can be done through the increase of Ontario Works and Disability Support Payments, establishing stricter rent controls, and the expropriation by way of eminent domain of the new condominiums and buildings throughout the city of Hamilton and their transformation, by handing them over to CityHousing Hamilton or to Indwell or to Mission Services or to another social-service organization, into public housing for the poor. It could be coupled with a cap on the salaries of public-sector executives and a progressive taxation programme that taxes property instead of income. Combining the best of the New Democratic Party's Socialist Caucus's policies with those of the Revised Platform of the Socialist Party of Ontario would be a useful contribution to our political conversations and a further development toward a society that cares for the least and poorest within its ambit.)

For these reasons, environmental, economic, and social, I would ask that the city consider simply adding more express buses to its existing HSR routes and ensuring that those express buses be articulated, especially at peak usage times in the early morning around 0700 hours and in the afternoon at about 1530-1600 hours and later. Do this instead of light-rail transit and care for those who use public transit now and stand in need of its improvement.

Thank you for your time and attention in these regards and for reading and considering my letter. I look forward to your reply and, more, your actions. Take care!

Kindly,

Joshua Weresch

Pilon, Janet

Subject: NPCA Resolution No. 113-19

From: Grant Bivol <gbivol@npca.ca>

Sent: April 23, 2019 10:56 AM

To: Ann-Marie.Norio@niagararegion.ca

Cc: Evelyn Eichenbaum <eeichenbaum@haldimandcounty.on.ca>; Sparks-Zahn, Jennifer <jennifer.sparks-zahn@niagararegion.ca>; Gayle Wood <gwood@npca.ca>; clerk@hamilton.ca; Board Members <boardmembers@npca.ca>; psusnyar@grimsby.ca; Joanne Scime <jscime@westlincoln.ca>; clerk@thorold.com; cityclerk@portcolborne.ca; clerk@welland.ca; clerks@lincoln.ca; wkolasa@wainfleet.ca; peter.todd@notl.com; billmatson@niagarafalls.ca; nbozzato@pelham.ca; citizensfirst@stcatharines.ca; dkelley@forterie.ca

Subject: NPCA Resolution No. 113-19

Dear Ms. Norio,

Please find attached a copy of correspondence to the Regional Chair and Council regarding NPCA Resolution No. 113-19 along with the accompanying Alberta Public Agencies Board Profile & Competency Matrix Tool.

Sincerely,

Grant Bivol

Interim Clerk

Niagara Peninsula Conservation Authority

The information contained in this communication, including any attachment(s), may be CONFIDENTIAL, is intended only for the use of the recipient(s) named above, and may be legally PRIVILEGED. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure or copying of this communication, or any of its contents, is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.



**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

250 Thorold Road, 3rd Floor, Welland ON L3C 3W2
Tel: 905-788-3135
Fax: 905-788-1121
www.npca.ca

April 23, 2019

Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON
L2V 4T7

SENT ELECTRONICALLY

Dear Chair Bradley and Regional Council,

Please be advised that at its regular meeting of April 17, 2019, the Board of Directors of the Niagara Peninsula Conservation Authority adopted the following resolution:

Resolution No. FA-113-19

Moved by Board Member Steele

Seconded by Board Member Foster

WHEREAS the Region of Niagara requested the NPCA, in their March 1st, 2019 letter, for comment regarding the NPCA Board composition and qualifications; and

WHEREAS the Auditor General of Ontario provided recommendations regarding Board skills, experience and training in her September 14th, 2018 report on the NPCA; and

WHEREAS Province of Ontario is currently reviewing regional governments, which could impact the future Board of the NPCA; and

WHEREAS the City of Hamilton appeal regarding the NPCA levy is under review; and

WHEREAS the City of Hamilton, Haldimand County and the Niagara Region agreed to address the composition of the NPCA Board after the NPCA levy review is complete;

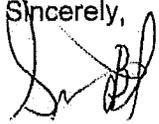
THEREFORE, BE IT RESOLVED THAT the NPCA request to the Niagara Region that the twelve temporary members' (or their replacements') terms be extended, until such time as the appeal by the City of Hamilton is complete, and the agreement between the three municipalities is finalized.

FURTHER THAT the NPCA Board and Staff recommend a list of competencies, modelled from the Alberta Public Agencies matrix, to the Region of Niagara in order that the Region can forward the competencies to their municipalities regarding whether they wish to recommend to the Region to appoint an elected or citizen appointees.

CARRIED

Please find attached a copy of the Alberta Public Agencies Board Profile & Competency Matrix Tool for your reference. Any inquiries with respect to this resolution may be directed to Gayle Wood, Interim CAO / Secretary Treasurer of the Niagara Peninsula Conservation Authority at gwood@npca.ca or at 905- 788-3135 ext.251.

Sincerely,



Grant Bivol
Interim Clerk

Attachment: Alberta Public Agencies Board Profile & Competency Matrix Tool

cc: Region of Niagara area municipalities
City of Hamilton
Haldimand County
NPCA Board of Directors
Ron Tripp, CAO, Niagara Region
Gayle Wood, CAO / Secretary Treasurer, NPCA

Board Profile & Competency Matrix Tool

This tool provides a list of critical competencies organized in three major areas. These competencies are intended to balance professional experience, environmental or contextual knowledge and personal attributes and skills.

The competencies listed below are examples that can be used to create an overall board profile for the board, as well as inform the development of a unique competency matrix, recruitment postings and director profiles for specific vacancies. Public agencies are encouraged to tailor the competencies to best suit their needs and accurately reflect the requirements of that board.

Definitions for each of the competencies and the competency matrix tool are included in section 9.1 as part of the recruitment plan.

Competency Area	Critical Competencies	Brief Description
Relevant Professional Experience	<ul style="list-style-type: none"> • Governance • Business/Management • Legal/Regulatory • Human Resources • Accounting/Financial • Risk Management • Public Relations/Media 	The candidate has professional/volunteer experience that is relevant and valuable to the board of the public agency.
Specialized Environmental Knowledge	<ul style="list-style-type: none"> • Government/Public Policy • Community/Stakeholder Relations • Industry/Sector 	The candidate has specialized knowledge of the environment or context affecting the board of the public agency.
Personal Effectiveness Skills	<ul style="list-style-type: none"> • Leadership/Teamwork • Strategic Thinking/Planning • Critical Thinking/Problem Solving 	The candidate has personal skills or attributes of value to the board of the public agency.
Other	Additional competencies may be identified that do not fall within the categories provided above but are essential to the needs of the public agency.	

Relevant Professional Experience

Governance Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, board governance in the private, public, and/or voluntary/non-profit sector. The applicant has a clear understanding of the distinction between the role of the board versus the role of management. Governance experience could be acquired through prior board or committee service or reporting to/or working with a board as an employee.

Business/Management Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, sound management and operational business processes and practices in the private or public sector. This competency may include an understanding of topics such as managing complex projects, leveraging information technology, planning and measuring performance, and allocating resources to achieve outcomes.

Legal/Regulatory Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, legal principles, processes, and systems. This may include interpreting and applying legislation, experience with adjudicative or quasi-judicial hearings or tribunals, or an understanding of the legal dimensions of organizational issues.

Human Resources Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, strategic human resource management. This may include workforce planning, employee engagement, succession planning, organizational capacity, compensation, and professional development. Depending on the public agency, knowledge or expertise in CEO performance management and evaluation may be a related asset.

Accounting/Financial Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, accounting or financial management. This may include analyzing and interpreting financial statements, evaluating organizational budgets and understanding financial reporting.

Risk Management Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, enterprise risk management. This may include identifying potential risks, recommending and implementing preventive measures, and devising plans to minimize the impact of risks. This competency may also include experience or knowledge of auditing practices, organizational controls, and compliance measures.

Public Relations/Media Experience

- The applicant has experience with, or is able to demonstrate knowledge or expertise in, communications, public relations or interacting with the media. This may include knowledge of effective advocacy and public engagement strategies, developing key messages, crisis communications, or social media and viral marketing.

Specialized Environmental Knowledge

Government/Public Policy Knowledge

- The applicant has experience with, or is able to demonstrate knowledge or expertise of, the broader public policy context affecting the public agency. This may include the strategic priorities of government and the relationship between those priorities and the work of the public agency.

Community/Stakeholder Relations Knowledge

- The applicant has experience with, or is able to demonstrate knowledge or expertise of, the community or communities the public agency serves, including the stakeholder landscape affecting the public agency. This may include a demonstrated capacity to build networks and foster trusting relationships with communities and stakeholders.

Industry/Sector Knowledge

- The applicant has experience with, or is able to demonstrate knowledge or expertise of, the industry or sector the public agency operates within. This may include an understanding of particular trends, challenges and opportunities, or unique dynamics within the sector that are relevant to the public agency.

Personal Effectiveness Skills

Leadership/Teamwork Skills

- The applicant demonstrates an ability to inspire, motivate and offer direction and leadership to others. The candidate also demonstrates an understanding of the importance of teamwork to the success of the board. This may include an ability to recognize and value the contributions of board members, staff, and stakeholders.

Strategic Thinking/Planning Skills

- The applicant demonstrates an ability to think strategically about the opportunities and challenges facing the public agency and to engage in short, medium and long-range planning to provide high-level guidance and direction for the public agency.

Critical Thinking/Problem Solving Skills

- The applicant demonstrates an ability to apply critical thinking to creatively assess situations and to generate novel or innovative solutions to challenges facing the board of the public agency.

Board Profile & Competency Matrix Template

GENERAL BOARD MEMBER COMPETENCY MATRIX <i>(*Choose as many competencies as applicable)</i>	<Candidate 1>	<Candidate 2>	<Candidate 3>	<Candidate 4>	<Candidate 5>
Relevant Professional Experience					
Governance Experience					
Business/Management Experience					
Legal/Regulatory Experience					
Human Resources Experience					
Accounting/Financial Experience					
Risk Management Experience					
Public Relations/Media Experience					
Specialized Environmental Knowledge					
Government/Public Policy Knowledge					
Community/Stakeholder Relations Knowledge					
Industry/Sector Knowledge					
Personal Effectiveness Skills					
Leadership/Teamwork Skills					
Strategic Thinking/Planning Skills					
Critical Thinking/Problem Solving Skills					
Other					
<Competency 1>					
<Competency 2>					
<Competency 3>					

**To be completed as part of the recruitment plan, as outlined in section 9.1.*

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th 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^e étage
Toronto (Ontario) M5G 2E5
Tél. : 416 585-7000
Télééc. : 416 585-6470



APR 17 2019

April 17, 2019

His Worship Fred Eisenberger

Mayor

City of Hamilton

71 Main Street West, 2nd Floor

Hamilton ON L8P4Y5

Dear Mayor Eisenberger:

Fred

Our government for the people understands the importance of housing that is affordable, adequate and accessible, and that meets the needs of Ontario's diverse communities and populations. Despite the significant budget challenges our government faces, I am pleased that we will support critical continued housing investments and leverage federal funding under the National Housing Strategy through new provincial investments. I am writing to you today to outline funding for housing and homelessness programs as confirmed through the 2019 Ontario Budget.

My Ministry will be providing over \$1 billion in transfer payments for housing and homelessness programs in 2019-20, inclusive of federal transfers. As we work to address the province's fiscal circumstances, total transfers will decrease slightly in 2020-21 to just under \$1 billion and will return in 2021-22 to just over \$1 billion, subject to future multi-year budget decisions. This funding envelope enables us to maintain commitments to existing programs and use a flexible approach to cost-match funds for the National Housing Strategy over a multi-year period. The vast majority of these transfer payment programs flow through Service Managers.

This letter provides further program-by-program information and your specific allocations are detailed in an attachment.

Ongoing Programs

The **Investment in Affordable Housing for Ontario (2014 Extension)** program has successfully helped communities to build affordable rental housing, make home ownership attainable for lower-income Ontarians and offer funding for much-needed repairs. Federal funding under this program concluded in 2018-19. Our government is committing \$80.1 million in 2019-20 to complete the cost-matching requirements under this program. I am pleased to confirm your funding allocation for this final year of program funding, consistent with the previously communicated planning allocation.

To support communities across Ontario in their efforts to prevent and address homelessness, the **Community Homelessness Prevention Initiative (CHPI)** provides a flexible, outcomes-based, and accountable approach to funding. Despite the significant fiscal challenges this government faces, I am pleased we are able to maintain this critical funding in 2019-20 at the 2018-19 level of \$323.7 million and to increase funding to a new base of \$338.7 million beginning in 2020-21.

Our government recognizes how critical supportive housing investments are to address homelessness and maintain housing stability for some of our most vulnerable people. I am also pleased to advise that province-wide operating investments in the **Home for Good** program and **Indigenous Supportive Housing Program** will be maintained at the current level of \$63 million for each of the next two years (2019-20 and 2020-21). Existing capital commitments will also be maintained.

It is our government's intention to increase the ongoing level of provincial operating funding for the Home for Good and Indigenous Supportive Housing Programs to \$94.7 million in 2021-22. Decisions regarding allocation of the increased funding will be determined at a later date.

New Programs

Today I announced our government's Community Housing Renewal Strategy – a multi-year plan to sustain and grow our community housing system. Two new programs are being launched in 2019-20 to support this Strategy, leveraging federal investments under the bilateral agreement between the Ministry of Municipal Affairs and Housing and Canada Mortgage and Housing Corporation.

The **Canada-Ontario Community Housing Initiative (COCHI)** will provide funding to replace the federal Social Housing Agreement funding that expires each year, beginning 2019-20. Total federal funding under this program is \$33.2 million in the current year, \$81.0 million in 2020-21 and \$112.1 million in 2021-22.

The federal government has acknowledged that their funding for social housing has declined over time and through their funding of the Canada-Ontario Community Housing Initiative federal social housing investments will be maintained at about the 2018-19 levels. Over the period that federal expenditures have been declining, municipal expenditures on social housing have been growing. As allowed under the bilateral agreement, current municipal spending on social housing will be used to count as the cost-matching required under this program.

This funding can be used to repair, regenerate and expand community housing and to protect affordability support for tenants. It can be used to support community housing providers whose original program arrangements are expiring and help them to become more sustainable. Service Managers will be given significant flexibility to determine priorities locally, in consultation with their housing providers. In addition, consistent with the bilateral agreement, Service Managers will be required to give priority to Indigenous providers under the Urban Native Housing program who have expiring operating agreements, where these exist.

Your allocation amounts are equivalent to the amount of funding you are losing under the Social Housing Agreement each year.

Note that in addition to allocations to Service Managers, Canada-Ontario Community Housing Initiative funding is also being made available to support other housing providers who have received legacy Social Housing Agreement funding through provincial ministries, such as supportive housing providers.

The **Ontario Priorities Housing Initiative** will also launch in 2019-20, providing flexible funding to all 47 Service Managers and the two Indigenous Program Administrators to address local priorities in the areas of housing supply and affordability, including new affordable rental construction, community housing repair, rental assistance, tenant supports and affordable homeownership. The design of this program will build on our joint success in the delivery of the Investment in Affordable Housing Program.

Our government is committed to fully cost-match this program. Total federal and provincial funding of \$123.3 million in 2019-20, \$65 million in 2020-21 and \$99.9 million in 2021-22 will be available to allocate under the program. Provincial spending of \$34.7 million from existing programs across 2018-19 and 2019-20 will be counted towards the cost-matching requirement.

Canada-Ontario Housing Benefit

The province plans to begin negotiations with the Canada Mortgage and Housing Corporation shortly to finalize the program design and amend the bilateral agreement for the **Canada-Ontario Housing Benefit**. This will allow housing benefits to begin

flowing to Ontario households beginning April 2020, when federal funding becomes available.

In the meantime, the province will continue to provide portable housing benefits to **Survivors of Domestic Violence and Human Trafficking** who are eligible under the Special Priority Policy and who choose to take a portable housing benefit as an alternative to waiting for a rent-g geared-to-income unit to become available. This critical program is available province-wide and provides benefits that are portable across the province, enabling recipients to make the housing choices that are best for them. \$10 million is available for this program in 2019-20.

Once the Canada-Ontario Housing Benefit becomes available, we plan to continue to support these households – as well as others – through the new benefit program.

Next Steps

Additional details concerning these initiatives, including Program Guidelines and a draft Transfer Payment Agreement for new programs, will be shared with your staff in the coming days.

I am pleased that our government for the people is able to continue to support the important work that you do to improve housing outcomes in your community, while we also work to improve Ontario's overall fiscal situation. I look forward to continuing our work together.

Yours truly,



The Honourable Steve Clark
Minister of Municipal Affairs and Housing

- c. Ms. Janette Smith, Chief Administrative Officer, City of Hamilton
Mr. Edward John, Director of Housing Services, City of Hamilton

APPENDIX – FUNDING ALLOCATIONS

City of Hamilton

Program	2019-20 Confirmed Allocation	2020-21 Planning Allocation	2021-22 Planning Allocation
Investment in Affordable Housing for Ontario (2014 Extension)	\$2,894,700	N/A	N/A
Community Homelessness Prevention Initiative	\$19,455,174	\$19,645,911	\$19,645,911
Home for Good – Operating	\$1,000,000	\$1,000,000	\$1,000,000
Canada-Ontario Community Housing Initiative	\$1,231,970	\$1,430,467	\$2,784,784
Ontario Priorities Housing Initiative	\$4,611,100	\$2,388,900	\$3,719,100

Pilon, Janet

Subject: Mount Hope pending construction

Importance: High

From: Mario & Kathy Tedesco
Sent: April-29-19 3:33 PM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Cc: Jones, Dena <Dena.Jones@firstontariocu.com>
Subject: Re: Mount Hope pending construction
Importance: High

Hi Jennifer

Dena Jones has forwarded the emails that were sent between you and her today so that I could be kept in the loop.

We were also at the meeting last week.

So I would like to add mine and my husband's names to the list of concerned home owners of Aberdeen Ave.

We have all the same concerns that Dena has expressed in her emails to you.

*Thanks
Mario & Kathy Tedesco*

From: Roth, Jennifer [mailto:Jennifer.Roth@hamilton.ca]
Sent: April-29-19 1:14 PM
To: Jones, Dena <dena.jones@firstontariocu.com< a="">></dena.jones@firstontariocu.com<>
Subject: RE: Mount Hope pending construction

Dena:

I can imagine that was more than expensive.

If the application is approved and construction starts and you experience any impacts to your property, do not hesitate to contact myself or Councillor Johnson. We can have City construction inspectors visit the site to ensure that any problems of overland flow are rectified adequately. The development of these lands will see water drainage directed to the storm sewer pipes, and not overland to your property.

The NPCA has required a permit for the development of these lands, along with final review and approval of SWM plans, in conjunction with City of Hamilton Engineering staff.

To respond to your previous question regarding privacy fences, Andrew Eldebs from Branthaven has confirmed that they will provide a privacy fence along the rear of the lots. I've attached the email here for your records.

Thank you,

Jennifer Roth, MCIP, RPP
Planner I

Community Planning & GIS
Planning & Economic Development Department
71 Main Street West, 5th Floor
Hamilton ON, L8P 4Y5
Telephone: 905-546-2424 ex. 2058

Fax: [905-546-4202](tel:905-546-4202)

Please consider the environment before printing this email.

From: Jones, Dena <Dena.Jones@firstontariocu.com>
Sent: April 29, 2019 12:21 PM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: RE: Mount Hope pending construction

Thank you Jennifer -

I should tell you this little story - when I built an addition to my property several years back – I had to go through the Niagara Conservation Authority for special permits due to the underground water systems in my area - there are a lot of little water areas behind my house and beyond under the earth (in the proposed new construction site). After I got the necessary clearance - digging began. I was very upset when a lot of extra time and money was needed as my contractors had a HUGE problem with water. It took way longer than expected as the area for the footings was constantly flooding out -they had to pump out for days on end before my work could be completed. The area was not even basement deep - it was for a ground floor addition. So even AFTER the approval and permit process – there was STILL an issue. All on my own dime.

There is a water drainage system that flows directly behind my home that is above ground level ... the water table travels down behind my back yard then goes beside my neighbours cedars running towards the road then flows to my ditch and to the drainage system under the road and across the street. I really have concerns about that - given the time spent going through the process with the NCA.

Perhaps worthy of bringing this information forward as well.

Thank you again!

Dena

From: Roth, Jennifer [<mailto:Jennifer.Roth@hamilton.ca>]
Sent: April-29-19 11:35 AM
To: Jones, Dena <Dena.Jones@firstontariocu.com>
Cc: Johnson, Brenda <Brenda.Johnson@hamilton.ca>
Subject: RE: Mount Hope pending construction

Good morning Dena:

Thank you for your email. I will ensure that Clerks include it in the public record so that Committee decision makers are aware of your concerns.

Drainage is a high concern for the City's engineering department and they are requiring numerous conditions of Branthaven before any work can occur on the site. One of the special conditions is that Branthaven is not allowed to drain through your properties unless you give permission.

Branthaven has committed to providing a bungalow option for purchase on lots backing onto your properties. However, the bungalow option will be in addition to the current two storey models. These properties will have deep rear yards which will contribute to resolving concerns with privacy.

I will confirm with Branthaven if there will be a privacy fence constructed.

Thank you,

Jennifer Roth, MCIP, RPP
Planner I

Community Planning & GIS
Planning & Economic Development Department
71 Main Street West, 5th Floor

Hamilton ON, L8P 4Y5
Telephone: 905-546-2424 ex. 2058
Fax: 905-546-4202

Please consider the environment before printing this email.

From: Jones, Dena <Dena.Jones@firstontariocu.com>
Sent: April 29, 2019 10:33 AM
To: Roth, Jennifer <Jennifer.Roth@hamilton.ca>
Subject: Mount Hope pending construction

Hello Jennifer,

I met you at the meeting at The Wing on April 23rd.

I am a resident on Aberdeen Avenue in Mount Hope.

I have been to every meeting so far and would like to express my concerns so that they may be escalated for the city meeting being held tomorrow.

Most of my neighbours were present on the 23rd All of our properties – our back yard faces the current green space where the construction will be happening.

It would be much preferred if the homes going in behind us would be one story homes so that the second floors wouldn't be peering right into our yards. Some of us have pools (I am one of those houses) - this is a big concern for us. The lack of privacy there will now be with multi-level homes going right into our back yards. As is the water drainage and many other concerns.

We know we don't really have a voice - we were apprised of a changes in plans to the originally suggested plans merely a week before the city was going to meet again on the subject.

Will there be fences going in? Any type of privacy wall for us?

Thank you for listening to us last week at the Wing!

Dena Jones | Branch Manager
FirstOntario Credit Union | 16-A 1550 Upper James Street, Hamilton ON, L9B 2L6
Toll Free: 1-800-616-8878 x3401 |
E: Dena.Jones@firstOntario.com | W: www.FirstOntario.com

FirstOntario
C R E D I T U N I O N

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Pilon, Janet

Subject: Letter to City Council re: Imperial Oil pipeline & city's declaration of 'climate emergency'

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

From: Joshua Weresch

Sent: April 29, 2019 3:24 PM

To: clerk@hamilton.ca

Subject: Letter to City Council re: Imperial Oil pipeline & city's declaration of 'climate emergency'

To the clerk of Hamilton's City Council:

Please include my letter, below, as publicly-legible correspondence to the city of Hamilton's mayor and city councillors. Thank you for your time and attention in these regards.

Kindly,

Joshua Weresch

29 April 2019

Joshua Weresch
[REDACTED]
[REDACTED]

City Council, Mayor and Councillors
Hamilton, Ontario

Re: Imperial Oil pipeline and Hamilton's 'climate emergency'

To the mayor and councillors of the city of Hamilton on Anishinaabeg land:

I write as a White settler/interloper on Anishinaabeg land about the building of the Imperial Oil pipeline north of Safari Road between Valens Road and Highway 6. In the light of the climate emergency declared on March 27 of this year by Hamilton's city council, I would ask that city council ban the importing of natural gas flowing into the city, gas which has been obtained by hydraulic fracturing, and begin to offer rebates for and educational services about bio-mass and other renewable methods that can be used to heat peoples' homes.

I would, further, ask that city council ban the construction in the city or near Hamilton's waterways of new natural gas pipelines, as such construction is being planned in Vermont, battled in New York, and investigated for criminal investigation in Pennsylvania. This would ensure that the Imperial Oil pipeline is not built in or near Hamilton and its water and water-ways, especially Spencer and Bronte Creeks and the wet-lands conserved by the Hamilton Conservation Authority.

More information on this subject of fracking can be gained from C. Alexia Lane's book, On Fracking, if council is interested, and can be found at your local public library. I look forward to your reply in this regard and, more, your actions.

Kindly,

Joshua Weresch

Sent by e-mail: clerk@hamilton.ca

May 2, 2019

Mayor Fred Eisenberger
City of Hamilton
c/o Rose Caterini, City Clerk
71 Main Street West, 1st Floor
Hamilton, Ontario L8P 4Y5

Dear Mayor Eisenberger:

I am writing today about your city's letter of March 13, 2019 regarding a 2018 Council resolution requesting support for a pilot program for the City of Hamilton to meet *Accessibility for Ontarians with Disabilities Act* (AODA) requirements and to prioritize accessibility priorities in the Canada and Ontario infrastructure programs.

We know that municipal governments across Ontario, including Hamilton, support the goals of the AODA. However, AMO has also heard from many of our members about the challenge they face to afford compliance with the legislation and regulations within the provincially imposed timelines. We all know that municipal governments face mounting financial pressures on a number of fronts including municipal infrastructure and the rising costs of insurance, policing, fire and emergency medical services, to name a few. Accessibility goals should be achievable in a way that recognizes these cumulative pressures.

AMO has repeatedly called upon successive provincial governments to address the high cost of implementation by supporting municipalities through financial and non-financial assistance. Financial assistance from the provincial government should include a funding pool to help municipal governments, at the very least, to contract consultants to conduct accessibility assessments and to project the costs of compliance. Further funding to help cost-share capital projects, particularly to meet compliance with the Built Environment Standard, is also needed. A provincial funding source will help us achieve compliance as per the provincially set timelines. To date, a dedicated provincial stream has not been established.

The current Canada-Ontario Infrastructure programs require that projects meet the accessibility standards set in each province. In Ontario, that means that projects must conform to the AODA. While there is no distinct stream that gives priority to accessibility projects, costs to ensure that new infrastructure projects selected within the Agreement's streams are covered as part of the capital costs shared between Canada, Ontario, and the municipal government. This will ensure that new projects in

Hamilton meet compliance with accessibility standards. As well, the doubling of funding for the Federal Gas Tax program administered by AMO provides a further opportunity for the City to direct funds toward ensuring projects are AODA compliant.

We do not believe that a new stream should be added to the existing federal-provincial infrastructure programs as it will dilute existing funding available for municipal priorities. Instead, we will continue to call upon the Province to establish a dedicated fund for municipal accessibility projects in addition to the Canada-Ontario Infrastructure programs.

Thank you for raising your AODA concerns with us. We will continue to advocate for new dedicated funding for accessibility projects for all municipal governments.

Sincerely,

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

Jamie McGarvey
AMO President

Susan O'Rourke
745 Crooks Hollow Road
Dundas, Ontario
L9H 5E2

May 6, 2019

Hamilton Mayor and Members of Council
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Sent by Email attachment to: clerk@hamilton.ca

Re: 745 Crooks Hollow Road, Dundas, Ontario

I am writing to request that the motion scheduled to be heard by City Council on May 8, 2019, namely, to include 745 Crooks Hollow Road, Dundas on the Register of Properties of Cultural Heritage Value ("Register") be tabled to allow me an opportunity to respond.

I am the property owner of 745 Crooks Hollow Road, Dundas, Ontario; there is a mortgage on the property.

On or about April 10, 2019, a letter ("the letter") was sent by regular mail to the property owner at 745 Crooks Hollow Road, Dundas, Ontario. A copy of the letter is enclosed. By the time I received the letter, the April 18, 2019 meeting of the Hamilton Municipal Heritage Committee had already taken place and it was the eve of the meeting of the Planning Committee. Unfortunately, despite the efforts of myself and my son to obtain more information on this matter, we were not able to do so before the Planning meeting was already taking place on April 30, 2019.

I was able to learn from Ms. Miranda Brunton, Cultural Heritage Planner with the City of Hamilton on May 1, 2019, that the recommendation to include 745 Crooks Hollow Road on the Register would go to City Council on May 8, 2019 for approval.

Prior to receiving the letter, I was not aware of the interest in the property. When I purchased the property, one of the listings was showing the property as vacant land. At no time has anyone contacted me from the community or the heritage committee to speak about this matter or ask for my input.

I can also advise that as recently as in March, 2019, I have been in correspondence with Mr. Donald Skinner from the City of Hamilton Planning Department to discuss the steps involved in obtaining any necessary permits for work done on the property and the help I could access through the City. At no time was there any mention of the process that apparently was taking place through the Heritage Committee leading to the recommendation that will be before Council on May 8, 2019.

While I do not know what if any impact the recommendation to register 745 Crooks Hollow Road will have on my ability to make decisions about my property or the terms of my mortgage, I believe it is only fair and reasonable that I have more time to make these inquiries given the potential for impact and the very limited time I have had to respond. I do work full time and am responsible for co-ordinating the care and services required by my elderly mother. Lastly, I note from the Built Heritage Inventory Form which is dated November 24, 2018, this matter has been going on for sometime without me having any notice.

I will be present at the Council meeting on May 8, 2019.

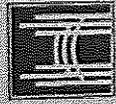
Thank you in advance for considering my request.



Susan O'Rourke



Encl.



Hamilton

Mailing Address
71 Main Street West
Hamilton, Ontario
Canada L8P 4Y6
www.hamilton.ca

Planning Division: Planning and Economic Development
Physical Address: 71 Main Street West, 5th Floor
Phone: 905.546.2424 x1202 Fax: 905.540.5611
Email: Morenda.Bruton@hamilton.ca

April 10, 2019

FILE: 745 Crooks' Hollow Road, Dundas

Property Owner
745 Crooks' Hollow Road
Dundas, ON
L9H 5E2

Dear Property Owner(s):

Re: Request to include 745 Crooks Hollow Road, Dundas in the Municipal Register of Properties of Cultural Heritage Value or Interest (Ward 14)

This letter is to inform you of a recommendation to include 745 Crooks Hollow Road, Dundas in the Municipal Register of Property of Cultural Heritage Value or Interest ("the Register").

The Inventory & Research Working Group discussed the cultural heritage value of your property on March 25, 2019. As an outcome of this meeting, the Working Group is recommending to the Hamilton Municipal Heritage Committee that the subject property be added to the Municipal Register. A Preliminary Assessment of the property was subsequently completed by a Working Group member (see "Built Heritage Inventory Form" attached), a summary of their research is provided below.

Built in 1850, this property is recommended as it is an example of the Ontario Cottage which was a popular design for residential buildings in the early to mid-19th century. It has historical/associative value because of its connection to the Morden family who settled by the Spencers' Creek and established a saw mill and later a grist mill helping to define the area as an area of commerce and economic activity. Lastly, the property is adjacent to another Morden property, 769 Crooks' Hollow Road which is designated, both of which demonstrate contextual value in defining and maintaining the character of the area.

The Hamilton Municipal Heritage Committee provides advice to Council on all matters related to the *Ontario Heritage Act*. As such, this recommendation will be brought forward to the Hamilton Municipal Heritage Committee on April 18, 2019. Through a motion, the item may then be recommended to Planning Committee on April 30, 2019 and then to Council on May 8, 2019.

What is the Register?

The Register is a heritage conservation management tool under the Ontario Heritage Act. Non-designated properties added to the Register are not protected with a designation by-law under the Ontario Heritage Act, and as such, Heritage Permits are not required to be obtained for alterations. The Register is an administrative record consisting of properties identified by Council as being of cultural heritage value or interest. Consultation with the Hamilton Municipal Heritage Committee and a Council resolution is required to include a property in the Register.

Inclusion in the Register under Section 27 (1.2) of the Ontario Heritage Act requires that Council be given a 60-day notice of the intention to demolish or remove any building or structure on the property, and the demolition and removal of any building or structure is prohibited during this time period. The 60-day period allows staff the opportunity to discuss alternatives for the property should a notice of intention to demolish be received by Council, or if a development application under the Planning Act is received, including:

- Discussions with the owner respecting retention, adaptive re-use and financial incentives,
- Photo-documentation of the property prior to demolition, and,
- Designation under the Ontario Heritage Act.

For more information, please consult the attached information sheet or visit the City's Heritage Planning website at: www.hamilton.ca/heritageplanning. Staff is available to discuss this process should you have any further questions or comments.

The Hamilton Municipal Heritage Committee meetings are open to the public and any requests to speak at a committee meeting should be submitted to the City Clerk's office before a scheduled meeting.

If you have any questions, please do not hesitate to contact me at 905-546-2424. Ext. 1202, or via email at Miranda.Brunton@hamilton.ca.

Kind regards,



Miranda Brunton
Cultural Heritage Planner
Development Planning, Heritage and Design

Attach. (2)

THE HONOURABLE HEATHER FORSTER SMITH
CHIEF JUSTICE OF THE SUPERIOR COURT OF JUSTICE



L'HONORABLE HEATHER FORSTER SMITH
JUGE EN CHEF DE LA COUR SUPÉRIEURE DE JUSTICE

OSGOODE HALL
130 QUEEN STREET WEST
TORONTO, ONTARIO M5H 2N5

(416) 327-5111
FAX (416) 327-6011

Our Reference #:JUD-076

May 3, 2019

Mr. Eli S. Lederman
Lenczner Slaght
130 Adelaide St. W.
Toronto, ON M5H 3P5

Dear Mr. Lederman:

I am responding to your letter, dated April 5, 2019. In your letter, you advise that you serve as counsel to the Corporation of the City of Hamilton, and that the Council of the City of Hamilton passed a resolution on March 20, 2019 requesting a judge of the Superior Court investigate matters relating to the disclosure of a draft report, dated November 20, 2013 from Tradewind Scientific Ltd., with respect to the friction levels on the Red Hill Valley Parkway in the City of Hamilton.

Since receiving your letter, I understand that you and the City Solicitor, Ms. Nicole Auty, have spoken with my Executive Legal Officer, Mr. Mohan Sharma, on April 10, 2019 to outline the scope of the requested investigation. You indicated that the more specific Terms of Reference for the investigation were to be issued by the City of Hamilton, which were received by my office on April 25, 2019. These Terms of Reference were approved by the City of Hamilton on April 24, 2019.

Pursuant to s. 274 of the *Municipal Act, 2001*, SO 2001, c. 25, if a municipality requests by resolution an investigation, a judge of the Superior Court of Justice shall be appointed to investigate a matter. Accordingly, I am hereby appointing the Honourable Mr. Justice Herman Wilton-Siegel to investigate pursuant to the resolution passed by Council of the City of Hamilton on March 20, 2019. The scope of the inquiry will be as set out in the Terms of Reference, issued on April 24, 2019, subject to any adjustment that Justice Wilton-Siegel may address with the City.

S. 274(6) of the *Municipal Act, 2001* states:

The judge may engage counsel and other persons to assist in the investigation or inquiry and the costs of engaging those persons and any incidental expenses shall be paid by the municipality.

The administrative costs of conducting an investigation can be significant and ought to be appreciated by the City of Hamilton. I understand Mr. Sharma discussed these potential costs with you during

your telephone conversation on April 10, 2019. I enclose, as an example, a Corporate Report, dated October 13, 2009, from the City Solicitor for the City of Mississauga that sets out the types of costs and estimated costs for the Mississauga Judicial Inquiry heard by former Associate Chief Justice Douglas Cunningham. A judge appointed to an investigation can be requested to engage processes that make the cost of an investigation proportionate to the amounts and interests at issue. However, certain costs will be unavoidable and can be significant.

I ask that you please contact Mr. Sharma to arrange an initial meeting with Justice Wilton-Siegel.

Sincerely,



Heather J. Smith,
Chief Justice.

Encl.

C: Regional Senior Justice Geoff Morawetz, Toronto region
Mr. Justice Herman Wilton-Siegel
Mr. Mohan Sharma, Executive Legal Officer
Ms. Nicole Auty, City Solicitor, City of Hamilton

THE HONOURABLE
MR. JUSTICE HERMAN J. WILTON-SIEGEL
SUPERIOR COURT OF JUSTICE

COURT HOUSE
361 UNIVERSITY AVENUE
TORONTO, ONTARIO M5G 1T3
Tel. (416) 327-5284
Fax (416) 327-5417



L'HONORABLE
JUGE HERMAN J. WILTON-SIEGEL
COUR SUPÉRIEURE DE JUSTICE

PALAIS DE JUSTICE
361, AVENUE UNIVERSITY
TORONTO (ONTARIO) M5G 1T3
Tél. (416) 327-5284
Télééc. (416) 327-5417

May 7, 2019

Mr. Eli S. Lederman (elederman@litigate.com)
Lenczner Slaght Royse Smith Griffin LLP
130 Adelaide Street West
Toronto, ON M5H 3P5

Dear Mr. Lederman,

As you know, on May 3, 2019, Chief Justice Heather J. Smith appointed me to conduct an inquiry into matters connected to the Red Hill Valley Parkway as identified in the resolution passed by the Council of the City of Hamilton on April 24, 2019.

I am writing to advise you that I have appointed Robert A. Centa of law firm Paliare Roland Rosenberg Rothstein LLP as my counsel to assist with the inquiry. With Mr. Centa's assistance, I will also be appointing other counsel and staff to assist with the investigation. It is my hope that, with the assistance of the City, we will establish facilities and commence our work in the near future. We will also be appointing a person responsible for establishing a website for the inquiry and handling communications with members of public and the media. In the meantime, Mr. Centa is available to respond to inquiries at (416) 646-4314 or Robert.Centa@PaliareRoland.com

Mr. Centa will be contacting you very shortly to discuss preliminary matters.

Sincerely,

The Honourable Mr. Justice Herman J. Wilton-Siegel

Copy: Nicole Auty, City Solicitor, City of Hamilton
Robert A. Centa

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement,
de la Protection de la nature et des
Parcs



Office of the Minister

Bureau du ministre

777 Bay Street, 5th Floor
Toronto ON M7A 2J3
Tel.: 416-314-6790

777, rue Bay, 5^e étage
Toronto (Ontario) M7A 2J3
Tél.: 416.314.679

MAY 06 2019

357-2019-506

His Worship Fred Eisenberger
Mayor
City of Hamilton
Email: mayor@hamilton.ca

Dear Mayor Eisenberger:

Thank you for sharing with me your Council's resolution regarding the board composition at the Niagara Peninsula Conservation Authority.

Under the *Conservation Authorities Act*, participating municipalities are responsible for the appointment of members to a conservation authority. Recent amendments to the Act include provisions that give participating municipalities clear authority to appoint and replace the members of an authority. To clarify, the province does not have a role in the municipal appointment process.

Participating municipalities are entitled to appoint members either: based on the formula set out in subsection 2(2) of the Act; or based on an agreement between the participating municipalities. Where the formula set out in the Act is used, an upper-tier municipality that was established as a regional municipality before December 12, 2017 is entitled to appoint members based on the numbers that each of their lower-tier municipalities would be entitled to appoint.

Thank you again for writing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rod Phillips". The signature is stylized and somewhat abstract, with a large loop at the beginning and a long tail.

Rod Phillips
Minister



PUBLIC WORKS COMMITTEE REPORT 19-006

9:30 a.m.
Monday, April 29, 2019
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillors L. Ferguson (Chair), J.P. Danko (Vice-Chair), C. Collins, J. Farr, T. Jackson, S. Merulla, N. Nann, E. Pauls, M. Pearson, A. VanderBeek, and T. Whitehead

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 19-006 AND RESPECTFULLY RECOMMENDS:

1. Hard Surface Traffic Island Conversion to Floral Features (PW16094(a)) (City Wide) (Item 7.1)

That Report PW16094(a), respecting Hard Surface Traffic Island Conversion to Floral Features, be received.

2. Inclusion of Claremont Access in HSR Route Rationalization Study - (Re)envision the HSR Update (PW19034) (City Wide) (Outstanding Business List Item) (Item 7.2)

That Report PW19034, respecting Inclusion of Claremont Access in HSR Route Rationalization Study - (Re)envision the HSR Update, be received.

3. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 255-261 Wellington Street North, Hamilton (PW19033) (Ward 2) (Item 8.2)

That the application of the owner of 255-261 Wellington Street North, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting the West side of 255-261 Wellington Street North, Hamilton, ("Subject Lands"), as shown on Appendix "A", attached to Public Works Committee Report 19-006, be approved, subject to the following conditions:

Council – May 8, 2019

- (a) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
 - (i) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and,
 - (ii) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
- (b) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (c) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
 - (i) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
 - (ii) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the closed alleyway to the owners of 255-261 Wellington Street North, Hamilton, as described in Report PW19033, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
 - (iii) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 255-261 Wellington Street North, Hamilton, pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
 - (iv) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office; and,
 - (v) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204;

- (d) That the applicant enters into agreements with any Public Utility requiring easement protection.

4. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 21 Colbourne Street, Hamilton (PW19032) (Ward 2) (Item 8.3)

That the application of the owner of 21 Colbourne Street, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting the West side of 21 Colbourne Street, Hamilton, ("Subject Lands"), as shown on Appendix "B", attached to Public Works Committee Report 19-006, be approved, subject to the following conditions:

- (a) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
 - (i) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and,
 - (ii) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
- (b) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (c) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:
 - (i) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
 - (ii) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into any requisite easement agreements necessary to affect the orderly disposition of the Subject Lands and to proceed to sell the closed alleyway to the owners of 21 Colbourne Street, Hamilton, as described in Report PW19032, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
 - (iii) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 21 Colbourne Street, Hamilton, pursuant to an Agreement of Purchase and Sale or Offer to

Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;

- (iv) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office; and,
- (v) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204;
- (d) That the applicant enters into agreements with any Public Utility requiring easement protection; and,
- (e) That the applicant enters into a private agreement with the owner of 218 MacNab Street North, Hamilton over the Northern portion of the Subject Lands, to allow this property owner unobstructed access to the rear of their property and that the applicant provide satisfactory evidence of the private agreement to the City Solicitor prior to the transfer of the Subject Lands.

5. Amendment to Solid Waste Management By-Law #09-067 (PW19030) (City Wide) (Item 10.1)

- (a) That Report PW19030, respecting changes to the Solid Waste Management By-law #09-067 be received; and,
- (b) That the By-law, attached as Appendix "A" to Report PW19030, which amends Solid Waste Management By-law No. #09-67 to prohibit leaf and yard waste in organic waste collection, which has been prepared in a form satisfactory to the City Solicitor, be approved by Council.

6. DWQMS Operational Plan Summary Report (PW19031) (City Wide) (Item 10.2)

- (a) That Appendix "C", attached to Public Works Committee Report 19-006, respecting the Drinking Water Quality Management System Operational Plan Summary Report be approved; and,
- (b) That the Mayor, City Clerk, General Manager of Public Works and Director of Hamilton Water, be authorized and directed to execute the Drinking Water Quality Management System Operational Plan Summary Report by signing the Commitment and Endorsement page within the Summary Report.

7. Bee City Designation for the City of Hamilton (City Wide) (Item 11.1) (REVISED)

WHEREAS, the goal of Bee City Canada designation is to promote healthy, sustainable habitats and communities for pollinators;

WHEREAS, bees and other pollinators around the globe have experienced dramatic declines due to land fragmentation, habitat loss, use of pesticides, industrialized agriculture, climate change and the spread of pests and diseases, with serious implications for the future health of flora and fauna;

WHEREAS, cities and their residents have the opportunity to support bees and other pollinators on both public and private land;

WHEREAS, supporting pollinators fosters environmental awareness and sustainability, and increases interactions and engagement among community stewards; and,

WHEREAS, by becoming a Bee City, the City of Hamilton can highlight initiatives already in place and further engage local communities in an environment of creativity and innovation which will promote a healthier life for our community;

THEREFORE, BE IT RESOLVED:

That staff be directed to report back to the Public Works Committee on actions and potential costs required to meet the designation standards of a Bee City by Bee City Canada.

8. Standardization of Enterprise Asset Management Systems (PW19035/FCS19040) (City Wide) (Item 14.1)

(e) That the contents of Report PW19035/FCS19040, and recommendations (a), (b), (c), and (d), remain confidential.

9. SoBi Bike Share Contract Negotiations Update and Amendment (PED18223(a)) (City Wide) (Item 14.2)

(d) That Report PED18223(a), respecting the SoBi Bike Share Contract Negotiations Update and Amendment, remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.3. Brenda Duke, Beautiful Alleys, respecting the Process for the Closure and Sale of Alleyways and Community Engagement (for today's meeting)
- 6.4. Karl Andrus, respecting the Process for the Closure and Sale of Alleyways (for today's meeting)
- 6.5. Beatrice Ekoko, Environment Hamilton, respecting the Process for the Closure and Sale of Alleyways and the Potential of Alleyways as Public Spaces and Valuable Green Spaces/Infrastructure (for today's meeting)
- 6.6. Cameron Kroetsch, respecting the Process for the Closure and Sale of Alleyways and Strategies for Retention (for today's meeting)

2. PUBLIC HEARINGS / DELEGATIONS (Item 8)

- 8.2. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 255-261 Wellington Street North, Hamilton (PW19033) (Ward 2)

8.2.a Registered Speakers:

8.2.a.b Cameron Kroetsch – WITHDRAWN

8.2.a.c Brenda Duke, Beautiful Alleys – WITHDRAWN

- 8.3. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 21 Colbourne Street, Hamilton (PW19032) (Ward 2)

8.3.a Registered Speakers:

8.3.a.a Cameron Kroetsch – WITHDRAWN

8.3.a.b Brenda Duke, Beautiful Alleys – WITHDRAWN

3. MOTIONS (Item 11)

- 11.1 Bee City Designation for the City of Hamilton (City Wide) – REVISED

4. PRIVATE AND CONFIDENTIAL (Item 14)

14.2 SoBi Bike Share Contract Negotiations Update and Amendment (PED18223(a)) (City Wide) – REVISED

The agenda for the April 29, 2019 Public Works Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) April 1, 2019 (Item 4.1)

The Minutes of the April 1, 2019 meeting of the Public Works Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Nick Klip, Manager, Hamilton Operations, Enbridge Gas Inc., respecting 2021 Kirkwall-Hamilton Pipeline Project Proposal (for the June 17, 2019 Public Works Committee meeting) (Item 6.1)

The delegation request, submitted by Nick Klip, Manager, Hamilton Operations, Enbridge Gas Inc., respecting the 2021 Kirkwall-Hamilton Pipeline Project Proposal, was approved for the June 17, 2019 Public Works Committee meeting.

(ii) Catherine Mulcaster, respecting Banning Plastic Shopping Bags in Hamilton (for a future meeting) (Item 6.2)

The delegation request, submitted by Catherine Mulcaster, respecting Banning Plastic Shopping Bags in Hamilton, was approved for a future meeting.

(iii) Brenda Duke, Beautiful Alleys, respecting the Process for the Closure and Sale of Alleyways and Community Engagement (for today's meeting) (Added Item 6.3)

The delegation request, submitted by Brenda Duke, Beautiful Alleys, respecting the Process for the Closure and Sale of Alleyways and Community Engagement, was approved for today's meeting.

- (iv) Karl Andrus, respecting the Process for the Closure and Sale of Alleyways (for today's meeting) (Added Item 6.4)**

The delegation request, submitted by Karl Andrus, respecting the Process for the Closure and Sale of Alleyways, was approved for today's meeting.

- (v) Beatrice Ekoko, Environment Hamilton, respecting the Process for the Closure and Sale of Alleyways and the Potential of Alleyways as Public Spaces and Valuable Green Spaces/Infrastructure (for today's meeting) (Added Item 6.5)**

The delegation request, submitted by Beatrice Ekoko, Environment Hamilton, respecting the Process for the Closure and Sale of Alleyways and the Potential of Alleyways as Public Spaces and Valuable Green Spaces/Infrastructure, was approved for today's meeting.

- (vi) Cameron Kroetsch, respecting the Process for the Closure and Sale of Alleyways and Strategies for Retention (for today's meeting) (Added Item 6.6)**

The delegation request, submitted by Cameron Kroetsch, respecting the Process for the Closure and Sale of Alleyways and Strategies for Retention, was approved for today's meeting.

(e) CONSENT ITEMS (Item 7)

- (i) Waste Management Advisory Committee Minutes - September 26, 2018 (Item 7.3)**

The Minutes of the September 26, 2018 meeting of the Waste Management Advisory Committee were received.

- (i) Waste Management Advisory Committee Minutes - February 7, 2019 (Item 7.4)**

The Minutes of the February 7, 2019 meeting of the Waste Management Advisory Committee were received.

(f) PUBLIC HEARINGS/DELEGATIONS (Item 8)

- (i) Anne Pearson and Gail Rappolt, United Nations Association in Canada Hamilton Branch and Culture of Peace Hamilton, respecting April 25th Peace Luncheon With a Focus on the Reduction of Plastic Use (Item 8.1)**

Gail Rappolt, United Nations Association in Canada Hamilton Branch and Culture of Peace Hamilton, addressed the Committee respecting the April 25th Peace Luncheon With a Focus on the Reduction of Plastic Use, with the aid of handouts.

The delegation and handouts from Gail Rappolt, United Nations Association in Canada Hamilton Branch and Culture of Peace Hamilton, respecting the April 25th Peace Luncheon With a Focus on the Reduction of Plastic Use, were received.

Copies of the handouts are available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

- (ii) Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 255-261 Wellington Street North, Hamilton (PW19033) (Ward 2) (Item 8.2)**

Chair Ferguson advised that notice of the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 255-261 Wellington Street North, Hamilton (PW19033) (Ward 2) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

The Committee Clerk advised that there was one registered speaker.

Registered Speakers:

- 1. Amber Lindsay, UrbanSolutions Planning & Land Development Consultants Inc.**

Amber Lindsay, UrbanSolutions Planning & Land Development Consultants Inc., addressed the Committee in support of the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 255-261 Wellington Street North, Hamilton, with the aid of a presentation.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

The Chair asked three times if there were any members of the public in attendance who wished to come forward to speak to the matter. One individual came forward.

Non-Registered Speaker:

1. Bill King

Bill King, addressed the Committee with concerns respecting the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 255-261 Wellington Street North, Hamilton.

The registered and non-registered delegations were received.

The public meeting was closed.

For disposition of this matter, refer to Item 3.

(iii) Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 21 Colbourne Street, Hamilton (PW19032) (Ward 2) (Item 8.3)

Chair Ferguson advised that notice of the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 21 Colbourne Street, Hamilton (PW19032) (Ward 2) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

The Committee Clerk advised that there were no registered speakers.

The Chair asked three times if there were any members of the public in attendance who wished to come forward to speak to the matter. One individual came forward.

Non-Registered Speaker:

1. Dianne Twombly

Dianne Twombly, addressed the Committee in support of the Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 21 Colbourne Street, Hamilton, with the aid of a photos.

A copy of the photos are available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

The non-registered delegation was received.

The public meeting was closed.

For disposition of this matter, refer to Item 4.

(iv) Brenda Duke, Beautiful Alleys, respecting the Process for the Closure and Sale of Alleyways and Community Engagement (Added Item 8.4)

Brenda Duke, Beautiful Alleys, addressed the Committee respecting the Process for the Closure and Sale of Alleyways and Community Engagement, with the aid of a presentation.

The presentation from Brenda Duke, Beautiful Alleys, respecting the Process for the Closure and Sale of Alleyways and Community Engagement, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(v) Karl Andrus, respecting the Process for the Closure and Sale of Alleyways (Added Item 8.5)

Karl Andrus, addressed the Committee respecting the Process for the Closure and Sale of Alleyways.

The delegation from Karl Andrus, respecting the Process for the Closure and Sale of Alleyways, was received.

(vi) Beatrice Ekoko, Environment Hamilton, respecting the Process for the Closure and Sale of Alleyways and the Potential of Alleyways as Public Spaces and Valuable Green Spaces/Infrastructure (Added Item 8.6)

Beatrice Ekoko, Environment Hamilton, addressed the Committee respecting the Process for the Closure and Sale of Alleyways and the Potential of Alleyways as Public Spaces and Valuable Green Spaces/Infrastructure.

The delegation from Beatrice Ekoko, Environment Hamilton, respecting the Process for the Closure and Sale of Alleyways and the Potential of Alleyways as Public Spaces and Valuable Green Spaces/Infrastructure, was received.

(vii) Cameron Kroetsch, respecting the Process for the Closure and Sale of Alleyways and Strategies for Retention (Added Item 8.7)

Cameron Kroetsch, addressed the Committee respecting the Process for the Closure and Sale of Alleyways and Strategies for Retention, with the aid of a presentation.

The presentation from Cameron Kroetsch, respecting the Process for the Closure and Sale of Alleyways and Strategies for Retention, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List (Item 13.1)

The following amendments to the Public Works Committee's Outstanding Business List, were approved:

(a) Items requiring a new due date:

- (i) Emergency Shoreline Protection Works
Item on OBL: R
Current Due Date: September 30, 2019
Proposed New Due Date: November 4, 2019
- (ii) Feasibility of Joining a Sidewalk from the Mount Hope Urban Boundary to the John C. Munro International Airport Lands
Item on OBL: W
Current Due Date: April 29, 2019
Proposed New Due Date: June 3, 2019
- (iii) Proposals for Waste Management
Item on OBL: AR
Current Due Date: June 17, 2019
Proposed New Due Date: July 10, 2019

(b) Items considered complete and needing to be removed:

- (i) Inclusion of the Claremont access in HSR Route Rationalization Study
Addressed as Item 7.2 on today's agenda - Report PW19034
Item on OBL: G

(h) PRIVATE AND CONFIDENTIAL (Item 14)

That Council move into Closed Session for Items 14.1 and 14.2, pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; 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 City.

**(i) Standardization of Enterprise Asset Management Systems
(PW19035/FCS19040) (City Wide) (Item 14.1)**

Staff were provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 8.

**(ii) SoBi Bike Share Contract Negotiations Update and Amendment
(PED18223(a)) (City Wide) (Item 14.2)**

Staff were provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 9.

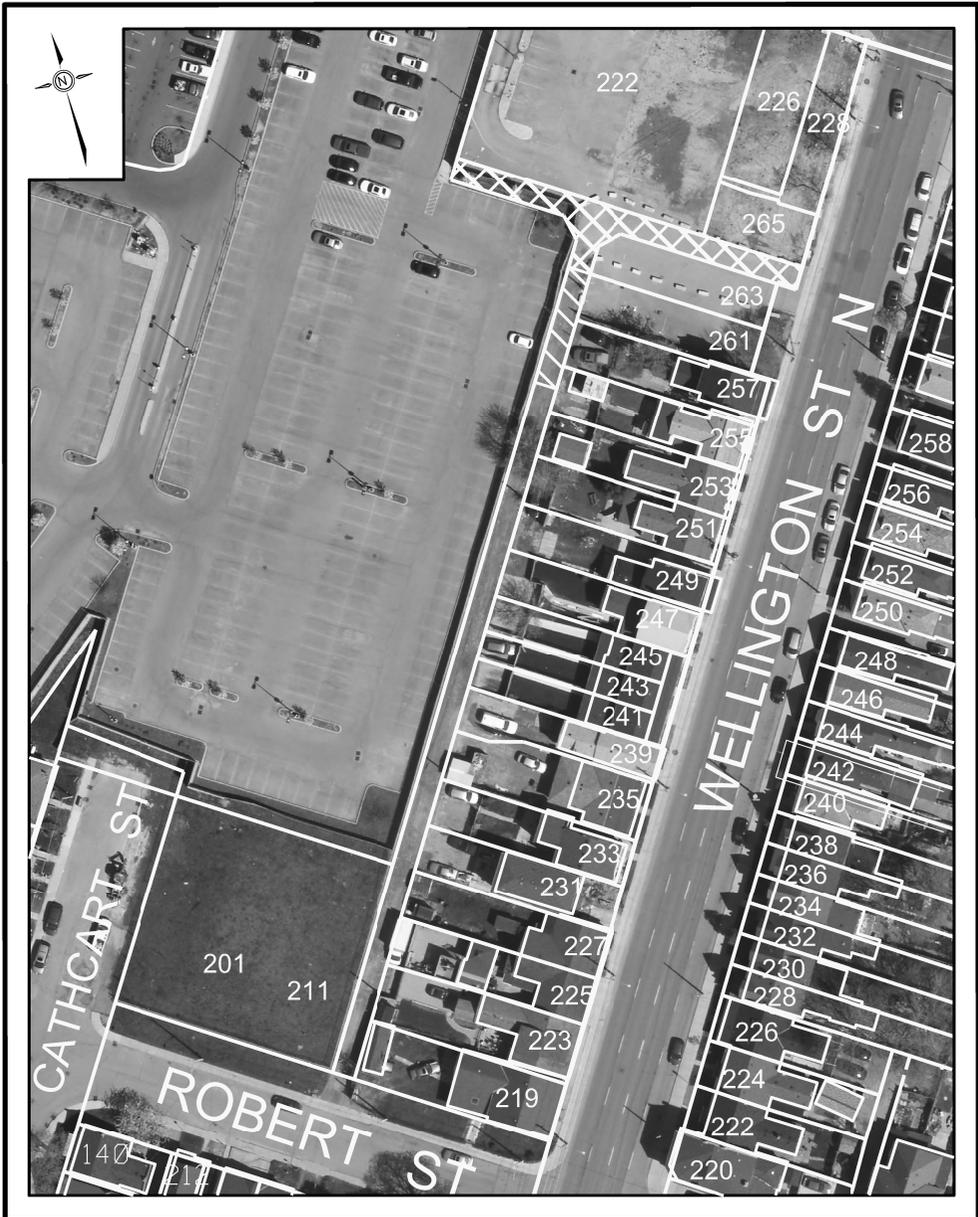
(i) ADJOURNMENT (Item 15)

There being no further business, the Public Works Committee be adjourned at 12:44 p.m.

Respectfully submitted,

Councillor L. Ferguson
Chair, Public Works Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk



**PROPOSED CLOSURE OF PORTION OF
 UNASSUMED ALLEY AT
 255 - 261 WELLINGTON STREET NORTH**

Geomatics & Corridor Management Section
 Public Works Department

LEGEND

-  LANDS TO BE CLOSED
-  LANDS APPROVED FOR CLOSURE THROUGH PW16053



Hamilton

**PROPOSED CLOSURE OF PORTION OF UNASSUMED ALLEY
 AT 21 COLBOURNE STREET**

Geomatics & Corridor Management Section
 Public Works Department

LEGEND

 **Lands to be Closed**

NTS
 07/26/2016
 Sketch By: LB



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<i>Issue #:</i>	<i>6</i>	<i>Issue Date:</i>	<i>February 2019</i>

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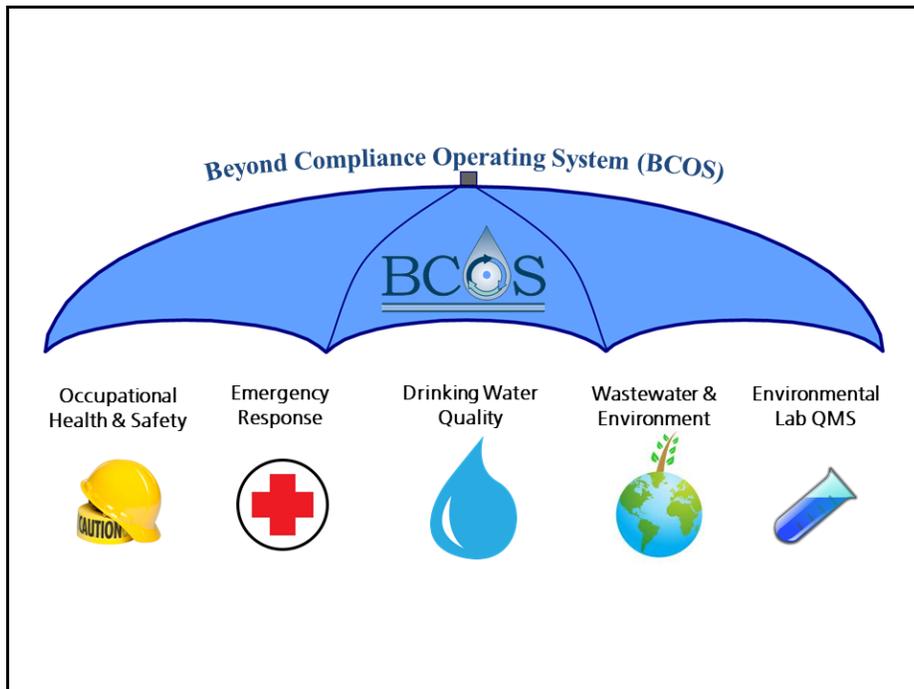


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Preface

A key priority of the Hamilton Water Division (HW) of the City of Hamilton (COH) is to ensure the protection of worker health, public health, property, and the environment. To support this objective, HW has developed the Beyond Compliance Operating System (BCOS). BCOS is an environmental, health and safety management system. Its successful implementation and use is a key component of our continuous improvement process and supports an environment, health and safety (EHS) compliance culture throughout HW. BCOS will strive to conform to environmental and occupational health and safety standards and is an umbrella program that oversees conformance to the Drinking Water Quality Management System (DWQMS), the Environmental Laboratory QMS, and future QMS (Occupational Health and Safety, Wastewater, etc). Select DWQMS elemental procedures have been integrated with BCOS procedures. Integrated procedures are identified through the "BCOS + DWQMS" text in the procedure title. Procedures pertaining to DWQMS alone are identified by the "DWQMS" in the procedure title. The figure below identifies BCOS as an "umbrella" program that supports other scoped management systems of HW.

BCOS Framework & DWQMS





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Access to Reports

The DWQMS Operational Plan Summary Report is posted on the COH website and DWQMS Operational Plan Binders are available at the Clerk's Office, City Hall and the Hamilton Water storefront at 330 Wentworth.

The DWQMS Operational Plan Summary Report is also accessible to staff through the BCOS Database, Sectional Workspaces and the internal DWQMS website.

1 QUALITY MANAGEMENT SYSTEM

1.1 Purpose

The purpose of the DWQMS Operational Plan is to document the COH's DWQMS as part of the City's efforts to ensure that clean, safe, and reliable drinking water is supplied to all of its customers. The DWQMS Operational Plan meets and sometimes exceeds the requirements of the Ministry of the Environment, Conservation and Parks (MECP) Drinking Water Quality Management Standard.

1.2 Scope

This DWQMS Operational Plan applies to HW which is the Operating Authority for the City's drinking water systems (DWSs).

HW has developed an integrated DWQMS Operational Plan Manual. The majority of the documents in the DWQMS Operational Plan pertain to all five of the City's DWSs. The use of integrated procedures ensures the DWQMS is efficient and effectively communicates common requirements for the DWSs to HW staff. The DWS descriptions are system specific descriptions of the City's DWSs. The DWQMS Operational Plan also includes a map entitled "Drinking Water Systems – DWS" which illustrates the geographic scope of the City's water distribution systems.

1.3 Definitions

AWQI	Adverse Water Quality Incident. Any situation where the drinking water in the system (treatment / distribution) does not meet the requirements listed in O. Reg. 170/03 Schedule 16
BCOS	Beyond Compliance Operating System – Environmental, Health and Safety Management System for the Hamilton Water Division. BCOS is an umbrella system to the Environmental Laboratory QMS and DWQMS sub-systems.



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BLT	BCOS Lead Team. Includes SMR, Compliance Support Group, staff representatives (QA Supervisors or equivalent) from the Hamilton Water Division.
C&R Section	Compliance and Regulations Section
CD Section	Capital Delivery Section
CHEL QMS	City of Hamilton Environmental Laboratory (CHEL) Quality Management System (QMS). CHEL is accredited to ISO/IEC 17025 - general requirements for the competence of testing and calibration laboratories for specific tests which are listed in their scope of accreditation. If testing laboratories comply with the requirements of ISO/IEC 17025, they operate a QMS for their testing activities that also meets the principles of ISO 9001.
CMMS	Computerized Maintenance Management System
Controlled Document	Document deemed to be important to the functioning of Hamilton Water Division, as updated, reviewed, approved by the indicated staff, and authorized for release and distribution. The document is available to staff in a format that cannot be modified (i.e. BCOS Database) without appropriate approval. The document available to staff is always the most current version of the document. The document is subject to monitoring, auditing and update. Controlled documents have a unique BCOS issuance number. Includes: procedures, manuals, checklists, forms, templates, lists, visual aids, guidelines and brochures.
COH	City of Hamilton
Corrective Action	Action to eliminate the cause of a detected non-conformance or non-compliance.
CS&CO Section	Customer Service and Community Outreach Section
DWQMS	Drinking Water Quality Management System of the Hamilton Water Division.
DWS	Drinking Water System



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E2	The Environmental Emergency (E2) Regulations came into force under the authorities of the Canadian Environmental Protection Act, 1999 (CEPA 1999). The E2 Regulations were put in place to enhance the safety of the environment and human life and health of Canadians by preventing, preparing for, responding to and recovering from environmental emergencies. Under the E2 Regulations, any person who owns or has the charge, management or control of a listed substance on a fixed facility may be required to: <ul style="list-style-type: none"> • identify substance and place; • prepare an environmental emergency plan (E2 plan); • implement, update and test the E2 plan annually; • provide notice of closure or decommissioning; and • report environmental emergencies involving regulated substances.
EQH&S	Environmental, quality, health and safety
Hamilton Water (HW)	The Hamilton Water Division, which is the water and wastewater Operating Authority for the City of Hamilton.
HW - SMT	The Hamilton Water Senior Management Team includes the Directors & Section Managers of the Hamilton Water Division
IPS	Infor Public Sector (formerly HANSEN). Departmental and cross-sectional modular software system, offering a variety of packages designed to handle different aspects of municipal operations such as infrastructure assets inventory, work management, stock inventory systems, service applications and call centers, licensing and enforcement.
Level III System Procedure	A procedure which relates to the Hamilton Water Division, but may not fall under the scope of the DWQMS. Related to how Divisional activity is conducted. May be related to the DWQMS but does not provide direction on how DWQMS item is being addressed.
Level III DWQMS Procedure	A procedure which relates to the Hamilton Water Division and falls under the scope of the DWQMS.
Level IV Procedure	Sectional Procedure



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Level V and Higher Procedure	Procedure within units of the sections within the Hamilton Water Division, broken down / organized based on criteria and requirements set by each section.
OIC	Operator in Charge
ORO	Overall Responsible Operator
Operating Authority	Staff within Hamilton Water Division responsible for the operation, maintenance and provision of support services to the COH DWSs (including water treatment and distribution)
Owner (AWQI)	Manager Compliance & Regulations (Owner for the purpose of adverse water notifications) or Superintendent of CHEL or designate (Owner backup).
Owner (DWS)	Every person who is a legal or beneficial owner of the City's Drinking Water Systems. Since the City's DWSs are publicly owned and operated, the Mayor and Council of the City of Hamilton have been identified as Owners of the City's DWSs.
PMATS Section	Plant Maintenance & Technical Services Section
PO Section	Plant Operations Section
Preventive Action	Action to eliminate the cause of a <i>potential</i> non-conformance (an action or lack of action that is not a non-conformance, however, over time could lead to a non-conformance).
QA	Quality Assurance - planned and systematic pattern of actions necessary to ensure that management and technical controls are being followed.
Regulators	Regulatory bodies which oversee activities, products and services of the Hamilton Water Division including Ministry of the Environment, Conservation and Parks (MECP), Ministry of Labour (MOL), Public Health Services (PHS) and others.
Scoped Level III Document	A procedure, or other document, that applies to 2 or more but not all the sections of the Hamilton Water Division.
SMR	Systems Management Representative (for both the BCOS and DWQMS Systems) - Manager of Compliance and Regulations Section. Equivalent to QMS Representative as described in the DWQMS Standard.



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SMT (DWQMS)	The DWQMS Senior Management Team, includes the Directors and Section Managers of the Hamilton Water Division.
Top Management (DWQMS)	The General Manager of Public Works and the Director of Hamilton Water have been identified as Top Management of the DWs.
WD&WWC Section	Water Distribution & Wastewater Collection Section
WWPC	Water & Wastewater Planning & Capital
WWWSP or WWSP	Water & Wastewater Systems Planning

2 QUALITY MANAGEMENT SYSTEM POLICY

The DWQMS Policy was endorsed by the Owner (Mayor and Council) on June 27, 2007 and has since been re-formatted into the visual aid shown on page 8. The DWQMS Policy is posted internally at several HW facilities. It has been communicated to HW staff during the following events:

- BCOS and DWQMS System Awareness training and DWQMS Refresher training
- Annual internal audits
- New staff BCOS Database and DWQMS training sessions

The DWQMS Policy is communicated to the public through posting on the City's website.





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DWQMS Policy

**DRINKING WATER
QUALITY MANAGEMENT
SYSTEM POLICY**

The City of Hamilton owns, maintains and operates various drinking water systems. The City is committed to:

S *Safe, high quality, consistent supply of drinking water*

A *Always improving the Drinking Water Quality Management System*

F *Following and complying with applicable legislation*

E *Effective and open communication with the community concerning matters of drinking water quality*

BCOS BEYOND COMPLIANCE OPERATING SYSTEM
Hamilton





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3 COMMITMENT AND ENDORSEMENT

The Owner (Mayor and Council) and Top Management (General Manager of the Public Works and the Director of HW) of the Operating Authority (HW) support the development, implementation, maintenance, and continual improvement of the DWQMS, which supports the COH's five DWSs. The Owner acknowledges their role through the receipt and review of DWQMS reports related to the adequacy of infrastructure, audits and management reviews, and by provision of resources to support the DWQMS. Top Management of the Operating Authority includes the General Manager of the Public Works and the Director of HW. Top Management supports the DWQMS through provision of resources, ensuring staff are aware of relevant legal requirements, and supporting DWQMS communications. The Owner and Top Management attend Safe Drinking Water Act Due Diligence Training and Standard of Care training. The training sessions include an overview of Ontario's legal framework for drinking water and Owner and Top Management's roles and responsibilities.

The DWQMS Operational Plan was originally endorsed by Council on November 12, 2008 and is re-endorsed at minimum every four years, following the municipal election cycle. The signatures below serve as evidence of the endorsement of the DWQMS Operational Plan Manual.

Fred Eisenberger
Mayor
DWS Owner Representative

Dan McKinnon
General Manager, Public Works Department
DWQMS Top Management Representative

Janet Pilon
Deputy City Clerk
(*Signing Authority on behalf of Council*)

Andrew Grice
Director Hamilton Water Division
DWQMS Top Management Representative



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4 QUALITY MANAGEMENT SYSTEM REPRESENTATIVE

The Manager of the Compliance & Regulations Section, has been appointed as the Systems Management Representative (SMR) for the DWQMS and BCOS. The SMR is responsible for:

- Ensuring that the DWQMS is established, implemented, and maintained;
- Reporting to Top Management and SMT regarding DWQMS performance including recommended continual improvement initiatives;
- Promoting awareness of the DWQMS and of HW staff roles and responsibilities;
- Overseeing the document control process including the development, review, approval and release of DWQMS System procedures and revoking obsolete documents;
- Ensuring that HW and other staff are aware of all applicable legal requirements related to their duties and the DWQMS; and
- Managing the DWQMS Internal Audit Program.

5 DOCUMENT AND RECORDS CONTROL

5.1 Control of Documents

A procedure has been developed that outlines document control processes for the Operating Authority. The procedure entitled BCOS + DWQMS Control of Documents (PW-WW-P-010-001) is an integrated procedure (BCOS + DWQMS) that applies to the Operating Authority. The purpose of this procedure is to control the issue, change, and approval of documents, ensuring that only up to date, approved documentation is used by Operating Authority staff. The Control of Documents procedure also ensures that staff can locate and access documents relevant to their work, in the format most suitable to their work, whether the documents are created internally or externally to the Operating Authority.

BCOS and DWQMS documentation can be identified using a unique numbering system specified in the Control of Documents Procedure (PW-WW-P-010-001). The BCOS Database stores and protects DWQMS procedures and also has the ability to track all reviews, revisions, and approvals to procedures. HW staff access DWQMS procedures through the BCOS Database or specialized sectional workspaces. Sectional workspaces help to ensure efficient access to Level III, IV and V DWQMS procedures.



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Level III procedures which apply to all HW Sections are considered Non-Scoped and procedures which apply to 2 or more but not all Sections of HW are considered Scoped procedures. Level III procedures are developed by the Compliance Support Group (CSG) or by an individual with the relevant technical background. Level III procedures are reviewed by BLT Members, SMT, and other staff if applicable.

Final approval of Level III procedures is completed by the Director of HW, for scheduled reviews, and by the System Management Representative for non-scheduled reviews. As stated, the BCOS Database tracks the document release, review, and approval process. The need for Level IV and V Sectional Documents is determined by each Section Manager and/or other Senior Sectional staff. A Sectional staff member is assigned responsibility for development of the draft procedure. The corresponding Section Manager approves Level IV and V procedures.

Electronic copies of documents are considered to be Controlled Documents. Hard copies of these documents are considered to be uncontrolled copies unless categorized as controlled with an electronic or physical stamp stating "This is a Controlled Document. Do Not Photocopy" printed or stamped in the footer or other location on the page. Hardcopy-Controlled documents are stored in designated locations and are updated by CSG, the QA Supervisor or equivalent, Administrative Assistant or the Section representative.

The review cycle of all DWQMS procedures is listed in BCOS + DWQMS Control of Documents (PW-WW-P-010-001), Operational Plan Procedure Review Frequency (PW-WW-L-010-004) and in the BCOS Database. Should there be discrepancies between the procedure, the list and BCOS, the frequency in the list will be taken as the correct review period. Obsolete documents are retained within the BCOS Database but only limited staff have access to obsolete documentation.

5.2 Control of Records

A procedure has been developed that outlines record control processes for the Operating Authority. Control of Records (PW-WW-P-016-001) is an integrated procedure (BCOS + DWQMS) that applies to all HW sections. The purpose of this procedure is to ensure that both COH and externally generated non-COH records identified as critical to the BCOS and DWQMS Systems are properly collected, identified, accessed, filed, stored, maintained, reviewed, and disposed of after their designated retention times.

Record profiles are developed in the BCOS Database which identify record type, record name, record identification method, storage location, retention time, person



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responsible, and review frequency. At minimum, record profiles are created for critical records which are records related to regulatory or legal requirements. In some cases, records are uploaded or attached to the record profiles. Record retention times are defined in individual BCOS Database record profiles. All retention times stated are minimum times and do not supersede legal, governmental, or other requirements. After the indicated storage period, unless otherwise specified, all records are destroyed by deletion, shredding, disposal in trash or recycling as determined by the controlling Supervisor, Director of HW, or the Manager of the C&R Section, as relevant. Electronic copies are removed from the active BCOS Database and labeled "obsolete".

6 DRINKING WATER SYSTEM PROCESS DESCRIPTIONS

The COH owns and operates the Hamilton DWS (treatment, distribution and the Fifty Road Subsystem) as well as the communal well DWSs (Carlisle, Freelton, Greensville and Lynden). Process descriptions including process flow charts are found in the following procedure:

- DWQMS Descriptions of Hamilton Drinking Water Systems (PW-WW-P-030-007)

The map entitled "Drinking Water Systems – DWS" (PW-WW-V-030-001) illustrates the geographic scope of the COH's water distribution systems.

7 RISK ASSESSMENT

A procedure entitled DWQMS Risk Assessment (PW-WW-P-031-001) has been developed that documents the process followed by the COH's Operating Authority in planning, completing, documenting, reviewing, and maintaining its DWQMS Risk Assessment. The DWQMS Risk Assessment examines all aspects of the water uptake, treatment, and distribution processes controlled by the Operating Authority.

The DWQMS Risk Assessment is reviewed annually to verify the currency of the DWS information and any assumptions made in completing the Assessment. A new DWQMS Risk Assessment is conducted every three years.

8 RISK ASSESSMENT OUTCOMES

The DWQMS Risk Assessment was initially completed in the summer of 2008. Core outcomes are reviewed annually, with the Risk Assessment being redone in 2011, 2014 and 2017. Risk Assessment outcomes are recorded in the BCOS Database.



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A summary of relevant Critical Control Points identified during the Risk Assessment exercise is documented in the DWQMS Risk Assessment Critical Control Point Summary Chart (PW-WW-R-032-009). Outcomes of the DWQMS Risk Assessment are stored in the Risk Assessment Database and included in the Operational Plan.

9 ORGANIZATIONAL STRUCTURE, ROLES, RESPONSIBILITIES, AND AUTHORITIES

The BCOS + DWQMS Roles, Responsibilities, and Authorities Procedure (PW-WW-P-006-001) is an integrated procedure for BCOS and DWQMS that describes how roles, responsibilities and authorities are defined, communicated, and maintained to ensure accountability in the implementation of these Systems.

The BCOS + DWQMS Roles, Responsibilities, and Authorities Procedure applies to all sections of HW. Roles, responsibilities and authorities relating to other sub-systems under the BCOS umbrella are defined in Level IV procedures and do not fall within the scope of the DWQMS.

The following Organizational Chart identifies key roles and/or titles within HW:

- Hamilton Water – Photo Organizational Charts (PW-WW-R-006-002)

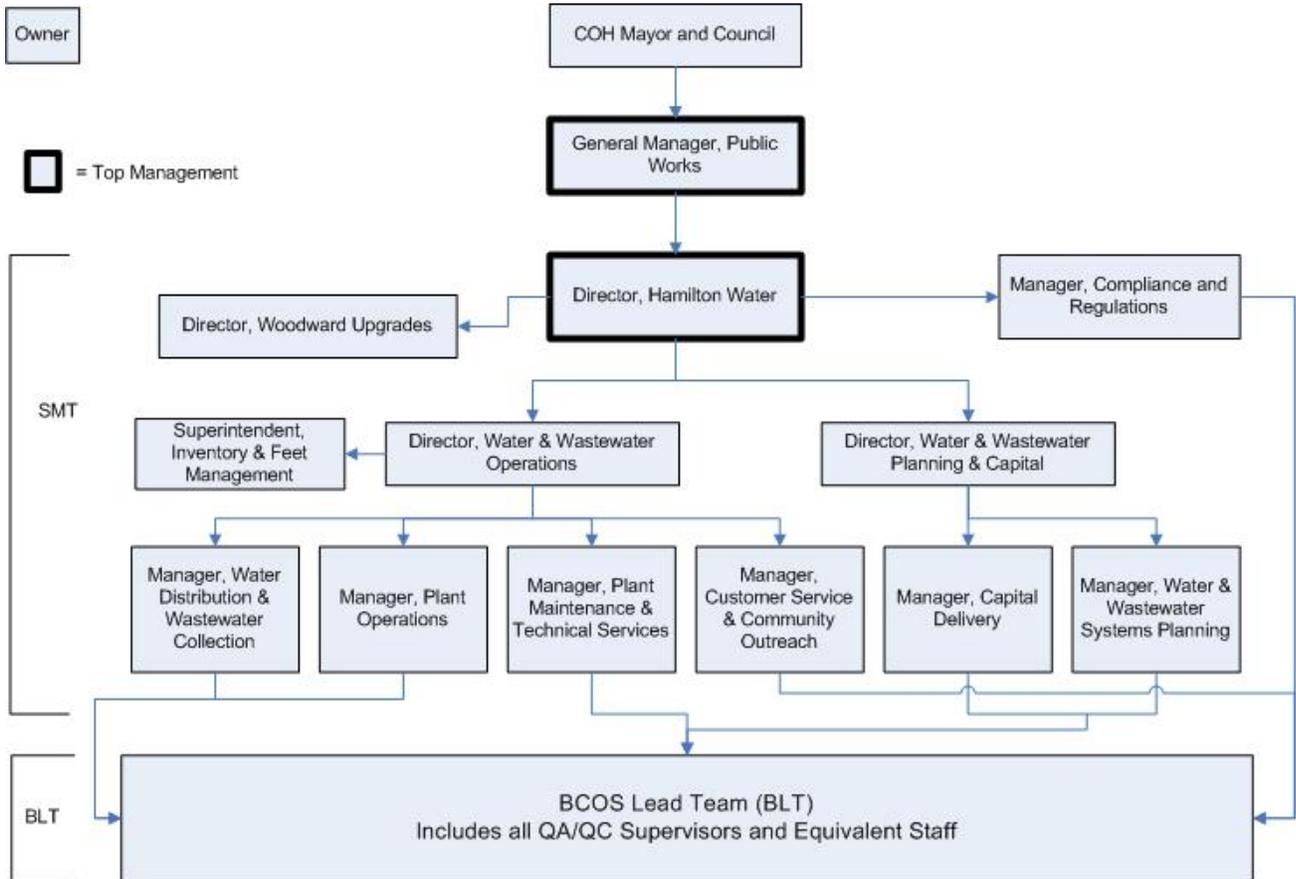
The roles, responsibilities and authorities relating to the BCOS and DWQMS Systems are defined in BCOS + DWQMS Roles, Responsibilities and Authorities Matrix (PW-WW-G-006-001). This document is reviewed every three years or sooner if significant organizational changes occur within HW.

CSG and BLT are responsible for ensuring that Operating Authority staff are kept aware of their respective roles, responsibilities and authorities as they relate to the DWQMS. BCOS and DWQMS System Awareness Training was conducted across the Operating Authority in the summer of 2008. Awareness training for new staff is on-going. Refresher training is offered to staff, as required. All Operating Authority staff are expected to be aware of their roles, responsibilities and authorities. The following is an Organizational Chart defining the Owner, Top Management, SMT, and the BLT. This organizational chart delineates only water related positions and sections.



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Organizational Structure (Operating Authority)



10 COMPETENCIES

The BCOS + DWQMS Competency and Training Procedure (PW-WW-P-033-001) is an integrated procedure (BCOS and DWQMS) that applies across the Operating Authority and to all types of training including, but not limited to, water quality, environmental, and health and safety training. The procedure defines the framework for identification, delivery, and tracking of training requirements related to the Operating Authority and documents how the Operating Authority ensures competencies of staff that could have a direct input on water quality.

The Hamilton Water Division Core Training Guideline (PW-WW-G-033-002) lists required core and developmental competencies for job positions that could





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potentially impact the quality of water. Training requirements listed are established and approved by the respective Section Managers. Positions potentially impacting the quality of water have been identified as follows:

- Positions that require a Drinking-Water Operator's Certificate (Treatment Operator, Distribution Operator, or Water Quality Analyst);
- Positions that supervise licensed Operators or Water Quality Analysts; and
- Other positions as recommended by the respective Section Manager.

Supervisors and Superintendents review training requirements with staff during an annual meeting or during their performance appraisals with the purpose of the development and/or maintenance of job position Training Plans.

Training can include a mix of training methods including classroom, hands-on, web-based, self-paced, on-the-job, equipment/site specific training, conferences, seminars, off-site training, operational meetings, one-to-one training, job shadowing, and video presentations. Inputs to Training Plans are identified in the BCOS + DWQMS Competency and Training Procedure (PW-WW-P-033-001).

DWQMS Awareness Training is considered to be a Core Training requirement for all staff of the Operating Authority. This training may also be provided to other City staff outside of the Operating Authority, as required, as well as to Vendors providing essential supplies and services (refer to Section 13.0 of this Operational Plan).

Training records may include Certificates/Licenses, training matrices, sign-in sheets, registration forms, attendance lists, tests/quizzes, comment sheets, etc. These records are managed according to the Control of Records procedure (PW-WW-P-016-001).

In order to better connect staff to available training (e.g. catalogue), use training resources more effectively (e.g. competency tests) and help us manage our training records, HW utilizes the IT tool; the Learning Management Database (LMD).

11 PERSONNEL COVERAGE

The DWQMS Personnel Coverage Procedure (PW-WW-P-034-003) is a DWQMS-specific procedure that describes how adequate staffing and personnel coverage are ensured and maintained within the Operating Authority. The procedure describes personnel coverage measures followed during regular business hours as well as during evenings, weekends and holidays, and applies to both water and wastewater operations as relevant to the Operating Authority. Level IV (Sectional) Personnel



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Coverage procedures should be referenced for Section-specific processes, where applicable.

12 COMMUNICATIONS

12.1 Internal Communications

The BCOS + DWQMS Internal Communications procedure (PW-WW-P-008-001) has been developed to describe HW communication processes with internal stakeholders. The annual DWQMS Communication Plan has been developed to support the implementation and communication needs of the DWQMS and ensures the Owner, HW staff, suppliers, contractors, and customers understand the efforts and measures being put in place to protect the City's DWSs.

Top Management ensures that Council is aware of the DWQMS and communicates with Council to seek decisions/approval and input through Council meetings, informal DWQMS meetings, and Council Update documents.

DWQMS Refresher Training for HW staff is undertaken as needed. DWQMS Refresher Training should include quality management systems, roles and responsibilities under the DWQMS, elements of the DWQMS, including the Operational Plan, and impacts to staff. Staff can access the Operational Plan using the DWQMS website. Staff meetings may also be used as a forum for informing staff of DWQMS news, changes, and updates.

12.2 External Regulatory and Other Communications

The BCOS + DWQMS External Regulatory and Other Communications procedure (PW-WW-P-008-002) is an integrated procedure for the BCOS and DWQMS Systems. The purpose of this procedure is to describe HW communication processes with regulatory and other external environmental stakeholders.

Provisions for communication with the public are established in the DWQMS Communication Plan for each calendar year. The C&R and CS&CO Sections work together to provide the public with updated information regarding the DWQMS Operational Plan, the DWQMS Financial Plan, and Water Quality Reports. These documents are made available for review electronically (City website) or upon request. The Control of Records procedure (PW-WW-P-016-001) describes the control and management of these documents. Communication with suppliers is completed according to the DWQMS Essential Supplies & Services Procedure (PW-WW-P-035-001) and the annual DWQMS Communication Plan.



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The External Regulatory and Other Communications procedure (PW-WW-P-008-002) also discusses processes for communication with the Accreditation Body, the MECP, and other related environmental regulatory communications.

12.3 Licencing and Permitting Procedure

The procedure entitled DWQMS Approvals Process for Alterations of Drinking Water Systems (PW-WW-P-004-001) outlines the approvals process and identifies specific requirements needed to make alterations to the COH's DWSs under the licencing and permitting process. This procedure applies to all DWS alterations including: additions, modifications, replacements, or extensions of watermains as well as treatment, storage, and pumping infrastructure. Activities deemed to be maintenance and/or repair to infrastructure are not subject to the approvals requirements specified in this procedure. Alterations to service lines are also outside the scope of this procedure. The procedure applies to staff of HW as well as select staff from the Planning & Economic Development Department and Engineering Services Department.

13 ESSENTIAL SUPPLIES AND SERVICES

The DWQMS Essential Supplies and Services Procedure (PW-WW-P-035-001) is a DWQMS-specific procedure that describes the processes by which the Operating Authority identifies the supplies and services that are deemed essential to water-related operations. The procedure also documents the process followed by the Operating Authority in completing QA reviews for the essential supplies and services.

Essential supplies and services will be identified in the DWQMS Essential Supplies and Services List, PW-WW-L-035-001. A supply or service is identified as essential if, and only if, it meets at least one of the following requirements:

- Essential to the safe delivery of water
- Related to drinking-water disinfection (primary or secondary).

A QA Review of all DWQMS essential supplies and services is undertaken at minimum once per year. The SMR, HW - SMT and BLT review the results of the QA review on an annual basis and suggest potential continual improvement initiatives for DWQMS essential supplies and services, with guidance from HW - SMT. Vendor QA reviews, vendor non-conformances, and resolution actions are discussed as an input to DWQMS Management Review.



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All vendors providing essential supplies and services will be informed of their role in the DWQMS and records will be maintained by the Operating Authority. Quality requirements for supplies and services are determined through provincial regulations, City standards, industry best practices, and purchasing practices.

14 REVIEW AND PROVISION OF INFRASTRUCTURE

The DWQMS Review and Provision of Infrastructure procedure (PW-WW-P-025-001) has been developed to document the process followed by the Operating Authority in reviewing the adequacy of its drinking-water system infrastructure. This is a DWQMS-specific procedure that applies to all of the City's DWS-related infrastructure, including both horizontal and vertical infrastructure.

15 INFRASTRUCTURE, MAINTENANCE, REHABILITATION AND RENEWAL

The procedure entitled DWQMS Infrastructure Maintenance, Rehabilitation & Renewal (PW-WW-P-026-001) describes how the Operating Authority undertakes maintenance and infrastructure renewal programs related to the water infrastructure. Infrastructure maintenance is addressed by both planned and unplanned maintenance.

Planned maintenance is scheduled and records are stored in the CMMS (PO and PMATs Sections) and IPS (WD&WWC Section) databases. Server files are backed up daily. Planned maintenance tasks are communicated to the person responsible by issuance of work orders from CMMS (PO and PMATS Section staff) or IPS (WD&WWC Section staff). Completed work orders are reviewed by the designated Superintendent, Supervisor, or Maintenance Tradesperson Maintenance Planner, Technologist, or Operator of the respective Section.

Unplanned maintenance tasks result from equipment malfunction or breakage and / or customer complaints. Measures to prepare for and expedite unplanned maintenance include equipment redundancy (back-up units), spare parts inventory, availability of updated GIS maps of water infrastructure, as well as documented repair and safety procedures.

Replacement of aging fixed heavy equipment, as well as upgrades, expansions, and in-ground systems improvements are planned by the infrastructure review teams as described in Section 14 of this DWQMS Operational Plan Summary Report.



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16 SAMPLING, TESTING AND MONITORING

16.1 General Sampling, Testing and Monitoring

The DWQMS Sampling, Testing and Monitoring procedure (PW-WW-P-013-004) describes how the Operating Authority undertakes water sampling, testing and monitoring to ensure the production and distribution of safe drinking water. A description of how results are communicated and how regulatory requirements are met is also provided in this procedure.

Sampling, testing and monitoring requirements are identified and incorporated into various sampling plan and schedule documents such as the DWQMS City of Hamilton Drinking Water Sampling Procedure (PW-WW-P-013-002). The plans and schedules are reviewed and updated as necessary to incorporate regulatory and/or operational sampling, testing and monitoring requirements.

The DWQMS Sampling, Testing and Monitoring procedure includes both grab sampling (i.e. discrete samples representing water characteristics at a particular time) and continuous sampling (i.e. the measurement of parameters and processes through the use of online monitors and instruments). All grab samples brought for analysis to the COH's Environmental Laboratory are collected according to protocols as specified by the City of Hamilton Environmental Laboratory General Sampling Protocols (PW-WW-CR-EL-V-011) and Ontario Regulation 170/03 Sampling Protocols for Lead (PW-WW-CR-EL-V-012). Continuous samples are collected and analyzed through the use of online analyzers and instruments as per the Water Regulatory Devices Operations Procedure (PW-WW-PO-P-011-001).

As required, and/or regulated, sampling, testing and monitoring results are communicated to: the Operating Authority, Owner (AWQI), Owner (DWS), Regulators, and to the public. In the event of an AWQI, staff follow the steps outlined in the procedure Adverse Water Quality Incidents (AWQIs) and Corrective Actions (PW-WW-P-015-001).

16.2 Regulatory Lead Sampling

To ensure the COH's Lead Sampling Program is implemented in accordance with Ontario Regulation 170/03, Schedule 15.1, the BCOS + DWQMS Regulatory Lead Sampling Program (PW-WW-P-013-009) was developed. This procedure applies to the COH's DWSs and to all aspects of the Lead Sampling Program from the initial point of contact with the consumer to delivery of the Final Report. The Program includes both Industrial/Commercial/Institutional and residential customers.



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17 MEASUREMENT AND RECORDING EQUIPMENT CALIBRATION AND MAINTENANCE

The procedure entitled DWQMS Calibration & Maintenance of Measurement & Recording Equipment (PW-WW-P-036-001) describes the requirements for the calibration and verification of measurement and recording equipment used for sampling, testing, and monitoring.

Types of recording equipment used for sampling testing and monitoring may include:

- Chlorine field kits
- Continuous chlorine analyzers
- Flow meters
- Fluoride meters
- pH meters
- Turbidity analyzers
- UV intensity analyzers
- Orthophosphate analyzers

For each type of recording equipment, the procedure provides information including maintenance frequency, methods, and a description of how records of maintenance activities are kept. Also provided is a listing of who is responsible for the maintenance of equipment and related record keeping.

18 EMERGENCY MANAGEMENT

The Hamilton Water Emergency Response Plan (PW-WW-P-012-001) is an integrated procedure for BCOS and DWQMS. This procedure describes processes developed to meet Emergency Preparedness and Response requirements of the DWQMS. The procedure also describes the City's Corporate, Departmental, Divisional, and Sectional Emergency Response structure.

The procedure includes a list of emergencies that could potentially impact one or more of the City's DWSs. A Risk Assessment approach is used to identify possible risks and to highlight risks requiring Emergency Response Instructions.

Annual testing of the COH (Corporate) Emergency Response Plan, the HW Emergency Response Plan, and the Plant Operation's E2 Plan is required. Upon completion of testing, a debrief is held to determine possible improvement actions



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and document any procedural upgrades that may be required.

HW staff must receive training for all emergency response plans and/or procedures related to their job or responsibilities. Divisional training requirements are listed in the Hamilton Water Division Core Training Guideline (PW-WW-G-033-002). The City's Emergency Management Office determines training requirements for the COH's Emergency Response Plan.

19 INTERNAL AUDIT

The BCOS + DWQMS Internal Auditing procedure (PW-WW-P-017-001) is an integrated procedure that describes how HW conducts objective and systematic internal audits as a means of measuring the performance of its BCOS and its DWQMS. DWQMS Internal Audits assess DWQMS-related processes against the DWQMS Standards and relevant system procedures.

Internal auditors are appointed by HW – SMT and are identified in the BCOS + DWQMS Internal Auditor List (PW-WW-L-017-003). Auditors must remain objective and unbiased in their assessments of DWQMS processes and procedures and are prohibited from auditing their own work.

The SMR holds overall responsibility for ensuring that internal audits are planned and executed according to the requirements of the DWQMS Standard and of the BCOS + DWQMS Internal Auditing procedure (PW-WW-P-017-001). The SMR appoints a Lead Auditor on a per-audit basis to assist in planning the internal audit and to oversee the execution of the internal audit.

At minimum, all elements or clauses of the DWQMS must be audited once annually.

Audit findings may indicate the need for corrective, preventive, or improvement actions. Corrective, preventive, and improvement actions are recorded in the BCOS Database (See Section 21.0 of this Operational Plan).

Once scheduled internal audits are completed, the SMR (or designate) reviews audit findings and compiles the information for presentation to SMT. Audit findings must be considered in future relevant audits. In addition, the Internal Audit Program is reviewed on an annual basis as an input to DWQMS Management Review.

20 MANAGEMENT REVIEW

The DWQMS Management Review procedure (PW-WW-P-018-001) is a DWQMS-specific procedure that has been developed to document the process followed in planning, executing, and documenting DWQMS Management Reviews. This



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includes provision of feedback to HW sections and reporting of review results to the Owner (DWS). The Management Review process ensures that all levels of the organizational structure are kept informed and aware of DWQMS and DWS performance.

The SMR has a significant role in the DWQMS Management Review process, including the coordination and facilitation of Management Review meetings and the compilation of required input data for presentation to Top Management. Required inputs to Management Review are listed in the DWQMS Management Review procedure (PW-WW-P-018-001). Other Managers or Operating Authority staff may be invited to assist in presenting information to the Management Review Team or to assist in the review of information where they offer additional expertise or insight. Top Management is responsible for reviewing the input materials presented and generating outputs as specified in the DWQMS Management Review procedure (PW-WW-P-018-001).

Management Review Meetings are held at minimum on an annual basis. The Management Review can be conducted as one meeting per year or be split into several smaller meetings over the course of the year. Either method is acceptable as long as all required review inputs and agenda items are addressed over the course of the year.

DWQMS Management Review outputs must be documented and retained as proof of completion. The SMR or delegate prepares minutes of Management Review meetings for this purpose. Top Management or their delegates are responsible for communicating Management Review results to the Owner as per the DWQMS Management Review procedure (PW-WW-P-018-001).

Results of management reviews are summarized in the annual DWQMS Summary Report which is circulated to the Owner (DWS) (Mayor and Council).

21 CONTINUAL IMPROVEMENT

The COH is committed to continually improving its DWQMS. Several methods of improvement are embedded in and essential to the system but are not limited to:

- Management Review
- Internal/External Audits
- Kaizens
- Six Sigma Projects



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The integrated BCOS + DWQMS Non-conformance, Corrective & Preventive Action Process procedure (PW-WW-P-015-002) applies to both the BCOS and DWQMS Systems. This procedure documents the process to be taken to ensure the effective resolution of BCOS and DWQMS system non-conformances, potential non-conformances, and legal non-compliances. The process includes a root cause analysis, identification of corrective / preventive actions, and verification of completeness and effectiveness, as required. Corrective actions are generated through audits and management reviews and on an ongoing basis through NC/PNC/OFI submissions. The scope of the procedure does not include the management of adverse water quality events. This process is documented in Adverse Drinking Water Quality Incidents (AWQIs) and Corrective Actions (PW-WW-P-015-001).

The BCOS + DWQMS Corrective and Preventive Action procedure (PW-WW-P-015-002) specifically illustrates how DWQMS non-conformances are resolved. Non-conformances are entered into the "Findings" Application of the BCOS Database. Once details of the nature of the non-conformance are entered into BCOS, a root cause analysis can be completed and an action plan can be developed to correct or prevent the non-conformance. All action plans are verified as being complete. Verification for effectiveness may occur at the discretion of the SMR. All of the above information must be entered into the BCOS Database. Once the completion of the plan has been verified, the non-conformance report can be closed out.

BCOS software tracks the revision history of document.



PLANNING COMMITTEE

REPORT 19-007

9:30 a.m.

Tuesday, April 30, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors M. Pearson (Chair), M. Wilson, J. Farr (1st Vice Chair), C. Collins, J.P. Danko, B. Clark, B. Johnson, T. Whitehead and J. Partridge

THE PLANNING COMMITTEE PRESENTS REPORT 19-007 AND RESPECTFULLY RECOMMENDS:

1. By-law Enforcement Strategy Update (PED08263(c)) (City Wide) (Item 7.1)

That the updated By-law Enforcement Priority Framework attached as Appendix “A” to Planning Committee Report 19-007, be approved.

2. Expanding Administrative Penalty System (APS) to Include the Sign By-law 10-197 (PED19092) (City Wide) (Item 7.2)

That the Administrative Penalty System By-law 17-225 (APS) be amended to include the Sign By-law 10-197 as Table 16 to Schedule A, in accordance with the amending by-law attached as Appendix “A” to Report PED19092 to be enacted by Council.

3. By-law No. 18-261 – Correction of Typographical Errors for Lands Located at 5 Hamilton Street North, Flamborough (PED18179(a)) (Ward 15) (Item 7.3)

(a) That By-law No. 18-261, respecting 5 Hamilton Street North, Flamborough be amended to correct one error and to add two administrative clauses, on the following basis:

(i) That Section 3 (d) of By-law 18-261 be amended by deleting the word “east” and replacing it with “north”;

(ii) The following two administrative sections be added to By-law 18-261 as clauses 5 and 6:

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; and,
 6. That no building or structure shall be erected, 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 Mixed Use – Medium Density (C5) Zone provisions, subject to the special requirements as referred to in Section 2 of this By-law.
- (b) That the draft By-law attached as Appendix “B” to Report PED18179(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (c) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and the Urban Hamilton Official Plan.

4. Hamilton Municipal Heritage Committee Report 19-003 (Item 7.4)

1. Inventory and Research Working Group Meeting Notes – March 25, 2019 (Item 10.1)

- (a) That the recommendations in the Inventory and Research Working Group Meeting Notes of March 25, 2019, be approved as presented; and,
- (b) That the following properties be added to the City Register of Non-designated Properties of Cultural Heritage Value or Interest, and to the staff work plan:
 1. 745 Crooks’ Hollow Road, Dundas
 2. 7 Rolph Street, Dundas
 - ~~3. 23-25 King Street East, Stoney Creek~~
 4. 45 Amelia Street, Hamilton

2. Hamilton Municipal Heritage Committee Heritage Recognition Awards Update (Item 10.2)

That the Nominations for the 2018 Hamilton Municipal Heritage Committee Heritage Recognition Awards, attached hereto as Appendix “B” and Appendix “C” to Planning Committee Report 19-007, be approved, as amended.

5. Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive, Glanbrook (PED19046) (Ward 11) (Item 8.1)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-01 by Branthaven Mount Hope Inc., Owner, is to amend the Mount Hope Secondary Plan from “Neighbourhood Park”, “Low Density Residential 2c”, “Institutional” and “Utility” to “Low Density Residential 2”; from “Low Density Residential 2” to “Utility”; from “Low Density Residential 2” to “Natural Open Space”; and, from “Utility” to “Natural Open Space”. The amendment will also add a Site Specific Policy Area in order to permit residential development between 28 and 30 NEF contour lines; and, establish new local roads, for the lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED19046, to be APPROVED, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That Amended Zoning By-law Amendment Application ZAC-18-003 by Branthaven Mount Hope Inc., (Owner), for changes in zoning from the Deferred Development “DD” Zone, Existing Residential “ER” Zone, Residential “H-R3-122” Zone and Public “P” Zone to Residential “R4-312” Zone, Modified for Blocks 1, 4, 6 - 8 and Residential “R4-312a” Zone, Modified for Blocks 4 and 5 in Zoning By-law No. 464; for lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED19046, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED19046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (2017); and,
 - (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

- (c) That Zoning By-law Amendment Application ZAC-18-003 by Branthaven Mount Hope Inc., (Owner), for a change in zoning from the Deferred Development “DD” Zone to the Conservation / Hazard Land (P5) Zone, Modified (Blocks 125 and 126) to recognize the Natural Heritage System and vegetation protection zone and add a specific exception to permit a reduced setback from any building or structure to the Conservation / Hazard Land (P5) Zone, Modified, in Zoning By-law No. 05-200; for lands located 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED19046, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED19046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (2017); and,
 - (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (d) That Draft Plan of Subdivision Application 25T-201801 by Branthaven Mount Hope Inc., (Owner), to establish a Draft Plan of Subdivision on lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown in Appendix “E” to Report PED19046, be APPROVED subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Branthaven Mount Hope” 25T-201801, prepared by Urban Solutions Planning & Land Development Consultants Inc., and certified by Dan McLaren, O.L.S., dated November 28, 2018, consisting of a maximum of 123 lots for single detached dwellings (Lots 1 - 123), one block for a 0.3 metre road reserve (Block 124), one block for a storm sewer connection and walkway (Block 125), one block for open space purposes (Block 126), and three proposed public streets, shown as Streets “A,” “B” and “C”, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and will Special Conditions attached as Appendix “F” to Report PED19046.
 - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City’s Financial Policies and will be determined at the time of development; and,

- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

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

6. Application for a Zoning By-law Amendment for Lands Located at 122 and 126 Augusta Street and 127 Young Street and 125 Young Street, Hamilton (PED19089) (Ward 2) (Item 8.2)

- (a) That the Amended Zoning By-law Amendment Application ZAC-18-013, by 1955132 Ontario Ltd., Owner, for a change in zoning from the "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the "E-3/S-1767" (High Density Multiple Dwellings) District, Modified and the "D/S-1767" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified to permit a four storey, 27 unit multiple dwelling and a three family dwelling on lands located at 122 & 126 Augusta Street and 127 Young Street, and 125 Young Street, Hamilton as shown on Appendix "A" to Report PED19089 be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix "B" to Report PED19089 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 PED19089 be added to District Map E5 of Zoning By-law No. 6593 as "E-3/S-1767" and "D/S-1767";
 - (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 zoning for Blocks 1, 3 and 4 as shown on Schedule "A" of Appendix "B" to Report PED19089;

The Holding Provision "E-3/S-1767-H" (High Density Multiple Dwellings) District, Modified, Holding applicable to Block 1 as shown on Schedule "A" of Appendix "B" to Report PED19089, be removed conditional upon:

- (1) The Owner conduct a Stage 3 Archaeological Assessment, and Stage 4 Archaeological Assessment if required, for the site and receive approval of this / these report(s) from the

Ministry of Tourism, Culture and Sport and the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.

The Holding provision “D/S-1767-H” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, Holding applicable to Block 3 as shown on Schedule “A” of Appendix “B” to Report PED19089, be removed conditional upon:

- (1) The Owner apply for a Building Permit to legalize the existing three family dwelling, to the satisfaction of the City’s Chief Building Official.

The Holding Provision “D/S-1767-H” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, Holding applicable to Block 4 as shown on Schedule “A” of Appendix “B” to Report PED19089, be removed conditional upon:

- (1) The Owner conduct a Stage 3 Archaeological Assessment, and Stage 4 Archaeological Assessment if required, for the site and receive approval of this / these report(s) from the Ministry of Tourism, Culture and Sport and the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.

- (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 upon finalization of the amending By-law, that the subject lands be re-designated from “Single and Double” to “Medium Density Apartments” in the Corktown Neighbourhood Plan;

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

7. Entertainment on Outdoor Commercial Patios – Extension and Establishment of the Temporary Use By-laws (PED16155(b)) (City Wide) (Item 8.3)

- (a) That approval be given to City Initiative CI-17-C to extend Temporary Use By-laws Nos. 17-083, and 17-255, under Zoning By-law No. 05-200 for a period of 36 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for four urban pilot project areas: Downtown Hamilton, Hess Village,

parts of Upper James Street (Stone Church Road to Rymal Road), and Dundas; and some properties within the Rural area on the following basis:

- (i) That the draft Temporary Use By-laws, attached as Appendices “A” and “B” to Report PED16155(b) for the five pilot project areas and the rural area, be approved by City Council; and,
 - (ii) That the draft Temporary Use By-laws are consistent with the Provincial Policy Statement (PPS) 2014, conform to the 2017 Growth Plan for the Greater Golden Horseshoe, and comply with the Rural (RHOP) and Urban Hamilton Official Plans (UHOP).
- (b) That approval be given to City Initiative CI-17-C to extend Temporary Use By-laws No. 17-082 under Zoning By-law No. 6593 for a period of 36 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for two urban pilot project areas on James Street North and James Street South, on the following basis:
- (i) That draft Temporary Use By-law, attached as Appendix “C” to Report PED16155(b) for the James Street North and James Street South pilot project areas, be approved by City Council; and,
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2014, conforms to the 2017 Growth Plan for the Greater Golden Horseshoe and complies with the Urban Hamilton Official Plan (UHOP).
- (c) That approval be given to City Initiative CI-17-C to establish a Temporary Use By-law in Zoning By-law No. 05-200 for a period of 36 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for two urban pilot project areas: James Street North and James Street South / Augusta Street, on the following basis:
- (i) That the Temporary Use By-law, attached as Appendix “D” to Report PED16155(b) for James Street North and James Street South / Augusta Street pilot areas, be approved by City Council; and,
 - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2014, conforms to the 2017 Growth Plan for the Greater Golden Horseshoe and complies the Urban Hamilton Official Plan (UHOP);
- (d) That there were no public submissions received regarding this matter.**

8. **Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091) (City Wide) (Item 9.1)**
- (a) That Report PED19091 (City Initiative CI-19-B), including the Discussion Paper titled Residential Care Facilities and Group Homes - Human Rights and the Zoning By-Laws within the Urban Area - March 2019, attached as Appendix “D” to Planning Committee Report 19-007, be received;
 - (b) *That the Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper be posted on the City’s website and invite written submissions on the proposed Zoning By-law regulation and definition changes for a period of 30 days, with staff reporting back to the Planning Committee on the written submissions received. In the event that additional public engagement is necessary, it would be included with other housing issues as part of the residential zoning project; and,*
 - (c) That staff report back to the Planning Committee summarizing public input and identifying the preferred zoning definition and regulations for residential care facilities and group homes to be incorporated into the new residential zones in Zoning By-law No. 05-200.
9. **Amendments to Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 to Include Tree Requirements (PED19088) (City Wide) (Item 10.1)**
- (a) That the procedural and housekeeping changes to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 regarding the maintenance requirements for trees and the definition of Directors described in Report PED19088, detailed in the proposed amending by-law attached as Appendix “A” be approved; and,
 - (b) That the amending by-law attached as Appendix “A” to Report PED19088, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.
10. **Tree Service Company Licensing Feasibility Report (PED19008) (City Wide) (Item 10.2)**
- (a) That Council adopt this Report and direct staff to draft a new licensing schedule (Tree Service Company) within the Business Licensing By-law 07-170 and bring it back in a form satisfactory to the City Solicitor for enactment; and,
 - (b) That the item respecting the feasibility of implementing a By-law that will ensure that any commercial company that is contracted to remove trees

within the City of Hamilton has a City Business Licence, be identified as complete and removed from the Planning Committee Outstanding Business List.

11. Licensing and By-law Services, Technology “Add-On” (PED19090) (City Wide) (Added Item 10.3)

- (a) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the procurement of a by-law enforcement module (“add-on” to the existing parking system) and hardware, including printers, associated custom application development, system implementation and training, for the purpose of issuance and tracking of Licensing and By-Law Services penalties in the City of Hamilton and that the General Manager of the Planning and Economic Development Department be authorized to negotiate, enter into and execute a Contract and any ancillary documents required to give effect thereto with gtechna, a Division of ACCEO Solutions Inc., in a form satisfactory to the City Solicitor; and,
- (b) That the General Manager of Planning and Economic Development be authorized to appropriate \$145,000 from the Capital Project Account No. 4901445100, Parking Lots-Service Repairs to the 2019 approved Capital Project Account No. 4501957900, Handheld Ticketing Device-System Integration.

12. Ways to Better Protect Hamilton Trees on Private Property (Added Item 12.2)

WHEREAS, the City of Hamilton has unanimously declared a Climate Emergency;

WHEREAS, trees are like the lungs of the planet. They breathe in carbon dioxide and breathe out oxygen. Additionally, they provide habitat for birds and other wildlife. They control flooding and improve water quality;

WHEREAS, Forests Ontario's "50 million tree" program, which aimed to plant that many trees by 2025 and has helped 4,000 landowners in rural Ontario by subsidizing the planting of 2.3 million trees annually is being eliminated in July by the current Ontario Government;

WHEREAS, the City of Hamilton currently has a by-law to protect trees on municipally owner lands;

WHEREAS, our current City of Hamilton By-laws only protect trees on private property within woodlands 0.5 acres in size or more, with limited protection in Ancaster, Dundas, and Stoney Creek for individual trees;

WHEREAS, the City of Hamilton's Tree Protection Guidelines, adopted by Council in 2010, provide a process for protecting trees on private lands as part of a *Planning Act* application; and,

WHEREAS, the City's existing urban tree canopy is under threat from invasive species;

THEREFORE BE IT RESOLVED;

That the appropriate staff from Planning and Economic Development provide a verbal update on the Urban Forest Strategy to the Planning Committee before the June 2019 public consultation on the Urban Forest Strategy; and that the update include ways we may better protect trees on private property.

13. Zoning By-law Amendment for 1400 Baseline Road (Added Item 12.1)

WHEREAS the City owns the property located at 1400 Baseline Road; and,

WHEREAS City Council has declared the lands surplus to the requirements of the City and authorized and directed Real Estate staff to sell the lands;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to investigate amending the Urban Lakeshore Secondary Plan (Urban Hamilton Official Plan) and the City of Stoney Creek Zoning by-law No. 3692-92, for the purpose of updating the planning permissions for the lands and establishing a land use designation and zoning requirements that reflect the highest/best use of the land;
- (b) That staff be directed to prepare a report and implementing by-laws for the approval of Planning Committee;
- (c) That staff be directed to provide adequate public notice pertaining to item (b) above, in accordance with the Planning Act; and,
- (d) That the General Issues Committee's Outstanding Business List item "Tourism Gateway Centre in Winona" be considered complete and removed.

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

- 5.1 Correspondence from Lakewood Beach Community Council respecting 310 Frances Avenue and the April 16th Planning Committee meeting

2. DELEGATION REQUESTS (Item 6)

- 6.2 Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Heritage Value or Interest (Item 7.4) (For today's meeting)
- 6.3 David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms (For the May 14th meeting)

3. PUBLIC HEARINGS / DELEGATIONS (Item 8)

- 8.1 Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive, Glanbrook (PED19046) (Ward 11)

(b) Written Comments:

- (i) Rose and Russ Bartolini
(ii) Donald and Ann Pryer
(iii) Dena Jones
(iv) M. P. Butt

4. DISCUSSION ITEMS (Item 10)

- 10.3 Licensing and By-law Services, Technology "Add-On" (PED19090) (City Wide)

5. NOTICES OF MOTION (Item 12)

12.1 Zoning By-law Amendments for 1400 Baseline Road

12.2 Ways to Better Protect Hamilton Trees on Private Property

The agenda for the April 30, 2019 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) April 16, 2019 (Item 4.1)

The Minutes of the April 16, 2019 meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from the Lakewood Beach Community Council respecting 310 Frances Street and the April 16 Planning Committee meeting (Added Item 5.1)

The Correspondence from the Lakewood Beach Community Council respecting 310 Frances Street and the April 16 Planning Committee meeting, was deferred to the May 14, 2019 Planning Committee meeting.

(e) DELEGATION REQUESTS (Item 6)

(i) Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat (For today's meeting) (Item 6.1)

The Delegation Request from Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat, was approved for today's meeting.

(ii) Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Heritage Value or Interest (Item 7.4) (For today's meeting) (Added Item 6.2)

The Delegation Request from Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Heritage Value or Interest, was approved for today's meeting, to be heard before Item 7.4.

- (iii) **David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms (For the May 14th meeting) (Added Item 6.3)**

The Delegation Request from David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms, was approved for the May 14, 2019 meeting.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)

- (i) **Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Value or Interest (Added Item 8.5)**

Mark Clem addressed the Committee respecting concerns with 45 Amelia Street being added to the Municipal Register of Properties of Cultural Value or Interest.

The Delegation from Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Value or Interest, was received.

(g) CONSENT ITEMS (Item 7)

- (i) **Hamilton Municipal Heritage Committee Report 19-003 (Item 7.4)**

- (a) Item 1 (b) (3) to Hamilton Municipal Heritage Committee Report 19-003 was amended as follows:

3. 23-35 25 King Street East, Stoney Creek

- (b) Item 1 (b) (3) to Hamilton Municipal Heritage Committee Report 19-003, respecting the property located at 23-25 King Street East, was deferred to the next Planning Committee meeting.

For disposition of this matter, refer to Item 4.

(h) PUBLIC HEARINGS / DELEGATIONS (Item 8) - CONTINUED

- (i) Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive, Glanbrook (PED19046) (Ward 11) (Item 8.1)**

In accordance with the provisions of the *Planning Act*, Chair Pearson 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 Amendment, Zoning By-law Amendment or Draft Plan of Subdivision 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.

Jennifer Roth, Planner I, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

The staff presentation was received.

Matt Johnston, Urban Solutions, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. Matt Johnston provided an overview of the proposal.

The overview of the proposal by Matt Johnston, Urban Solutions, was received.

Delegations:

1. Donald and Ann Pryer, 42 Aberdeen Avenue, Hamilton

Donald and Ann Pryer addressed the Committee in opposition to the proposal.

2. Margaret Butt, 3266 Homestead Drive, Hamilton

Margaret Butt addressed the Committee in opposition to the proposal.

3. Joanne Fenbow, 3260 Homestead Drive, Hamilton

Joanne Fenbow addressed the Committee in opposition to the proposal.

4. Jochen Bezner, 21 Grosvenor Avenue South, Hamilton

Jochen Bezner addressed the Committee in opposition to the proposal.

The delegations were received.

The following written submissions, were received:

- (i) Rose and Russ Bartolini
- (ii) Donald and Ann Pryer
- (iii) Dena Jones
- (iv) M. P. Butt

The public meeting was closed.

The recommendations in Report PED19046 were amended by adding the following sub-section (e):

- (e) That the public submissions received did not affect the decision.***

For disposition of this matter, refer to Item 5.

(ii) Application for a Zoning By-law Amendment for Lands Located at 122 and 126 Augusta Street and 127 Young Street and 125 Young Street, Hamilton (PED19089) (Ward 2) (Item 8.2)

In accordance with the provisions of the *Planning Act*, Chair Pearson 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.

Mark Kehler, Planner II, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk. The staff presentation was received.

Matt Johnston, Urban Solutions, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. Matt Johnston provided an overview of the proposal.

The overview of the proposal by Matt Johnston, Urban Solutions, was received.

The recommendations in Report PED19089 were amended by adding the following sub-section (c):

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

For disposition of this matter, refer to Item 6.

(iii) Entertainment on Outdoor Commercial Patios – Extension and Establishment of the Temporary Use By-laws (PED16155(b)) (City Wide) (Item 8.3)

In accordance with the provisions of the *Planning Act*, Chair Pearson 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.

The recommendations in Report PED16155(b) were amended by adding the following sub-section (d):

(d) *That there were no public submissions received regarding the matter.*

For disposition of this matter, refer to Item 7.

- (iv) **Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat (For today's meeting) (Item 8.4)**

Glenn Wise was not in attendance when called to speak. Staff advised that Glenn Wise may have thought he was to attend the May 14, 2019 Planning Committee meeting.

The Delegation by Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat, was deferred to the May 14, 2019 Planning Committee meeting.

(i) **STAFF PRESENTATIONS (Item 9)**

- (i) **Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091) (City Wide) (Item 9.1)**

Joanne Hickey-Evans, Manager Policy Planning and Zoning By-law Reform, addressed the Committee with aid of a PowerPoint presentation.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

The staff presentation was received.

Recommendation (b) of Report PED19091 was deleted in its entirety and replaced with the following:

~~(b) That staff be directed to undertake public engagement on the proposed Zoning By-law regulation options, in conjunction with other housing issues, as part of the development of the new residential zones;~~

(b) That the Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper be posted on the City's website and invite written submissions on the proposed Zoning By-law regulation and definition changes for a period of 30 days, with staff reporting back to the Planning Committee on the written submissions received. In the event that additional public engagement is necessary, it would be included with other housing issues as part of the residential zoning project; and,

For disposition of this matter, refer to Item 8.

(j) NOTICES OF MOTION (Item 12)

(i) Effect of Heritage Designations on Property Values in Hamilton (Added Item 12.3)

Councillor Farr introduced the following Notice of Motion respecting Effect of Heritage Designations on Property Values in Hamilton:

That the appropriate staff from PED be requested to consult with the Realtors Association of Hamilton-Burlington in an effort to determine if they are aware of or possess any documented proof (attained through previous reports, studies or sales figures analysis) that a heritage designation decreases a property's value in Hamilton.

(ii) Ways to Better Protect Hamilton Trees on Private Property (Added Item 12.2)

Councillor Farr introduced a Notice of Motion respecting Ways to Better Protect Hamilton Trees on Private Property.

The Rules of Order were waived to allow for the introduction of a Motion respecting Ways to Better Protect Hamilton Trees on Private Property.

For disposition of this matter, refer to Item 12.

(iii) Zoning By-law Amendment for 1400 Baseline Road (Added Item 12.1)

Councillor Pearson introduced a Notice of Motion respecting Zoning By-law Amendment for 1400 Baseline Road.

The Rules of Order were waived to allow for the introduction of a Motion respecting Zoning By-law Amendment for 1400 Baseline Road.

For disposition of this matter, refer to Item 13.

(k) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1)

The following changes to the Outstanding Business List, were approved:

(a) Items to be Removed:

C - OMB Decision respecting 121 Augusta Street - Staff review of RCF's as it relates to special needs and the Human Rights Code (Addressed as Item 9.1 on this agenda)

G - Feasibility of Tree Services By-law
(Addressed as Item 10.2 on this agenda)

(b) Items Requiring New Due Dates:

B - City Initiative to Amend Zoning By-law No. 6593 for 118 - 338
Mountain Brow Blvd.

Current Due Date: July 9, 2019

Proposed New Due Date: July 2020

D - Request to Designate 437 Wilson Street East

Current Due Date: March 19, 2019

Proposed New Due Date: September 17, 2019

H - Report back on engagement between the HMHC and property
owners surrounding the Gore

Current Due Date: February 5, 2019

Proposed New Due Date: October 1, 2019

I - Report back on City's Policies respecting Boulevard Standards
with options/alternatives for future designs

Current Due Date: March 19, 2019

Proposed New Due Date: September 17, 2019

J - Sign Variance Appeal for 430 McNeilly Road

Current Due Date: March 19, 2019

Proposed New Due Date: September 3, 2019

P - Updated Discharge of Firearms By-law

Current Due Date: February 19, 2019

Proposed New Due Date: May 14, 2019

Q - Update on Animal Adoption Pilot Program

Current Due Date: September 3, 2019

Proposed New Due Date: December 3, 2019

T - Development Fees - additional staffing requirements and
potential funding model

Current Due Date: April 2, 2019

Proposed New Due Date: October 15, 2019

U - Review of Hamilton Airshed Modelling System

Current Due Date: March 19, 2019

Proposed New Due Date: November 5, 2019

Z - Update on Effectiveness of Driving School By-law
Current Due Date: August 13, 2019
Proposed New Due Date: February 2020

GG - Staff recommendations after one year Pilot Program for
dedicated Mohawk College Parking Enforcement Officer
Current Due Date: October 15, 2019
Proposed New Due Date: December 3, 2019

(I) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee was adjourned at 2:37 p.m.

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk

By-law Enforcement Priority Strategy

Municipal Law Enforcement Team

<p><i>Top Priority – Proactive and Reactive Enforcement</i></p> <p>These by-laws will take precedent due to a potential blatant health and safety/liability issue.</p>	<p><i>Periodic Proactive Enforcement</i></p>	<p><i>Lower Priority and/or Reactive - Complaint Driven</i></p>
<ul style="list-style-type: none"> ▪ Yard Waste/Maintenance By-law (e.g., long weeds and grass; garbage and debris; inoperable vehicles) ▪ Graffiti Enforcement Student Program in conjunction with Graffiti Management Strategy ▪ Snow and Ice By-law (Winter) ▪ Parks By-law (Waterfall enforcement) ▪ Illegal Dumping on private property ▪ Streets/Traffic By-law (5 By-laws) (e.g., mud tracking; road encumbrances; road games) ▪ Forestry – Tree Private and Public ▪ Property By-laws (5 By-laws) ▪ Property Standards By-law ▪ Vacant Building By-law ▪ Adequate Heat By-law ▪ Proactive Property Standards Team (Council approved and Ward rotation) ▪ Vital Services By-law ▪ Noise By-law ▪ Public Nuisance 	<ul style="list-style-type: none"> ▪ Yard Waste/Maintenance Blitz – Hotspots identified across the City including Downtown Core and BIA ▪ Cigarette Butt litter – if budget approved ▪ Snow and Ice Clearing Proactive – Based on reactive complaint identify other properties in the vicinity that did not clear snow/ice from sidewalk ▪ Property Standards – Downtown Core and BIA (e.g., Night walks) ▪ Property Standards Blitz – Highly visible areas and hotspots identified across the City ▪ McMaster-Mohawk Proactive (September and April) ▪ Special Projects with Hamilton Police Services and other Enforcement Agencies (tent city; no permit in parks, etc.) 	<ul style="list-style-type: none"> ▪ Parks By-law (violations other than waterfalls) ▪ Anti-Idling By-law ▪ Discharge of Firearm By-law ▪ Fence By-law ▪ Transit By-law (in partnership with HSR) ▪ Water By-law (Summer - as requested by Water/Wastewater during water shortages) ▪ Zoning By-law (6 By-laws)

Licensing Team

Top Priority – Proactive and Reactive Enforcement	Periodic Proactive Enforcement	Lower Priority and/or Reactive - Complaint Driven
<p>All Licensing Activity is Proactive in nature due to the requirements of the Licensing By-law</p> <ul style="list-style-type: none"> ▪ Business Licensing (includes compliance with Property Standards, Zoning, Yard Maintenance and the Sign By-law) ▪ Zoning – Business Zoning (if a zoning issue relates to a business licence then carried through to completion by Licensing) ▪ Mobile Licensing Inspections – taxi, PTP (Uber & Lyft) limos, food trucks, peddlers, etc.) ▪ Sign By-law (except rural area) ▪ Lodging Homes (Schedule 9 of Licensing By-law) (at least during Council endorsed pilot program for the next two years) ▪ Residential Care Facilities (Schedule 20 of Licensing By-law) ▪ Cannabis Enforcement (ensuring legal dispensaries are in accordance with CLA 2018 and AGCO regulations and addressing illegal dispensaries by enforcing by-laws ie signs, property standard etc. No authority to close them down 	<ul style="list-style-type: none"> ▪ Sign Proactive – Hotspots across the City based on streets with recurring multiple violations and business signs repeatedly without permits ▪ Special Events Management - Attend Community Events/Festivals to educate and gain compliance with Licensing By-law ▪ Adult Entertainment Blitz – Body Rub Parlours, Adult Entertainment Venues, etc ▪ Trades (Schedule 29, locating unlicensed companies) 	<ul style="list-style-type: none"> ▪ Lottery Licensing ▪ Sign By-law (reactive only in rural areas as per City Council Aug 12/10) ▪ Street Vendors (e.g., flower vendors (Easter and Mother’s Day), concession stands, special events vendors)

Animal Services Team

<i>Top Priority – Proactive and Reactive Enforcement</i>	<i>Periodic Proactive Enforcement</i>	<i>Lower Priority and/or Reactive - Complaint Driven</i>
<p><u>Enforcement</u></p> <ul style="list-style-type: none"> ▪ Responsible Animal Ownership By-law ▪ Dog Licensing – expired licences ▪ Dog Licensing – new licence leads ▪ Feeding Wildlife By-law – rabies response and enforcement ▪ Dogs at Large – no owners present and actively running at large ▪ All bite complaints – Animal to Animal and Animal to Human ▪ Dangerous and Potentially Dangerous Dog Designations ▪ Dog Owners’ Liability Act (bites, attacks, pit bulls) <p><u>Non-Enforceable</u></p> <ul style="list-style-type: none"> ▪ Injured wildlife and domestic animals to ensure public safety ▪ Pick up and hold animals “Held In Trust” in cooperation with Hamilton Fire, Police and EMS ▪ Pick-up, hold and release bats for Public Health monitoring/testing for possible rabies transmission to people/animals ▪ Dogs in Hot Cars – in cooperation with Hamilton Police ▪ Coyote Sightings - Public Education 	<p><u>Enforcement</u></p> <ul style="list-style-type: none"> ▪ Park Patrols ▪ Leash Free patrols ▪ Pet store inspections – in cooperation with Licensing Officers for the business licences ▪ Dog Designation Inspections – to ensure compliance with the regulations ▪ Dog Licensing 	<p><u>Enforcement</u></p> <ul style="list-style-type: none"> ▪ Dog at Large – reports where the owner was present, or it occurred in the past ▪ New Licensing leads ▪ Dog off Leash ▪ Number of animals and prohibited animals ▪ Barking dogs (by complaint) ▪ Poop and scoop ▪ Park patrols ▪ Dangerous Dog designations ▪ Claiming animals impounded from the shelter (enforcement) ▪ Feeding Wildlife <p><u>Non-Enforceable</u></p> <ul style="list-style-type: none"> ▪ Trap Neuter Release – Community Cats ▪ Community events/meetings in cooperation with Public Health for rabies education. ▪ Wildlife Seminars in cooperation with a Licensed Wildlife Rehabilitator ▪ Picking up Deceased wildlife and domestic animals for disease prevention and public safety

Heritage Recognition Awards Proposed Nominations



Hamilton Municipal
Heritage Committee

Heritage Property Recognition Awards Nominations:

Presented to property owners demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage.

Hamilton Municipal Heritage Committee



**493 Dundas Street East, Waterdown, On.
Pearson House**



177 Sherman Avenue North, Hamilton, On.

The Playhouse Cinema



77 Creighton Road, Dundas, On.



92 Melville, Dundas, On.



96 Melville, Dundas, On.



1379 Concession Rd. 6 W., Flamborough, On



**1149 Westover Rd., Flamborough, On
Westover Baptist Church**



**183 James Street South, Hamilton, On
Wissnez Law**



105 Aberdeen Avenue, Hamilton, On



**254 Bay Street South, Hamilton, On
Maple Lawn**



1 Turner Avenue, Hamilton, On

Heritage Landscape Award Nominations:

Recognizing the efforts of an individual or team who has demonstrated an outstanding contribution to the conservation of Hamilton's cultural heritage landscapes

Hamilton Municipal Heritage Committee



**610 York Boulevard, Hamilton, On.
Dundurn National Historic Site**

Heritage Group/Society Award Nominations:

Presented to a heritage group, society or specialty team demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage and heritage landscapes.

Hamilton Municipal Heritage Committee

Canadian Headstone Project Team

(Team of Art French, (Art's Granddaughter), Laura Martin, Al and Shirley Rumbles, Ron Sinclair, Ann Charlton, Frank Britton and Jim McKane)

For the documentation of over 19,000 gravestones as an historic project – making history more accessible to more people and preserving these landmarks before they are lost to limestone deterioration.

www.canadianheadstones.com

Canadian
Headstone Photo
Project |
CanadianHeadstones.com



The Residents of 13 Inglewood Drive, Hamilton, On

For requesting designation and the development of a Heritage
Conservation Plan



Durand Neighbourhood Association

Established in 1972, the DNA has been an active group seeking the protection of their heritage and engagement between residents, developers and City officials.

In recognition of their many initiatives, including the Grand Durand Garden Tour, park restoration, support of St. Marks and many others within this historical neighbourhood

<http://www.durandna.com/>



Education in Heritage Award Nominations:

Recognizing the efforts of local historians and educators who have played a significant role in educating people on the conservation, restoration and preservation of Hamilton's built heritage or who have trained students in conservation, restoration and preservation best-practices.

Hamilton Municipal Heritage Committee

Rob Hamilton

Former Chair of the Hamilton Historical Board

Historian

Stephanie Lechniak

Founder of Haunted Hamilton

(Celebrating 20th Anniversary)

Ray Carroll

Founder of Vintage Hamilton

Historian

Barbara Murray

Former member of the Hamilton Municipal Heritage Committee

President - Local Chapter of the Architectural Conservancy of Ontario

Founding Organizer of Doors Open Hamilton

Member of The Beach Lighthouse Group and Head of the Lake Society

Making Heritage Accessible Award Nominations:

Presented to a heritage property owner demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage by making an inaccessible property accessible to all citizens of Hamilton.

Hamilton Municipal Heritage Committee



Provincial Offences Administration Building

(former Wentworth County Courthouse)

50 Main Street E., Hamilton, Ontario

Circa 1958, re-opened after renovations August 2018



Eva Rothwell Centre

(Former Robert Land Public School)

Circa 1914

460 Wentworth St. N.,
Hamilton, Ontario

School Closed in 2004

Re-opened as the Eva Rothwell
Centre in 2006

Sustainable Design in Heritage Award Nominations:

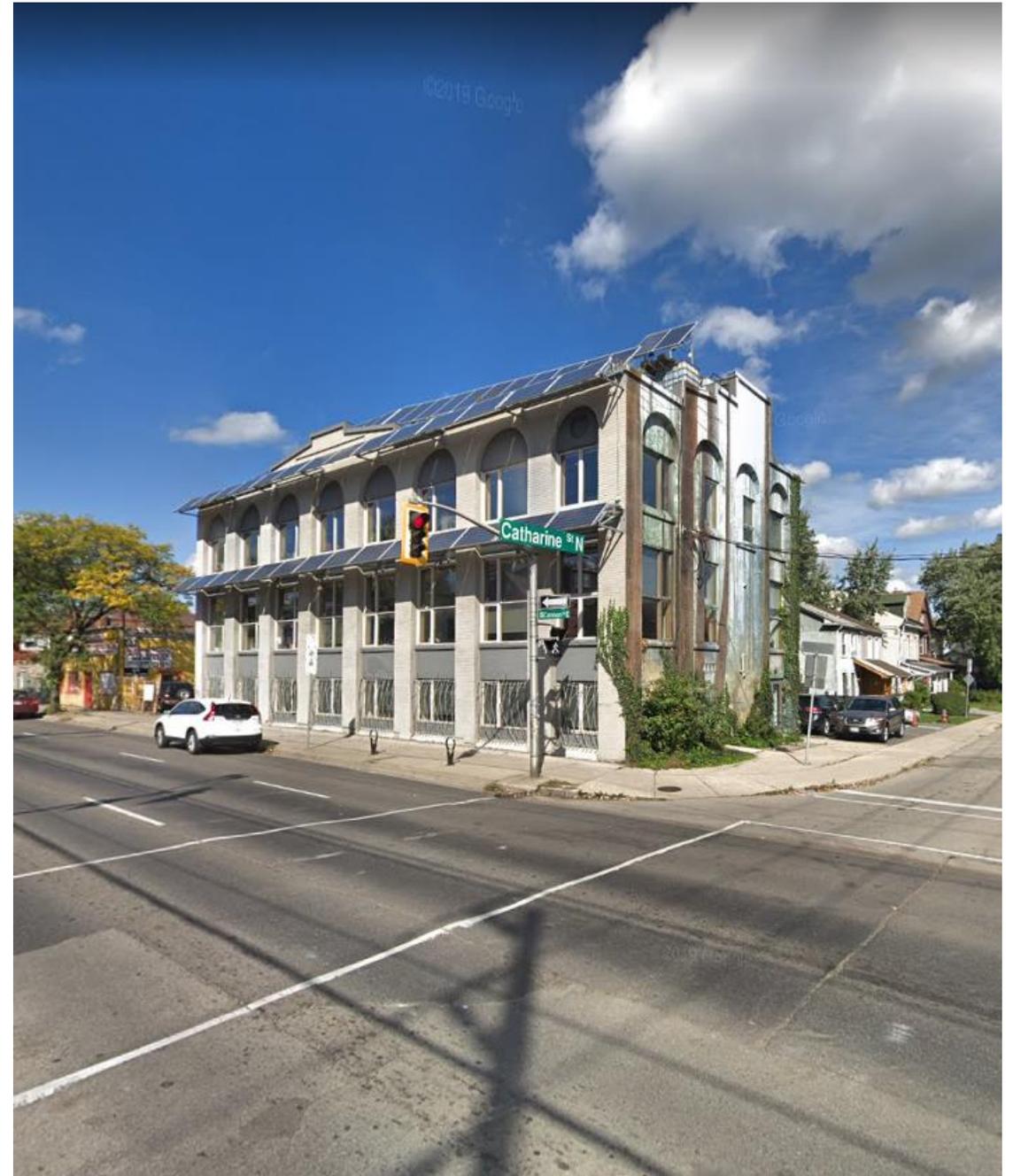
Presented to a heritage property owner demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage in a sustainable manner including energy conservation, and through the installation of sustainable features

Hamilton Municipal Heritage Committee

157 Catharine Street North, Hamilton, On

(Former Office of McCallum Sather Architects, formerly Davis Brothers Clothing Factory)

The building owner has worked to incorporate many sustainable features in order to make this former industrial building more efficient and environmentally responsible, including, but not limited to, solar hot water heating, eco-friendly landscape, energy efficient fixtures, green finishes, providing showers and access to the bike share program for staff, etc.



Adaptive Reuse of a Heritage Property Award Nominations:

Presented to a heritage property owner demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage through the adaptive re-use of a property

Hamilton Municipal Heritage Committee



Eva Rothwell Centre

(Former Robert Land Public School)

Circa 1914

460 Wentworth St. N.,
Hamilton, Ontario

School Closed in 2004

Re-opened as the Eva Rothwell
Centre in 2006

Heritage Property Developer Award Nominations:

Presented to a heritage property developer demonstrating an outstanding contribution to the conservation, restoration and preservation of Hamilton's built heritage.

Hamilton Municipal Heritage Committee



Developer:
James Street Residences Inc.

Project:
William Thomas Student Residences
48 James St. N., Hamilton, On

Developer:

**Valery Homes / Spallacci Homes
(Ted Valeri and Rudi Spallacci)**

Project:

**The Residences of the Royal Connaught
112 King Street East, Hamilton, On**





Developer:

Electric City Developments

**(Founder and Managing Partner,
Meir Dick, Managing Partner Ray
Hutton, and team)**

Project:

Westinghouse HQ

286 Sanford Avenue North,
Hamilton, On



Developer:

Core Urban Inc.

**(Steve Kulakowsky, Maureen
Sauve, Dave Sauve)**

Project:

The Alley

12 James Street North,
Hamilton, On

HMHC Heritage Recognition Awards Celebration Monday June 10th, 2019



Eva Rothwell Centre

(Former Robert Land Public School)

Circa 1914

460 Wentworth St. N.,
Hamilton, Ontario

Doors Open – 6:30 pm

Awards – 7:00 pm

Reception to follow



Hamilton Municipal Heritage Committee

Proposed Nominations for the 2018-19 Heritage Property Recognition Awards

CORRECTIONS, REVISIONS AND ADDITIONS

Based on discussions which took place at the April 18th, 2019 Meeting of the Hamilton Municipal Heritage Committee

- 1. For the Heritage Property Recognition Awards, add the following nomination:**

474 Wentworth St. N., Hamilton, On (St. David's Presbyterian Church)



- 2. For the Heritage Group, Society or Specialty Team Award, revise the list of team names to read as follows:**

Canadian Headstone Project Team

(Art French [Team leader], Frank Brittain, Claire Broderick, Ann Charlton, Jackie French, Laura Martin, Jim McKane, Al and Shirley Rumbles, Ron Sinclair)

- 3. For the Education in Heritage Award, revise the name to read as follows:**

Stephanie Dumbreck (Founder of Haunted Hamilton (Celebrating 20th Anniversary))

**RESIDENTIAL CARE
FACILITIES, GROUP HOMES
HUMAN RIGHTS AND THE ZONING
BY-LAWS WITHIN THE URBAN AREA
DISCUSSION PAPER**



Hamilton

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EXECUTIVE SUMMARY

The purpose of this Discussion Paper is to review the Zoning By-law regulations (e.g. radial separation distance, capacity) and definition of residential care facilities (RCF) within the urban area. Although this review was directed by City Council in response to a specific OMB hearing (Lynwood Charlton) and the Ontario Human Rights Commission (OHRC) concerns respecting Zoning By-law regulations for RCFs, the review will be used as input into the new residential zones for Zoning By-law No. 05-200.

This Report does not address other housing forms such as retirement homes, and emergency shelters, or affordable housing issues, etc.

What is a residential care facility?

A residential care facility (RCF) is a facility which accommodates residents in bedrooms with shared dining and common areas and there is 24 hour on-site support. The minimum capacity can range from 3 or 4 residents to a maximum of 50, depending on the location of the facility and the Zoning By-law in which it is located. This Discussion Paper will also review how counselling services are provided for those facilities which include a counselling use within their building.

Preliminary recommendations

Based on the review of the OHRC concerns, Zoning By-laws of other municipalities and the former City of Hamilton, a series of recommended changes to Zoning By-law No. 05-200 to create harmonized regulations for the urban area are proposed. Preliminary recommendations include:

Zoning By-law	Preliminary Recommendation
Definition	
Highlight -delete text <i>Italics</i> – add text	<u>amend the definition as follows:</u> Residential Care Facility Shall mean a group living arrangement, within a fully detached residential building occupied wholly by a

Zoning By-law	Preliminary Recommendation
	<p>minimum of four supervised residents and a maximum number of supervised residents as permitted by the zone, exclusive of staff, residing on the premises because of social, emotional, mental or physical handicaps or personal distress and which residential setting is developed for the well-being of its residents through <i>the provision of supports/services</i> of self-help, guidance, professional care and supervision not available within the resident's own family, or in an independent living situation or if:</p> <ul style="list-style-type: none"> a) The resident was referred to the facility by a hospital, court or government agency; or b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments. <p>A residential care facility shall include a children's residence and group home but shall not include an emergency shelter, lodging house, corrections residence or correctional facility.</p>
Capacity by Zone	
	<p><u>regulate both minimum and maximum capacity by zone as follows:</u></p>
	<p>Low Density Zones (single/semi-detached dwellings)</p> <p>Minimum capacity: 4 residents Maximum capacity: 6 residents</p>
	<p>Medium Density (including the Community Institutional (I2) Zone)</p> <p>Minimum capacity: 4 residents Maximum capacity: 24 residents</p>
	<p>High Density Zone (including the Commercial Mixed Use High Density Zone)</p>

Zoning By-law	Preliminary Recommendation
	Minimum capacity: 15 residents Maximum capacity: none
Radial Separation Distance and Moratorium Area	
	<u>Delete both</u>
Counselling Services	
	Permit counselling services (i.e. social service establishment) in conjunction with a RCF in a Major Institutional (I3), Transit Oriented Corridor-Mixed Use Medium Zone (TOC1) and the Mixed Use Medium Density (C5) Zones.

Consultation on these proposed changes will be undertaken as part of the residential zones public engagement events/processes.

1.0 Introduction

The availability of housing to accommodate the needs of all citizens, regardless of economic, social or physical circumstances, has been a focus of all levels of governments for decades. Municipalities have a role to play to ensure the housing continuum is available throughout the City. Land use planning policy and regulations provide the locational criteria and permissions for different housing forms (e.g. single detached to multiple dwellings) and housing models (e.g. residential care facility, lodging house, emergency shelter, etc.).

In recent years, the Ontario Human Rights Commission (OHRC) has become more aware and involved in reviewing zoning regulations for group homes and residential care facilities (RCFs). In particular, the OHRC is concerned with the definition of these uses and zoning requirements for radial separation distance (RSD) between these uses. Planning decisions and recommendations must consider the impact of the form and function of the land use and not the individuals which occupy the building/structure. The OHRC has provided correspondence to the City of Hamilton on three occasions, since 2012, to explain that a planning decision cannot marginalize or target a protected group under the *Ontario Human Rights Code (the Code)*. Their interest in this issue was piqued by a rezoning application for a residential care facility in 2011.

As a result of this correspondence from OHRC, the ongoing work to harmonize the former municipal Zoning By-laws and the Ontario Municipal Board decision related to the Lynwood Charlton residential care facility in downtown Hamilton, Planning staff were directed to undertake a review of policy and best practices for residential care facilities and provide some options for changes to the Zoning By-laws.

In addition, staff is preparing new Zoning By-law regulations and definitions for the urban residential areas for inclusion in Zoning By-law No. 05-200.

2. Purpose and Structure of the Report

Over the past several decades, housing forms/models to accommodate vulnerable people have expanded and evolved. There are different models that exist today commonly referred to as *housing with supports*. The more common models include:

- residential care facilities that accommodate residents in bedrooms with shared dining and common areas; there is 24 hour on site support; and,
- apartment units with individual kitchens and bathrooms and may have on-site dining facilities. Residents are provided support, on an as needed basis, either through home visits or off site supports.

The purpose of this Report is to address Zoning By-law regulations for and the definition of residential care facilities; in particular, radial separation distances, range of uses within an RCF and facility capacities. It does not review other uses such as emergency shelters, and corrections residences since these regulations/uses have not been raised as an issue.

The structure of the report includes:

- The history of the Council Direction;
- The role and history of OHRC as it relates to RCFs;
- The evolution of planning policy and Zoning By-law regulations in Hamilton for RCFs/group homes;
- Current planning policies and regulations in Hamilton;
- Provincial and Municipal Housing Strategies and Requirements;
- Review of other municipal Zoning By-law regulations; and,
- Options for changes to the Zoning By-law regulations.

This Discussion Paper does not address any financial matters for RCFs (e.g. subsidies), municipal licensing requirements or other housing issues (e.g. accessory apartments). These matters, if and when they are reviewed, would be a separate process.

3.0 Background

3.1 Official Plans/Zoning By-laws in Hamilton

Official Plans and Zoning By-laws have a role in regulating the location and size of RCF's in Hamilton.

The Urban Hamilton and Rural Hamilton Official Plans permit a small scale RCF to locate within many designations subject to the Zoning By-law.

Each of the former municipalities had their own Zoning By-laws which define and regulate RCFs. Zoning By-law No. 05-200 is the new Zoning By-law that implements the Official Plans and will apply to all lands within the City of Hamilton. At the time of writing this Discussion Paper, the definition and regulations for RCFs which are included in 05-200 apply to: Hamilton Downtown, the rural area, lands along the Light Rapid Transit (LRT) Corridor, Commercial Mixed Use areas and Institutional zones. Planning staff are preparing new zones for the residential areas (2020).

Section 6 and associated Appendices of this Paper describes the current planning policies and Zoning By-law regulations.

3.2 Council Direction - Lynwood Charlton Centre Ontario Municipal Board (OMB) Decision

The Lynwood Charlton Centre applied for a rezoning to Zoning By-law No. No. 6593 (File No: ZAR-11-034) to allow the Centre to move and consolidate a RCF with their day treatment centre for young girls (8 beds) at 121 Augusta Street, a building the organization owned. Initially, staff recommended and City Council approved a denial of the application on the basis that it did not meet the radial separation distance and would result in an over-concentration of RCFs in the neighbourhood. Staff were directed to work with the Lynwood Charlton Centre to find an alternate, appropriate location for the use. The criteria established by Lynwood Charlton Centre for finding a suitable location revealed that the intent of the use was beyond what is contemplated by the definition of a RCF in Hamilton Zoning By-law No. 6593. Zoning By-law No. 6593 defines a Residential Care Facility as:

“Residential Care Facility” means a group living arrangement, within a fully detached residential building occupied wholly by a minimum of four supervised residents and a maximum number of supervised residents, as permitted by the district, exclusive of staff, residing on the premises because of social, emotional, mental or physical handicaps, or problems or personal distress that is developed for the well-being of its residents through the provision of self-help, guidance, professional care, and supervision not available in the resident’s own family, or in an independent living situation or if:

- (i) *The resident was referred to the facility by hospital, court, or government agency; or,*
- (ii) *The facility is licensed, funded, approved, or has a contract or agreement with the federal, provincial, or municipal governments.*

A residential care facility is not considered as an emergency shelter, lodging house, corrections residence, corrections facility, or retirement home."

Staff Report PED12002(a) indicated that the proposal did not meet the criteria that a RCF be "within a fully detached residential building". When combining the residential component of the proposal with social services, provided for both the residents and the community, the proposal should be evaluated as a comprehensive institutional facility and not a RCF. Therefore, the denial was not based on the radial separation distance requirement but the appropriateness of a comprehensive institutional facility within a residential neighbourhood.

Council's decision was appealed by the applicant to the OMB. The OHRC requested status at the OMB to support the Lynwood Charlton Centre, citing the decision was in contravention of *the Code* by targeting a group protected by the Code. The OMB ruled that the Zoning By-law Amendment be approved.

Legal services presented a Report (LS13031) to the September 4, 2013 Planning Committee on the results of the OMB hearing. Following discussion on the matter, Planning Committee approved the following recommendation:

- (b) That staff be directed to report to the Planning Committee with a comprehensive review of residential care facilities in the context of the Provincial Policy, as it relates to special needs, and the Human Rights code. (Item 12.3)

The full OMB decision has been included as Appendix A.

4.0 Ontario Human Rights Code/Commission And The Charter Of Rights And Freedoms

The *Ontario Human Rights Code (Code)* is a Provincial law that gives everybody equal rights and opportunities without discrimination in specific social areas such as jobs, housing, services, facilities, and contracts or agreements.

The *Code's* goal is to prevent discrimination and harassment because of race, sex, disability, and age, to name a few of the 17 grounds. All other Ontario laws must agree with the *Code*.

The OHRC is one part of Ontario's system for human rights, alongside the Human Rights Tribunal of Ontario (HRTO) and the Human Rights Legal Support Centre (HRLSC). They are guided by the *Code* in all their work.

The OHRC plays an important role in preventing discrimination and promoting and advancing human rights in Ontario. The OHRC:

- Develops public policy on human rights;
- Actively promotes a culture of human rights in the province;
- Conducts public inquiries;
- Intervenes in proceedings at the Human Rights Tribunal of Ontario (HRTO);
- Initiates its own applications (formerly called 'complaints');
- Engages in proactive measures to prevent discrimination using public education, policy development, research and analysis; and,
- Brings people and communities together to help resolve issues of "tension and conflict".

In addition, the OHRC has the power to monitor and report on anything related to the state of human rights in the Province of Ontario. This authority includes reviewing legislation and policies for consistency with the intent of the *Code*.

The OHRC is focusing on overcoming discriminatory barriers to housing for vulnerable people who are protected under the grounds of the *Code*. The Commission is concerned with planning decisions that are based on people, instead of on land use and other legitimate planning principles. Municipalities must consider the needs of everyone when enacting a by-law and show sufficient planning analysis has been undertaken to demonstrate that the by-law was established in good faith, was reasonable, and that real and substantial efforts were made to accommodate the needs or persons who were adversely affected.

In addition to the *Code*, the Canadian Charter of Rights and Freedoms addresses discrimination:

Section 15(1) of the Charter:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

4.1 Ontario Human Rights Commission and Other Municipalities

Between 2011 and 2014, the Dream Team, a group of individuals fighting for equality in mental health, lodged complaints with the OHRC over zoning definitions and separation distance regulations in Toronto, Smith's Falls, Sarnia and Kitchener's Zoning By-laws. The intent was to choose four municipalities throughout Ontario to demonstrate the discrimination issue across the Province. Since the complaints were lodged, each of these municipalities have taken steps to review and amend their Zoning By-law requirements to eliminate any form of discrimination and "people zoning" as it relates to RCFs and group homes. In addition, other municipalities (e.g. Markham) have taken steps to amend their zoning to remove descriptive wording and separation requirements in light of these complaints. More information regarding the changes is included in Section 9.0.

4.2 Ontario Human Rights Commission and the City of Hamilton

Barbara Hall, former Chief Commissioner, OHRC, had sent correspondence to the Mayor and Council with respect to the impact of municipal By-laws on groups protected under the *Code*. Two of the letters refer to issues respecting student housing and lodging homes in Oshawa.

The third letter, dated January 24, 2012 notes concern regarding human rights implications of the re-zoning application by the Lynwood Charlton Centre. The letter stems from the Hamilton staff's original recommendation to deny the Lynwood Charlton application based on the separation distance noting that it is creating barriers for people with mental health issues. Hamilton was urged to consider the human rights impacts of the application.

In a letter dated February 2015 (Appendix "B"), OHRC identifies that some municipalities have removed the radial separation distances from their Zoning By-law and encourages other municipalities to do the same.

5.0 History of Land Use Planning

Summarized below is the historical context of this matter. Appendix "C" contains a more detailed description.

5.1 Provincial Directions

In the 1970s, the Province developed an alternative approach for housing and care of people requiring support which could not be provided by a family member. Historically, people who required daily care lived in institutions. The Province believed they would lead more productive lives when they were integrated into neighbourhood setting/housing with appropriate amount of supervision and support. RCFs and group homes were located within communities to provide a residential living environment for small groups of people coupled with supervision, professional counselling, and other support services to help residents meet their educational, employment, and social goals.

5.2 Area Municipal Directions

5.2.1 Hamilton

In 1981, in response to new housing models, the City of Hamilton introduced By-Law No. 81-27, which defined and established zoning regulations for RCFs, short-term care facilities (emergency shelters), and lodging houses. The by-law introduced minimum and maximum capacities of residential care facilities by specific zoning district and a 180 metre distance separation between properties containing a RCF and short term care facility. A RCF accommodated 4 or more residents; any facility that had 3 or less residents was considered as a single detached dwelling which allowed 3 lodgers.

A summary of the current Zoning By-law regulations are described in Appendix "F".

5.2.2 Other Area municipalities

Throughout the 1980s and 1990s, Dundas, Flamborough, Glanbrook and Stoney Creek also defined RCFs but used different terms (i.e. group homes) and established their own separation requirements in their former Zoning By-laws (still in force and effect). Appendix "F" contains a comparison of these regulations .

5.2.3 2000 Review of Residential Care Facilities, Short Term Care Facilities, Long Term Care Facilities and Correctional Facilities (Zoning By-Law No. 6593)

In 2000/2001, Staff reviewed the Zoning By-law regulations in Zoning By-law No. No. 6593 for residential care facilities, short term care facilities, long term care facilities and correctional facilities for the former City of Hamilton. The purpose of the study was:

- To review the social and land use planning history;
- To review the current land use planning policy framework for the City of Hamilton and area municipalities;
- To identify key issues and concerns;
- To identify a number of options to address these concerns; and,
- To identify the Preliminary Recommendations and strategies.

In June 2000, staff presented options to consider changes to the Zoning By-law No. No. 6593 respecting residential care facilities, long term care facilities and correctional facilities. The Committee directed staff to undertake a public participation program to gain input on the proposed recommendations.

Staff met with a number of different groups – service providers, neighbourhood groups, government agencies and the Business Improvement Areas (BIAs) to gauge their reaction and concerns with the proposed recommendations. Following these discussions, a second report was prepared with recommendations on changes to the Zoning By-law No. No. 6593. It was also further expanded to include hostels.

The May 2001 Discussion Paper titled "Residential Care Facilities, Long Term Care Facilities, Correctional Facilities and Hostels Discussion Paper No. 2 (Final Recommendations)" provided information and direction to update the current by-law standards from the 1981 by-law in a manner that balances the provision of a variety of housing types and size, the support for community integration of these facilities, and the impact of these facilities on the community. The Hearings Sub-Committee and City Council supported the following changes to Zoning By-law No. No. 6593:

- Redefine short term care facilities and hostels to emergency shelters and add new definitions for retirement homes, correctional facilities;
- add RCFs to the "B" (Suburban Agriculture and Residential, etc.) District;
- increase the radial separation distance between all facilities from 180m to 300m; and,
- add two moratorium areas (within the area bounded by Queen Street, Hunter Street, James Street and Main Street and Wellington Street East, King Street East, Sherman Avenue South, and the railway tracks). This moratorium recognized areas of high concentrations of RCFs and emergency shelters.

Other municipal zoning by-laws remained as is since these changes were underway prior to amalgamation.

6.0 Provincial and Municipal Housing Strategies

6.1 10-Year Housing and Homelessness Action Plan

Hamilton's 10-Year Housing and Homelessness Action Plan (HHAP), adopted December 2013, guides decision making on how the Hamilton community addresses affordable housing and homelessness issues. Housing with supports, which includes residential care facilities, is one of five outcome areas of the HHAP, indicating that it is a key component of meeting the housing needs of Hamilton's citizens. More specifically, Strategy 3.1 of the HHAP is to expand options for housing with supports. The five-year review of the HHAP is underway with Council approval of the revised plan expected in the fall of 2019.

6.2 Long Term Affordable Housing Strategy Update

On March 14, 2016 the Province released an update of Ontario's Long-Term Affordable Housing Strategy. The updated Strategy is a comprehensive and ambitious plan that recognizes the interconnectedness of the Strategy with other provincial goals and plans such as ending homelessness, poverty reduction, improving mental health and improving addiction services. It has the potential to transform Ontario's housing¹ system, including residential care facilities.

Ontario's housing system includes supportive housing, one aspect of which is residential care facilities. Supportive housing is also referred to as housing with supports. It helps Ontarians with complex needs: seniors, people with physical and/or mental health issues, substance abuse issues, survivors of domestic violence, at-risk youth, and others. It encompasses all housing-related non-financial supports, such as 24 hour on-site supervision, to minimal medical supports provided in the home, encompassing both social services and health services. Residential care facilities are only one of a number of models through which housing supports are provided.

Many Hamilton residents have high supportive housing needs that are not being met in the current system. The support needs for tenants of social

¹ Affordable housing in this context is a broad term that encompasses the whole of the housing continuum from emergency shelters through to affordable home ownership.

housing as well as the need for low end of market housing have increased substantially in the last 20 years. An increase in the need for supports as the population continues to age is expected. To meet their needs, an overhaul of the system and additional investment is needed.

As part of the Long Term Affordable Housing Strategy Update, the Province has committed to transforming the housing with supports system, developing a Supportive Housing Policy Framework to guide provincial and local program improvements, as well as a Best Practice Guide. The goal is an evidence-based, best practice supportive housing system with a focus on supporting independence and recovery. This work has already begun, starting with modernization of the Homes for Special Care Program. Other components are expected to take place within the next two years. Additionally, the Province has committed to new capital funding that will support the construction of up to 1,500 new supportive housing units.

The Supportive Housing Policy Framework will better co-ordinate the current inconsistent supportive housing programs across sectors and ministries. The development of the framework will engage key stakeholders, and prioritize youth, Indigenous peoples, chronic homelessness, and homelessness as a result of transitions from provincially-funded institutions and service systems (i.e. jails and hospitals).

The Province has stated that the changes to the supportive housing system will be transformational, as are many other changes committed to in the Long Term Affordable Housing Strategy. Since the Province has begun to aggressively implement housing system changes, including modernization of the Homes for Special Care Program, it is expected that it will shortly initiate other supportive housing system changes. The Housing Services Division is closely monitoring the provincial work and will implement the provincial changes.

6.3 Residential Care Facilities and the Domiciliary Hostel Program in Hamilton

Many of Hamilton`s residential care facilities participate in the Domiciliary Hostel Program. They provide congregate living, sometimes with private rooms, and sometimes with shared rooms. The Program in Hamilton subsidizes the cost of accommodation, meals, supervision and assistance

with activities of daily living for an average of 765 residents who live in 54 residential care facilities. Residents contribute to the cost of the service according to their ability to pay and the City subsidizes the balance of the cost with the help of provincial funding.

The housing with supports system, including residential care facilities, is facing challenges to meet people`s needs. Many residential care facilities have historically operated under a congregate living and custodial care model, but there is increasing evidence that a more client-centred and empowering model can increase client independence and self-reliance.

One recent example of this approach is Indwell's new Strathearne Suites project. Strathearne Suites provides new permanent supported housing and is also a community hub. It is a collaboration with and receives support from St. Joseph's Healthcare and the Hamilton Niagara Haldimand Brant Local Health Integration Network. Tenants live independently in small studio apartments and can access on-site supports as needed. Supports include a nurse, a counsellor, and food and housing support workers, as well as 24-hour on-call support and a nightly meal. Apartments are small but include bathroom facilities as well as basic kitchens. There is also a community lounge and community kitchen available to tenants.

While there will always be a need for the congregate living model of the traditional residential care facility, new facilities tend to follow a model similar to Strathearne Suites with complete independent apartment units and varying levels of supports provided to tenants as needed, sometimes on-site and sometimes provided by outside agencies. Housing with supports options are needed at varying scales. The new housing supports models are more fluid and variable than the traditional residential care facility. More options for housing with supports are being conceived and developed.

Given the aging population and the consequent increasing need for housing with supports, the move towards aging in place, provincial government policy changes such as deinstitutionalization, and community responses to the increasing need, it is important that the planning system facilitate the provision of housing with supports.

The RCF subsidy program will be undergoing a review.

7.0 Current Land Use Planning Policies

7.1 Provincial Policies

7.1.1 Provincial Policy Statement (2014)

Section 1 of the PPS, 2014 – Building Strong Healthy Communities – states that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, institutional, recreation, park and open space, and other uses to meet long-term needs.

More specifically, Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet the social, health and well-being requirements of current and future residents , including special needs (Policy 1.4.3 b) 1.). The PPS also requires municipalities to establish minimum targets for the provision of housing for low and moderate incomes households (Policy 1.4.3 a).

When the Provincial Policy Statement (PPS) was revised in April 2014, a new policy was included in the “Implementation and Interpretation” Section.

Policy 4.6 states: “This Provincial Policy Statement shall be implemented in a manner that is consistent with the Ontario *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.” This statement was added to the PPS as part of the review and update in 2014. The statement helps to solidify the Province’s commitment to the *Human Rights Code* and the *Canadian Charter of Rights and Freedoms* in planning matters.

Further detail on Provincial Policy is contained in Appendix “C”.

7.1.2 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

2017 Growth Plan

The Growth Plan does not specifically address special needs housing. However it contains similar policies to the PPS that requires a municipality, though the completion of a Housing Strategy, to identify affordable housing for current and future populations.

Policy 2.6.6.1 a) i) supports the achievement of the minimum intensification and density targets in this Plan, as well as other policies of this Plan by: identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected need of current and future residents.

Amendment No. 1 to the Growth Plan

On January 2019, the province introduced Amendment No. 1 which proposes to remove the need to complete a Housing Strategy. However, the requirement to identify and plan for a diverse range and mix of housing remains.

7.2 Municipal Planning Policy

Official Plan policies are attached as Appendix "D".

7.2.1 Urban Hamilton Official Plan

The Housing Policies of the Urban Hamilton Official Plan ensure that housing is available for all residents with a wide variety of needs. In order to do so, there must be a sufficient supply of housing with a range of housing types, forms, tenures, densities, affordability levels and housing with support services. Sections 3.2.1 - Urban Housing Goals and 3.2.4 – General Policies for Housing – provide direction for a range of housing to meet the needs of the population, including housing with supports.

Housing with Supports: means public, private or non-profit owned housing with some form of support component, beyond economic support, intended for people who need support services to live independently in the community, where providers receive funding for support services.

The tenure may be long term. Housing with supports includes special needs housing as defined by the Provincial Policy Statement (2005).

In addition, small scale residential care facilities are permitted in the Neighbourhoods, Institutional, and Commercial Mixed Uses designations in accordance with the Zoning By-law (Policy C. 3.2.2.c).

7.3 Hamilton Zoning By-law Definitions and Regulations

There are seven Zoning By-laws in Hamilton and six of which allow these facilities in certain areas. Ancaster’s Zoning By-law does not permit the use. Detailed zoning requirements and definitions from the existing Zoning By-laws are contained in Appendix “F”.

7.3.1 Zoning By-law No. 05-200

Zoning By-law No. 05-200 has been developed over a 13 year period. At each stage of the Zoning By-law (except industrial) residential care facilities have been incorporated into the zones.

The definition, radial separation distance and the capacities for the urban area were based on the completion of the “Residential Care Facilities, Long Term Care Facilities and Correctional Facilities Discussion Paper” in 2000 and 2001 (see Section 5.2.3). This paper and the subsequent changes to Hamilton Zoning By-law No. 6593 were focused on the urban area only.

The following chart identifies the zones in Zoning By-law No. 05-200 which permit a RCF and the associated capacities.

Zone	Capacity
<i>Downtown Zones</i>	
Downtown Mixed Use (D3) Zone	20
Downtown Local Commercial Use (D4) Zone	20
Downtown Residential (D5) Zone	6
Downtown Multiple Residential (D6) Zone	6
<i>Institutional Zones</i>	
Neighbourhood Institutional (I1) Zone	15
Community Institutional (I2) Zone	50
Major Institutional (I3) Zone	50

Zone	Capacity
<i>Commercial and Mixed Use Zones</i>	
Residential Character Commercial (C1) Zone	6
Mixed Use High Density (C4) Zone	50
Mixed Use Medium Density (C5) Zone	50
<i>Transit Oriented Corridor Zones</i>	
<i>Transit Oriented Corridor – Mixed Use Medium Density (TOC1)</i>	20
<i>Transit Oriented Corridor – Multiple Residential (TOC3)</i>	20
<i>Rural Zones</i>	
Agricultural (A1) Zone	10
Rural (A2) Zone	10
Settlement Residential (S1) zone	6

7.3.2 Ancaster, Dundas, Flamborough, Glanbrook, Hamilton and Stoney Creek Zoning By-laws

Each Zoning By-law defines and regulates residential care facilities differently. Appendix “F” provides a comparison of the definitions and regulations.

There are various approaches:

- Various definitions are used to describe the same use: residential care facility (05-200, Hamilton, and Stoney Creek) and group home (Dundas, Flamborough, Glanbrook and Stoney Creek);
- Some municipalities include the minimum capacity within the definition (05-200, Dundas, Hamilton, Stoney Creek, etc.) and other municipalities include both a minimum and maximum capacity within the definitions (Flamborough and Glanbrook); and,
- Some municipalities have a set of regulations for residential care facilities (capacity, radial separation distance, parking) in the general

provisions of the by-law (Flamborough and Stoney Creek) whereas other municipalities include the regulations in each zone where a residential care facility is permitted (05-200, Dundas, Glanbrook and Hamilton).

The Table below identifies, by former municipal Zoning By-law, where the use is permitted and the associated regulations.

<i>Municipality</i>	<i>Definition</i>	<i>Capacity (# of residents)</i>	<i>Radial separation distance between RCF and other uses</i>	<i>Zones permitted</i>	<i>Other restrictions</i>
Dundas	Group Home	No minimum; maximum 6	275 m	Low Density Residential (R4) Zone Residential/ Commercial Conversion (R.C.C.) Zone	Only in a fully detached building
Flamborough	Group Home	Minimum 3 Maximum 10 Included in the definition	350 m	Any zone except industrial	Floor area per resident In a single detached dwelling only
Glanbrook	Group Home	Minimum 3 Maximum 6	1.6 km	Residential Multiple "RM1" Zone	Only in a fully detached building
Hamilton	Residential Care Facility	Minimum 4 Maximum 6-50 depending on the zone	300 m	In all residential and commercial districts	Only in a wholly detached dwelling

<i>Municipality</i>	<i>Definition</i>	<i>Capacity (# of residents)</i>	<i>Radial separation distance between RCF and other uses</i>	<i>Zones permitted</i>	<i>Other restrictions</i>
Stoney Creek	Residential Care Facility Group home	No minimum; maximum 6	800 m	Single Residential "R1 to R4" Zones – Residential Zones "R-5" and "R-6" Multiple Residential "RM-1" Zone	Only in a fully detached building Any residential zones that allows a single detached, semi-detached, duplex or triplex, that residential building could be converted to a residential care facility or group home.

In addition, Zoning By-law Nos. 05-200 and 6593 contain two moratorium areas that prohibit additional RCFs and emergency shelters from locating within these areas. They are:

- Queen Street South, Hunter Street West, James Street South and Main Street West; and,
- Wellington Street South, Railway tracks, Sherman Avenue South and King Street East.

8.0 Other Municipal Requirements

8.1 City of Hamilton Licensing Requirements

In the City of Hamilton, licenses are issued for facilities regulated under Schedule 20, including Residential Care Facilities, by the Licensing Section of the Planning and Economic Development Department. Schedule 20 states that a "residential care facility means a residential complex that is occupied or intended to be occupied by four or more persons for the purpose of receiving care services, whether or not receiving the services is the primary purpose of the occupancy, and the term "facility" has a corresponding meaning; .

Schedule 20 includes provisions to:

- require a premises plan to be submitted to the Issuer of Licences;
- clarify enforcement jurisdiction of Public Health/Municipal Law Enforcement;
- provide for a re-inspection fee to encourage compliance;
- provide for a more accessible/formalized complaint process;
- provide for an enhanced physicians assessment;
- require operators to provide locks on bedrooms;
- prohibit secure/locked units to contain tenants who tend to wander;
- require a unit-dose medication dispensing system; and,
- require operators to provide secure storage for each tenant.

Not all RCFs are licenced by the City. Some facilities, for children for example, are regulated by the Province.

Staff have identified that the differences in definition between the applicable Zoning By-laws and Schedule 20 is problematic, mainly because there are multiple definitions. To align the documents, staff will be proposing a future amendment to Schedule 20 to implement the same definition for a Residential Care Facility as established by Zoning By-law No. 05-200.

At the present time, there are 82 City licences; the majority of the facilities are larger than 11 residents. There are 4 pending licences – only one facility is less than 11 residents.

8.2 Ontario Building Code

All facilities are required to meet the Ontario Building Code (OBC) requirements. For smaller facilities in single detached homes, various sections of the OBC would apply.

8.3 Parkland Dedication

RCFs are assessed based on 5% of their land value. Depending on the size of the facility, it is considered as a residential use (e.g. single detached dwelling) or an institutional use. Regardless, the Parkland Dedication would be the same amount as the primary use.

In the last 5 years, the City has processed four parkland dedication applications for three new facilities and one expansion.

8.4 Development Charges (DC) By-law

Under the 2014 DC By-law, depending on the size of the RCF, it would be considered as residential facility or an institutional use.

9.0 REVIEW OF OTHER MUNICIPAL ZONING BY-LAW REGULATIONS AND DEFINITIONS

There are many different definitions and regulations used across municipalities throughout Ontario to describe a *residential care facility*. It is a municipal preference as to what term is used and the regulations are based on the history and experiences of each of the municipalities.

Appendix "G" contains the various definitions and regulations of surveyed municipalities. Appendix "G1" has a more detailed description of the municipalities that were pursued by OHRC.

9.1 Review of Other Municipalities Pursued by OHRC

Between 2011 and 2014, the Dream Team, a group of individuals fighting for equality in mental health, lodged complaints with the OHRC over zoning definitions and separation distance regulations in Toronto, Smith's Falls, Sarnia and Kitchener's Zoning By-laws. The intent was to choose four municipalities throughout Ontario to demonstrate the discriminatory wording and practices across the Province to fight this issue in a ground-breaking case at the Human Rights Tribunal of Ontario. The Dream Team asked the Tribunal to strike down long-standing By-laws that limit the location of

housing for people with disabilities in Toronto, Smith's Falls, Kitchener and Sarnia. The City of Sarnia has responded by removing certain parts of their by-law. The other cities decided to fight the Dream Team at the Tribunal.

In 2014, Toronto and Smiths Falls removed minimum separation distance (MSD) and other zoning restrictions for group homes, as part of human rights settlements with the Dream Team. This change follows similar moves by Sarnia in 2011 and Kitchener in 2012. In each case, there was no planning justification for MSDs.

9.2 Review of Other Similar municipalities

As a result of the OHRC complaints, several municipalities recognized their human rights obligations by preventing or removing zoning, licensing and other barriers to housing and services that are needed by *Code*-identified groups, while other municipalities continue to maintain their separation requirements.

As part of this discussion paper, Staff contacted several other municipalities to gain a better understanding of how they are handling separation distances. A comparison of the municipalities is included in Appendix "F".

A summary of these Zoning By-laws is highlighted below:

9.2.1 City of St Catharines

In December 2013, the City of St. Catharines adopted a new Comprehensive Zoning By-law. The new By-law removed the minimum separation requirement which was previously in place since they determined it was discriminatory based on Ontario Human Rights. The new Zoning By-law also redefined group homes as "Special Needs Housing" which is now permitted in all dwelling types in all zones that permit a residential use.

9.2.2 City of Burlington

The City of Burlington continues to maintain a separation distance of 400m for group homes of 6 or more residents. It was noted by City of Burlington staff that most of the facilities in Burlington have less than 6 residents and therefore they do not need special zoning or regulatory steps.

9.2.3 Town of Milton

The Town of Milton maintains a 500m minimum separation distance for group homes that was implemented in 2002. There are also locational and number of occupant requirements associated with group homes. There is no plan to amend these zoning requirements at this time.

9.2.4 City of Windsor

In September 2016, Windsor removed the minimum distance separation via a housekeeping amendment. There was no discussion on the matter of group homes at the public meeting or at Council. The definitions remain the same.

9.3 Summary

In summary, 6 of the 8 municipalities have determined that minimum separation distances are not appropriate for group homes or residential care facilities with less than 10 residents. Even municipalities that have not received a complaint have taken steps to remove discriminatory language from their zoning by-law. Generally, it appears that facilities with more than 10 residents would be considered an institutional use and permitted within the appropriate institutional zone. In some other municipalities the radial separation distance has remained.

10.0 ANALYSIS OF ISSUES

As noted in previous sections of the Discussion Paper, there is a long planning history related to residential care facilities. Over the past several years, circumstances have arisen that make it necessary for the regulations to be reviewed. The circumstances include the Lynwood Charlton OMB decision and the challenges from the OHRC, the shift away from congregate living to small apartment units with on-site supports and the inconsistent Zoning By-law regulations for RCFs in the former Zoning By-laws.

There are a number of Zoning By-law regulations that have been reviewed. They include:

- The definition of RCF;

- Capacity of RCFs by Zone category;
- Radial separation distance; and,
- External counselling services within an RCF.

Appendices "H" to "H3" include a series of different options for the Zoning By-law requirements. The report contains the preferred approach and the analysis for that choice.

Any changes as a result of this Review will also be incorporated into the existing zones within Zoning By-law No. 05-200.

10.1. Definition

The existing zoning definitions vary between the former municipalities. Most definitions are similar in scope but use different nomenclature (e.g. group homes or RCFs.) Some definitions are more prescriptive (e.g. includes the number of residents permitted, the health concern that may require them to live in an RCF) than others.

The intent of the definition should describe the living arrangement, identify the need for on-site supervision, recognition of funding arrangements and establish a minimum number of residents that would be considered as an RCF.

The definition should also establish the use has to be within a wholly detached building; no other use can be incorporated within or attached to the building (i.e. multiple dwellings, townhouses, semi-detached dwellings, families, etc.).

Three options were considered:

- Option 1: Apply the existing definition in Zoning By-law No. 05-200 to all new residential zones.
- Option 2: Amend the definition in Zoning By-law No. 05-200 to remove references to why someone resides in a facility.
- Option 3: Amend the definition to remove references to the number of residents and to why someone is living in a facility.

The rationale of each option is contained in Appendix "H".

Preliminary Recommendation

The preliminary recommendation is Option 3 which is to amend the definition to remove references to the number of residents, why people live in the facility and to generalize the provision of supports and services.

The proposed definition is:

“Residential Care Facility shall mean a group living arrangement, within a fully detached residential building occupied wholly by supervised residents, exclusive of staff, residing on the premises and which residential setting is developed for the well-being of its residents through the provision of supports/services or if:

- a) The resident was referred to the facility by a hospital, court or government agency; or
- b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments.

A residential care facility shall not include an emergency shelter, lodging house, corrections residence or correctional facility.

This proposed definition removes the regulations within the definition and places them within the zone as well as remove any reference to the disability or characteristics of a person living in a facility. It would address the Human Rights issue allowing people to choose where they live without being identified as needing care.”

10.2 Location and Capacity of RCFs

RCF regulations have evolved over a period of 40 years. Five of the six former municipalities have regulations for this use as well as identifying which zones permit the use. (refer to Section 5.3)

Currently Zoning By-law No. 05-200 permits RCFs, with varying maximum capacities per zone. RCFs are permitted in 3 Downtown Zones, 2 Commercial and Mixed Use Zones, 2 Transit Oriented Corridor, 4 Rural Zones and all Institutional Zones. The urban zones have a radial separation distance of 300m and there is no separation distance in the rural zones. These zones apply on a city wide basis. For example, in Ancaster or Stoney Creek, any site that is zoned I1, I2 or I3 permits a residential care facility with a certain capacity and radial separation distance of 300 m.

Over the next several years the residential zoning will be put in place for the entire urban area; RCFs will be permitted throughout and capacity of the facilities will be depending on low, medium and high density areas.

Eight options were considered:

- Option 1: Minimum and Maximum Capacity (By-law format)
 - Option 1a: Establish the minimum and maximum capacities within the definition.
 - Option 1b: Establish the minimum capacity in the definition and the maximum capacities within the individual Zones.
 - Option 1c: Minimum and maximum capacities included within the individual Zones.
- Option 2 – Capacity Included within each zone
 - Option 2a: Allow the use in low density (e.g. single detached, semi-detached) zones with a minimum capacity of 4 and a maximum of 6 residents.
 - Option 2b: Allow residential care facilities in medium density (up to 8 storey multiple dwellings) zones (including the Community Institutional (I2) and Mixed Use Medium Density (C5) zones) with a minimum capacity of residents 4 and a maximum of 24 residents.
 - Option 2c-1: Allow residential care facilities in high density zones with a minimum capacity of 4 residents and a maximum of 50 residents.
 - Option 2c-2: Allow residential care facilities in high density zones with a capacity of minimum 15 residents and a maximum of 50 residents.
 - Option 2c-3: Allow residential care facilities in high density zones with a capacity of 15 residents and no maximum capacity.

The rationale for each option is contained in Appendix "H1".

Preliminary Recommendations

The preliminary recommendations are Options 1c, 2a, 2b and 2c-3.

Minimum and Maximum Capacity

Option 1c: Minimum and Maximum Capacities Included within the Individual Zones. Similar to other Zones, the capacities which are regulations are contained within the Zone for clarity.

Low Density areas

Option 2a: Limit the minimum capacity to 4 and the maximum capacity to 6 residents. Uses within low density zones usually include single detached, semi-detached, duplex, triplexes and some forms of townhouse dwellings. Since this use is to be contained within an entire building, the most likely scenario is the use would locate within a single detached dwelling or a duplex and triplex which could wholly be converted to a RCF. Six people could reasonably live in a single detached dwelling and has been the standard for the majority of zones that permit this use.

Medium Density Areas (including the Community Institutional (I2) Zone)

Option 2b: Limit the minimum capacity to 4 and the maximum capacity to 24 residents. Similar to the discussion above, the most likely scenario is the use would be in a multiple dwelling since it would be wholly contained within a building. In circumstances where a larger number of residents are intended a multi-storey (apartment) building would be required. It should be noted the building form for the facility would be determined on the basis of the regulations for a particular zone (i.e. maximum heights, minimum setbacks, parking, etc.). Medium density areas are generally found on the periphery of neighbourhoods, closer to public transit, shopping areas and other amenities.

It should be noted that a majority of the I2 Zones are located within the interior of neighbourhoods where there is a greater interface with low density residential uses. The Transit Oriented Corridor-Mixed Use Medium Zone (TOC1) and the Mixed Use Medium Density (C5) Zones are located along major transit routes and arterial roads and therefore should retain their capacity for 50 residents.

High Density Areas (including the Commercial Mixed Use High Density (C4) Zone)

Option 2c-3: Allow a minimum capacity of 15 and no cap on the maximum number of residents. These areas (including the Mixed Use High Density (C4) Zone) would permit multiple dwellings with higher density buildings (generally greater than 8 storeys and 100 units). As such the minimum number of residents is likely to be more than 4 residents. The built form and other regulations (e.g. parking) would apply to the building.

10.3. Radial Separation distance/Moratorium Areas

Radial separation distances of varying distances (e.g. 275 m to 1,600 m), which restrict the location of new residential care facilities throughout the City of Hamilton, have been in place in the City and former municipalities for several decades. In addition, both Zoning By-law Nos. 05-200 and No. 6593 (Hamilton) have a moratorium on the location of new facilities (and emergency shelters) within two areas; one area is bounded by Wellington Street South, King Street East, Sherman Avenue South and the railway tracks; the other area is bounded by Queen Street, Hunter Street, James Street and Main Street. This moratorium was established in 2001 to recognize the large concentration of these facilities within this geographic area.

Over the last 10 years, there have been changes in Zoning By-law No. 05-200, human rights concerns and the shift in accommodation type for certain segments of the vulnerable population which could have an impact on the applicability of the radial separation distance and the moratorium areas.

Four options were considered:

- Option 1: Eliminate the Radial Separation Distance.
- Option 2: Retain the 300 metre radial separation distance for Zoning By-law No. 05-200 and apply this distance separation to future residential zones in the urban area.
- Option 3: Delete the Moratorium Areas (see above).
- Option 4: Retain the Moratorium Areas.

The rationale for each option is contained in Appendix "H2".

Preliminary Recommendations

The Preliminary recommendations are Options 1 and 3 to remove the Radial Separation Distance and delete the moratorium areas. There are a number of reasons for this option. Firstly, the rate of new facilities has slowed down considerably because small apartment units are preferred over the congregate living model. Secondly, as a result of changes to Zoning By-law No. 05-200, retirement homes (which were previously defined as RCFs) do not have a radial separation distance, nor do any facilities in the rural area. A large number of the municipally licenced facilities are retirement homes which are no longer subject to a radial separation

An RCF would not be separated by a specific distance; however, locations within various areas would be based on resident capacity in conjunction with the appropriate residential density and built form.

This moratorium was established in 2001 to recognize the large concentration of these facilities within this geographic area. If the distance separation is eliminated, then this moratorium should also be eliminated since it has the same effect as the radial separation distance which is to restrict the location of facilities.

10.4. Counselling services

Since the 2001 study, the operation of some RCFs has changed. Some facilities are providing services above and beyond that which was normally associated with RCFs. An RCF is intended to be a form of dwelling unit, with some support services for the residents. In the past, the service or support would be offered exclusively for the residents of that dwelling and it was not the intent that professional support workers would provide services to the greater community.

Some organizations are proposing to broaden the services to allow for a greater range in services both for residents and community members. The Lynwood Charlton Centre emphasized the transition between traditional RCFs to multifunctional supportive living and institutional services that provide support for residents and community members including daily living

skills and self-care skills. Further, certain agencies operate multiple RCFs and provide counselling for its residents. For financial or other operational reasons, they would prefer to consolidate counselling services in one location. It should be noted not all residential care facilities provide counselling for its residents. Counselling services that cater to people other than those residents who live in the residential care facility is considered a social service establishment.

Most of these RCFs are located within residential areas and commercial uses such as offices are not permitted. However, the Institutional Zones in Zoning By-law No. 05-200 recognize the difference in intensity and land use between common institutional type uses. The Major Institutional (I3) Zone allows for the most land intensive type uses, including Universities, Colleges, Long Term Care Facilities and RCFs with greater than 50 residents. The I3 Zone implements the Institutional Designation of the UHOP for areas that are greater than 4 ha. The Community Institutional (I2) Zone recognized the significance of institutional uses that serve a community but require significant land area, accessibility and are most appropriate on the boundary of communities. Places of Worship, High Schools, and residential care facilities with a maximum proposed 20 residents would be permitted. Both the I3 Zone and I2 Zone are intended to serve the greater community with institutional services. In addition, social services establishments (e.g. counselling services for non-profit) are also permitted within these zones as separate uses.

Similarly the Transit Oriented Corridor-Mixed Use Medium Zone (TOC1) and the Mixed Use Medium Density (C5) Zones permit RCF's of up to 50 residents and a social service establishment as separate uses.

Three options were considered:

- Option 1: allow RCFs to operate a social service establishment in conjunction with a residential care facility in a Community Institutional (I2), Major Institutional (I3), Transit Oriented Corridor-Mixed Use Medium (TOC1) and the Mixed Use Medium Density (C5) Zones.
- Option 2: same as Option 1 but do not permit the social service establishment in a Community Institutional (I2) Zone.
- Option 3: No changes to the by-law

The rationale for each option is contained in Appendix "H3".

Preliminary Recommendation

The preliminary recommendation is Option 2 to allow these facilities to operate a social service establishment in conjunction with a residential care facility Major Institutional (I3), Transit Oriented Corridor-Mixed Use Medium (TOC1) and the Mixed Use Medium Density (C5) Zones. A social service establishment is permitted in those zones and they are generally located on or in close proximity to arterial roads and public transit.

10.5 Planning Summary

Since the review in 2001, a number of factors have changed that warrant a review of the residential care facility regulations and definitions within the City's Zoning By-laws. Changes include the challenges to the Ontario Human Rights tribunal of other municipal Zoning By-law residential care facility regulations, the changing funding and housing arrangements for vulnerable groups and the continual challenges to meet a variety of housing needs.

Residential care facilities have evolved into a use that can integrate well into established neighbourhoods and contribute positively to the community. There are many facilities dispersed throughout both the rural and urban areas. The facilities tend to locate based on the needs of their clientele, availability of services, housing affordability, type and size.

The Table below summarizes the preliminary recommendations to establish a consistent zoning framework for the urban area, address the OHRC concerns and the provide locations for a combined RCF with counselling services.

Zoning By-law	Preliminary Recommendation
Definition	
<p>Highlight-delete text</p> <p><i>Italics</i> – add text</p>	<p><u>amend the definition as follows:</u></p> <p>Residential Care Facility Shall mean a group living arrangement, within a fully detached residential building occupied wholly by a minimum of four supervised residents and a maximum number of supervised residents as</p>

Zoning By-law	Preliminary Recommendation
	<p>permitted by the zone, exclusive of staff, residing on the premises because of social, emotional, mental or physical handicaps or personal distress and which residential setting is developed for the well-being of its residents through <i>the provision of supports/services</i> of self-help, guidance, professional care and supervision not available within the resident's own family, or in an independent living situation or if:</p> <ul style="list-style-type: none"> a) The resident was referred to the facility by a hospital, court or government agency; or b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments. <p>A residential care facility shall include a children's residence and group home but shall not include an emergency shelter, lodging house, corrections residence or correctional facility.</p>
Capacity by Zone	
	<p><u>regulate both minimum and maximum capacity by zone as follows:</u></p>
	<p>Low Density Zones (single/semi-detached dwellings)</p> <p>Minimum capacity: 4 residents Maximum capacity: 6 residents</p>
	<p>Medium Density (including the Community Institutional (I2) Zone)</p> <p>Minimum capacity: 4 residents Maximum capacity: 24 residents</p>
	<p>High Density Zone (including the Mixed Use High Density Zone)</p> <p>Minimum capacity: 15 residents Maximum capacity: none</p>

Zoning By-law	Preliminary Recommendation
Radial Separation Distance and Moratorium Area	
	<u>Delete both</u>
Counselling Services	
	Permit counselling services (i.e. social service establishment) in conjunction within a RCF in a Major Institutional (I3), Transit Oriented Corridor-Mixed Use Medium Zone (TOC1) and the Mixed Use Medium Density (C5) Zones.

11.0 Next steps

RCFs are one form of housing accommodation required in a community. The Zoning By-laws within the City have varying requirements depending on what Zoning By-law is applied. As part of the development of new residential zones, there will be a consistent set of regulations for the entire City.

The proposed approach is to seek public input for any proposed changes. The form of consultation would include:

- Targeted meetings with service providers;
- Public information centres for the general public. RCFs would be coupled with other housing matters such as accessory apartments and lodging homes; and,
- On-line web access.

Appendix "A"

ISSUE DATE:

August 23, 2013



PL120529

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Lynwood Charlton Centre has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 6593 of the City of Hamilton to rezone lands respecting 121 Augusta Street from "L-mr-2/S-1345" to permit the development of a residential care facility
OMB File No. PL120529

APPEARANCES:

Parties

Counsel

Lynwood Charlton Centre

S. Snider

City of Hamilton

M. Minkowski

Ontario Human Rights
Commission

R. Dhir and
R. Arbabian (Student-at-law)

DECISION DELIVERED BY R.G.M. MAKUCH AND ORDER OF THE BOARD

[1] Prior to the hearing, the parties filed a number of motions to be heard at the commencement of the hearing as follows:

- 1) Lynwood Charlton Centre ("LCC") motion for an Order to phase the hearing into two phases with Phase I dealing with Issues 1, 2, 3, 4, 6, and 7, referred to as the typical planning issues and Phase II dealing with Issue 5 referred to as the "OHRC" Issues;
- 2) Ontario Human Rights Commission ("OHRC") motion for an Order excluding the proposed evidence of Warren Sorensen; and
- 3) City of Hamilton ("City") motion for:

- a) an Order striking the Witness Statement in whole or in part of Ian Skelton and excluding the proposed evidence of this person and;
- b) an Order striking portions of the Witness Statement of John Gladki and excluding such proposed evidence of this person.

[2] The Board heard the LCC motion first because if successful, there would be no need to hear the other motions until Phase II if, and when, it takes place.

LYNWOOD CHARLTON CENTRE MOTION

[3] The issues list contains seven issues and Counsel for LCC argues that issues 1 to 4 and issue 6 raise matters of a land use planning nature such as PPS and OP conformity that are typically reviewed in a hearing before this Board hearing. Issue 5 however, specifically raises whether refusing the application would be discriminatory and contrary to the Ontario Human Rights Code.

[4] Mr. Snider argues that in total six expert witnesses are proposed to be called by the parties and that of the six, three expressly offer no opinion with respect to the OHRC issue. None of the non-expert witnesses offer any opinion with respect to the OHRC issues. Two of the six experts confine their opinion evidence to only the OHRC issue, Dr. Ian Skelton and Warren Sorensen.

[5] Only the OHRC planner John Gladki provides opinions with respect to both the typical planning issues and the OHRC issue. None of the LCC witnesses address the OHRC issue.

[6] Mr. Snider argues that the eight days scheduled over a two week period around the Easter holidays means that there is little likelihood that the hearing would be completed within the eight days allotted.

[7] He further argues that Issue 5 framed as follows:

Would the denial of re-zoning application amount to discrimination contrary to OHRC?

becomes moot if the appeal is allowed and there is no need to consider the issue of discrimination under the OHRC.

[8] If the Board has doubts after Phase I as to whether the appeal should be granted based on the typical planning issues, then the hearing would proceed to Phase II and the motions by the City and OHRC would be heard at that time.

[9] Mr. Snider argues that Issue 5 only engages if the Board is inclined to dismiss the appeal and deny the rezoning on the basis of typical planning grounds. As such issue 5 is a sufficiently discreet one to be addressed in a separate phase of the hearing.

[10] While the OHRC believes that the discrimination issue (Issue 5) is a proper issue for the Board to consider, it nevertheless supports the Lynwood motion as it does not want to inconvenience the parties and the hearing of this matter.

[11] The City opposes the Lynwood motion on the grounds that it will increase the costs for the City and be prejudicial to it.

[12] The Board does not agree with the City's position and finds that the arguments by counsel for LCC are logical and ought to be adopted by the Board. It is evident that it is unlikely that the hearing will be completed within the eight days allotted and that phasing the hearing is the proper way to proceed.

[13] The Board will therefore allow the LCC motion and orders that the hearing be phased as proposed. The motions by the City and OHRC will be heard at the commencement of Phase II.

INTRODUCTION

[14] Lynwood Hall Child and Family Centre and Charlton Hall Child and Family Centre were both publicly funded, non-profit charitable organizations and accredited children's mental health centres, which operated as separate organizations providing children's mental health services to the Hamilton community for many years. They merged to become Lynwood Charlton Centre ("LCC") in October 2011 and continue to offer the programs previously offered by the separate entities, which includes a spectrum of services to children, youth, families and the community including residential programs for children, young male and young female teens; day treatment programs

servicing both the residential programs and children unable to function effectively in the school system due to behavioural/learning difficulties; and a variety of community-based programs. LCC is licensed by the Ministry for Children and Youth Services under the *Child and Family Services Act*.

[15] Charlton Hall Child and Family Centre operated a residential facility for adolescent girls with mental health challenges at 52-56 Charlton Avenue West in the Durand Neighbourhood in what is generally described as Hamilton's City "core". The facility is known as "Charlton Hall". LCC now operates Charlton Hall and it is home to eight girls who require the specialized care and treatment of the staff of LCC.

[16] While Charlton Hall is operated by LCC, the property and residence are owned by the City of Hamilton. Over the years, Charlton Hall has fallen into disrepair. It is no longer considered a suitable physical environment for the girls who live there for many reasons. A City-initiated facility condition assessment report determined that approximately \$1.5 million of substantial repairs are required. The City and LCC are not prepared to make that investment and as a consequence, the City is considering declaring the property surplus so that it can be sold. The services currently offered at Charlton Hall will eventually have to be moved elsewhere.

[17] LCC recently purchased the subject property, which has a long history of industrial use at 121 Augusta Street approximately eight blocks to the east of Charlton Hall. It is located within the Corktown neighbourhood, also a neighbourhood within the City's core.

[18] More recently, the site has been used for a variety of office uses including a supervised access centre, which provides integrated treatment and educational service for approximately 16 students between the ages of 13 and 17 years. The services are specifically designed for youth whose histories of serious psychiatric and/or emotional challenges have significantly interfered with their ability to function within main stream educational settings.

[19] LCC wishes to relocate the residential use currently housed at Charlton Hall to the second floor of the building at 121 Augusta Street believing it to be far superior to the existing Charlton Hall in providing a safe, home-like, and accessible living space for the girls.

[20] In order to do so, it needs the subject property to be re-zoned from L-mr 2/S-1345 which is described as "Planned Development – Multiple Residential District Modified". It is a rather convoluted "holding" by-law that essentially permits existing uses until a rezoning is approved. The zone contemplates that the rezoning will be one of the City's "E" zones which permit multiple dwellings. However, via a site specific Official Plan amendment (in 1995) and a corresponding site specific zoning by-law amendment (in 1997), the lands were re-designated and rezoned to also permit "general offices, only within the existing building". This paved the way for a variety of office uses noted above including the current COMPASS Day Program operated by LCC.

[21] LCC made application for a re-zoning to permit a residential care facility but was refused by City Council, which relied on a report from its Planning Department recommending refusal of the application on the grounds that the proposed re-zoning would further aggravate the existing over-intensification of residential care facilities within the Central City resulting in this appeal. The re-zoning was required as a result of a restriction in Zoning By-law No. 6593, which limits the location of "residential care facilities" to within a radius of 300 meters of each other. The Planning Department report to Council notes that the subject property is located within 160 metres of another existing Residential Care Facility.

[22] Zoning By-law 6593 defines "Residential Care Facility" ("RCF") as follows:

Residential Care Facility means a group living arrangement, within a fully detached residential building occupied wholly by a minimum of four supervised residents and a maximum number of supervised residents, as permitted by the district, exclusive of staff, residing on the premises because of social, emotional, mental or physical handicaps, or problems or personal distress and that is developed for the well-being of its residents through the provision of self-help, guidance, professional care, and supervision not available in the resident's own family, or in an independent living situation or if:

The resident was referred to the facility by hospital, court, or government agency; or,

- i. The facility is licensed, funded, approved, or has a contract or agreement with the federal, provincial, or municipal governments.
- ii. A residential care facility is not considered as an emergency shelter, lodging house, corrections facility, or retirement home.

[23] It is noted that By-law 6593 had been amended by By-law 01-143 to increase the minimum separation distance from 180 metres to 300 metres and that the by-law was

also amended by By-law 07-107 to remove the minimum separation distance requirement for retirement homes.

LYNWOOD CHARLTON CENTRE POSITION (LCC)

[24] LCC asserts that some four months following the filing of the hearing appeal and a full eight months after the initial planning report relied on by Council to deny the application, the Planning Department forwarded a further Staff Report to Council, which purported to oppose the application on completely different grounds unrelated to the issue of residential care facilities within the Central City. The Planning Department was now asserting that:

The proposal, as intended, would entrench an undesirable institutional use in an area of Hamilton intended for residential development and as such, the proposal does not conform to the Hamilton Official Plan and Urban Hamilton Official Plan, and does not represent good planning.

[25] This new position was endorsed by City Council on September 26, 2012.

[26] Mr. Snider on behalf of LCC argues that this subsequent resolution is clearly not a "decision" within the meaning of Section 2.1 of the *Planning Act*, and is not "supporting information and material" that Council considered in making its decision although the City adduced evidence at the hearing to support this new position.

[27] LCC maintains that City Council's decision to refuse this application was based on the negative reaction from the community. Council received letters and petitions alleging that allowing such a use to occur on the subject site would result in increased mischief/damage/graffiti around the community and the destruction of efforts to beautify the local parks and surroundings. There is no evidence before this Board to support any of the concerns expressed to City Council. The only evidence before the Board is that Charlton Hall is an excellent neighbor and there is no history of conflict, damage or disruption connected with the use. It is noted that a number of residents had registered as Participants for this hearing but did not file witness statements or appear at the hearing to express their concerns.

[28] There are already two other residential care facilities within 300 metres of 121 Augusta Street: a small 4-6 bed facility for severely challenged children on Forest

Avenue (also operated by LCC), and a small six bed facility for adults on Catharine Street South. There is no evidence of any community impact arising from those facilities within the Corktown Neighbourhood. Mr. Hardy, who was retained by the City to carry out a social impact assessment respecting this proposal, carried out a survey of individuals in the area including respondents on Catharine Street South and none of the respondents even mentioned the residential care facilities, let alone concerns with those facilities. Ms. Munn one of the current residents at Charlton Hall, who testified, indicated that despite living in the Corktown Neighbourhood for many years, she was unaware that there was a residential care facility on Forest Avenue. LCC alleges that these facilities are essentially "invisible" within the Corktown Neighbourhood.

[29] LCC relies on the evidence of Ed Fothergill, a qualified professional planner with extensive experience in the City of Hamilton. Mr. Fothergill completed the Planning Justification Report that was presented to Council. Among other things, Mr. Fothergill concluded that the intent of the Radial Separation Distance ("RSD") to disperse residential care facilities throughout the City would be furthered by the subject application. He noted that while the proposal did not meet the 300 metre RSD for 121 Augusta Street, Charlton Hall would be relocated from a "moratorium area" to a community with a lower density of residential care facilities. As a result, the number of residential care facilities within Hamilton's downtown area would not increase and this existing facility would be relocated from a moratorium area with an alleged over-intensification of RCFs to the Corktown Neighbourhood which is outside of any moratorium area.

[30] Mr. Fothergill described the RSD restriction as a "blunt planning instrument" for the following reasons:

- (i) It does not distinguish between the size and function of a facility;
- (ii) The distance separation does not vary for different sizes or functions of facilities;
- (iii) The distance separation is not directly related to perceived or measurable impacts on the community; and
- (iv) The by-law provisions do not distinguish between the number of persons being accommodated in one building versus the number of people being located in more than one building within 300 metres of one another.

[31] He further noted that the "E" zone regulations which apply to 121 Augusta Street would permit up to 20 beds within a single RCF. The proposal before the Board would restrict the number of beds for 121 Augusta Street to eight. As a result, there would be approximately 20 beds within the 300 metre radius if the application were approved: eight at 121 Augusta Street, six at 106 Catharine Street South and four to six at 135 Forest Avenue.

[32] Mr. Fothergill examined five criteria: the public interest, appropriateness of location, neighbourhood fit (both in terms of function and in form) potential impacts, and distance separation considerations and concluded that the proposal represented good planning. His planning opinion remained steadfast throughout the planning process and his opinion was not shaken under cross examination.

ONTARIO HUMAN RIGHTS COMMISSION POSITION (OHRC)

[33] The OHRC in Phase I of this hearing supports the position taken by the Appellant LCC. It takes the position that Hamilton City Council's refusal in this case is inconsistent with and in fact contrary to the policies set out in the Provincial Policy Statement 2005 ("PPS"), specifically Paragraph 1.1.1(f) of the PPS, which states as follows:

"Healthy, liveable and safe communities are sustained by:

...

f) Improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society;"

[34] Furthermore, section 1.4.3 of the PPS also directs municipalities to permit and facilitate "all forms of housing to meet the social, health and well-being requirements of current and future residents, including special needs requirements." The legislation places a positive obligation on municipalities to facilitate housing for people with special needs.

[35] The PPS defines "special needs housing" as any housing including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs including but not limited to needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may

include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities and the housing for the elderly. Whether or not the proposed facility at 121 Augusta meets the definition of "residential care facility", it is nonetheless "special needs housing" and the responsibilities of the municipality under the PPS to facilitate such housing are engaged.

[36] The City's after-the-fact attempt to characterize LCC's proposal as an "institutional use in an area of Hamilton intended for residential development" is premised on the fact that LCC's proposal does not meet the technical definition of a "residential care facility" in Hamilton Zoning By-law 6593. This definition requires that the residential care facility be located within a "fully detached residential building occupied wholly by staff and residents". Since the proposed location at 121 Augusta is not "fully detached" and will not be "wholly occupied by staff and residents", the City seeks to characterize it as an institutional use.

[37] LCC's proposal involves moving the eight residents from 52-56 Charlton to the second floor of 121 Augusta. The use proposed for the second floor would be a residential use within a mixed-use building. The ground floor use within the building would remain unchanged. The physical form of the building would also remain unchanged. The only change would be the addition of a residential component to the second floor.

[38] Edward John's evidence was that LCC's proposal amounted to an institutional use because:

The proposed use will provide social services to the broader community, provide overnight accommodation and employ a number of professional staff. As a consequence, it has been determined that impacts of the proposed use extend far beyond the typical considerations given to the assessment of a site for a residential care facility; particularly as governed through a By-law and definition that, in order to facilitate their successful neighbourhood integration, actively mitigates impacts in terms of scale, intensity of use, built form and location [Emphasis added].

[39] Counsel argues that Mr. John's assertions evoke images of a large hospital-like setting bulging with professional staff engaged in the treatment of people with disabilities who are required to stay there overnight. Ms. Deirdre Finlay testified that the stereotypical suggestion that LCC's proposal would re-institutionalize the residents

“shows the profound lack of understanding of the merits of the two facilities, of the experience, skills and intent of the staff at LCC”.

[40] It also fails to appreciate that LCC is a home for its residents. The best illustration of how LCC provides “a place to live” for its residents came from Clara Munn, a 17 year old who currently resides in Charlton Hall. Ms. Munn testified that she lives with social anxiety and requires support at times to “ride the bus” or “[be] at the mall”. She stated that a typical day for her comprised of breakfast with the residents and the staff, attending school (if she had any anxiety she would call the staff at Charlton Hall), coming home from school and having dinner and talking about her day with residents and staff, doing chores and participating in activities such as skating, “pamper night”, board games or movies.

[41] The assistance of staff with certain aspects of daily living for persons with mental disabilities does not detract from the use of the property as residential. In *Aurora (Town) v. Anglican Houses [1990] O.J. No. 451*, the Ontario High Court of Justice (now Superior Court of Justice) held that a group home for up to eight adults with mental health disabilities where residents lived voluntarily and participated in housekeeping, meal preparation and decision-making was “clearly residential” and could not be categorized as an institutional use. The Court further held that the staff in the home enhanced the use of the property as a residence by assisting the residents to integrate into home life and the neighbourhood; and did not detract from the residential quality of the neighbourhood.

[42] Similarly, in *City of Barrie v. Brown Camps Residential and Day Schools*, the Ontario Court of Appeal held that the defendant’s home for emotionally disturbed children, which included trained child care workers who would supervise the children, clean the house and do the laundry, was being “used for the care and upbringing of these children in the same manner as if they were being used by parents with special expertise to deal with their children who had similar emotional problems”.

[43] The City’s denial of LCC’s proposal runs contrary to the PPS, the Hamilton Official Plan and the new Urban Hamilton Official Plan, which actively encourage planning authorities to improve accessibility for persons with disabilities by removing and/or preventing land use barriers, and permitting the proposed use.

[44] As noted above, section 1.1.1(f) of the PPS requires municipalities to improve accessibility for persons with disabilities by removing and/or preventing land use barriers, which restrict their full participation in society. Section 1.4.3 of the PPS places a positive obligation on municipalities to permit and facilitate housing for people with special needs.

[45] The Hamilton Official Plan supports positive actions to develop a variety of housing styles, types and densities including encouraging "non-profit and co-operative housing organizations" to provide a range of socially- assisted dwelling units for a variety of client types in all areas of the City. The new Urban Official Plan states that one of the Urban Housing Goals for Hamilton is to "increase Hamilton's stock of housing for those whose needs are inadequately met by existing housing forms or tenure, affordability or support options".

[46] It argues that the LCC application is ultimately an attempt to remove land use barriers to improve accessibility to appropriate and necessary housing for persons with disabilities. These land use barriers are embedded in Hamilton Zoning By-law 6583 whether through minimum separation distance requirements or through an after-the-fact application of a technical definition of residential care facilities.

[47] The City's denial of LCC's proposal by the application of minimum separation distance requirements is contrary to the requirements in sections 1.1.1(f) of the PPS. The application of minimum separation distance requirements creates land use barriers to housing for people with disabilities and limits the available housing options as evidenced by the unsuccessful joint City and LCC search for an alternative location to 121 Augusta St. The City's denial of LCC's proposal is also contrary to the City's obligation to permit and facilitate "all forms of housing to meet the social, health and well-being requirements of current and future residents, including special needs requirements". Finally, the City's denial is inconsistent with the Hamilton Official Plan and new Urban Hamilton Official Plan, which promote housing for persons with special needs.

[48] The City's denial of LCC's application to permit a residence with eight beds providing mental health services and supports in a supervised setting for adolescent females at 121 Augusta St. does not represent good planning because it is contrary to

the considerations in the PPS, Hamilton Official Plan and new Urban Hamilton Official Plan, which City Council must consider in reviewing and assessing applications for a zoning amendment such as this one.

CITY OF HAMILTON POSITION

[49] The City takes the position that the issue before the Board in this appeal is whether the subject property 121 Augusta Street (formerly used for industrial purposes) should be rezoned to permit the subject property to be used as an institutional facility. The property was the subject of an official plan amendment and re-zoning in 1997 to permit office uses with the introduction of Special Policy 69 to the Official Plan which reads as follows:

In addition to the permitted uses set out in Subsection A.2.1 – Residential Uses, for those lands shown on Schedule “B-1” as SPECIAL POLICY AREA 69, and located at 121 August Street, general office uses only within the existing building will be permitted.

[50] The City takes the position that the intent of this amendment was to permit office uses as an interim or temporary use, as indicated by the express qualification that the uses would be allowed “...only within the existing building....”

[51] The City relies on the planning report, which accompanied the official plan amendment and rezoning application in 1995 evidenced the intent that the office use was to be short term only:

The subject lands are designated “Medium Density Apartments” in the approved Corktown Neighbourhood Plan. The proposal does not comply with the approved plan. The long term intent is for this area to be developed for medium density apartments and as such a redesignation is not recommended as the proposed general office use is considered to be an interim use.

[52] The City also takes the position that the subject building is not appropriate for the proposed use in that there is no substantial on-site green space, and that the streetscape of the subject property is that of a converted, repurposed former industrial building. The implementation of the rezoning proposal for the subject property will include renovations to the interior of the building, some improvements to the exterior features, but no site alterations.

[53] The Property is designated "Residential" in the (former) City of Hamilton Official Plan (the "OP"), and it is designated "Medium Density Apartments" in the Corktown Neighbourhood Plan. The OP includes a number of key policies including incorporation of the policies adopted in the various Neighbourhood Plans, which form an integral part of the Hamilton policy framework which must be respected when evaluating a development application. Mr. Minkowski relies on previous Board decisions, which have expressly recognized and relied upon Neighbourhood Plans in the City of Hamilton in adjudicating upon the merits of development applications. He argues that the new Urban Hamilton Official Plan (still under appeal before the OMB) carries the same, consistent policy approach to neighbourhood plans.

[54] The subject property is designated for medium density apartments under the Corktown Neighbourhood Plan. It states that an increase in the residential population in the central area brings a higher level of services to the downtown and that this benefits the Region, the City and Corktown. The City argues that allowing the subject property to be used as proposed will not contribute to the stated goals of increasing the population of Corktown. It must be noted that the Corktown Neighbourhood Plan is not a statutory plan, which has undergone the public scrutiny process under the *Planning Act* and is not an official plan for *Planning Act* purposes.

[55] All three expert planning witnesses (Fothergill, Gladki and John) expressed the opinion that the designation of the Property for medium density apartment under the Neighbourhood Plan is consistent with the PPS, conforms to the Growth Plan, conforms to the Hamilton Official Plan and represents good planning.

[56] The City takes the position that allowing this re-zoning to occur will displace the planned function for the property because LCC will be making a substantial investment in it and intends to operate it for an indefinite period of time. This will result in a permanent change to an institutional use.

[57] In addition, it argues that there was no dispute that the Property is located within a 500 metres radius (approximately 380 m) from a Major Transit Station Area within the meaning and intent of the Growth Plan. Major Transit Station Areas are identified by the Growth Plan as locations for intensification. The Neighbourhood Plan is consistent with the intent of the Growth Plan and was recently reviewed and confirmed as part of

the City's conformity exercise in preparing the new Urban Hamilton Official Plan (currently under appeal before the Board).

[58] In support of its position that the proposed use constitutes an institutional use, the City argues that the nature of the activities currently occurring at Charlton Hall and which are proposed to be transferred to the subject property have all the hallmarks of an institutional use based on the evidence before the Board. It is argued that an "RCF" does not function as a residence in the conventional or typical sense. It is rather a particular type of social service or mental health service treatment activity which is housed within a detached dwelling in furtherance of public policy objectives to place these services within a residential setting, integrated in residential neighbourhoods. It is to be noted that the title for this use is not "residential", but qualified as "residential care facility".

[59] The City further argues that the proposal does not meet three key elements or conditions of the definition for an RCF:

- a) The proposal will not be located within a detached dwelling.
- b) The Property will not be wholly occupied solely by the eight adolescent girls receiving treatment.
- c) There will be non-resident clients who will be attending at the Property on a daily basis to receive mental health services from professional staff.

[60] Edward John, the City's land use planner opined that there was a specific legislative intent which underscored why the definition of RCF includes a specific requirement that the use be located within a detached residential building, and why the use of the facility was intended to be restricted only to occupants. The intent of this provision was to de-institutionalize these facilities and to make these more "family like settings" so they could integrate into the community more easily and that failure to meet these requirements extended far beyond a mere technicality but cuts to the very heart of the legislative intent of an RCF and how planning in Hamilton has intended to implement provincial social policy in regards to this type of use.

FINDINGS

[61] The Board has carefully considered all of the evidence as well as the submissions of counsel and finds that the appeal should be allowed for the reasons that follow.

[62] The Board is satisfied that the proposed development is consistent with the Provincial Policy Statement 2005 and conforms to the Growth Plan for the Greater Golden Horseshoe as well as the City's Official Plan. The proposal is housing for "special needs" within the meaning of the PPS. Policy 1.4.3 (b) requires planning authorities to permit and facilitate housing for special needs, a powerful direction reflecting an important provincial policy interest. Paragraph 1.1.1(f) of the PPS, which states as follows:

"Healthy, live able and safe communities are sustained by:

f) Improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society;"

[63] The Board is also satisfied that there are no demonstrated impacts from this proposed development. The proposed use will be compatible with the existing uses in the neighbourhood and will not result in any social impacts. The evidence was quite clear and un-contradicted that both Charlton Hall and the existing COMPASS Day Programs at 121 Augusta Street have operated in their current locations without complaint or significant community impact.

[64] The City's argument that the proposed development will frustrate the planned function of the subject property is simply not tenable based on the evidence before the Board. The City argues that the planned function for this property is "residential" more particularly in the form of "Medium Density Apartments". The City's argument ignores that the current office use is part of the planned function of the property as it is permitted under the zoning by-law and conforms to both the existing Official Plan and the new Urban Official Plan, which is still under appeal. The office uses are not intended to be temporary or for the "short term" as there is no temporal limitation in either the in force official plan or the new Urban Hamilton Official Plan. The only limitation is that the office uses are to be confined to the existing building and the evidence showed that this could

go on for a long period of time given the nature of the building. The COMPASS Day Programs can continue to be offered by LCC on the main floor of the building in conformity with the City's Official Plan.

[65] The proposal is to add housing for those with special needs on the second floor of the building, a use permitted under all residential zones. The Board agrees with counsel for LCC's argument that even if a complete description of the planned function for this site was "Residential" and "Medium Density Apartments", this would not prevent the establishment of either a RCF or an institutional use on the subject property. RCF's are permitted in all residential designations within the City whether uptown, downtown or midtown. Institutional uses less than 0.4 hectares in site area are also permitted in all residential designations in the City.

[66] The City's argument simply does not stand up when one considers the existing Charlton Hall which is under the same policy regime as the subject property except for the office component. If one is to accept the City's argument, one would have to agree that the existing use at the current Charlton Hall operates to frustrate the planned function of that site.

[67] With respect to the City's argument that the proposed use is an institutional use, the Board does not accept this argument as sufficient to deny this appeal. Institutional uses are permitted in residential designations provided the size of the site does not exceed 0.4 hectares.

[68] The City spent a significant amount of time arguing that the project does not meet aspects of the definition of an RCF in the City's zoning by-law. This has always been understood by both the Applicant and the City. However, whether characterized as a new RCF in a mixed use building or a "comprehensive institutional facility", the use is permitted and appropriate.

[69] The City points to the attributes of Charlton Hall proposed to be transferred to the subject site as "hallmarks" of an institutional use. The Board fails to understand how this argument can support the City's position that the proposed use on the subject site will be an institutional use. Charlton Hall is a residential care facility which complies fully with the definition of an RCF in the City's zoning by-law. The City's own definition of an RCF includes dimensions that, to some, are "hallmarks of an institutional use". An

RCF is a "group living arrangement" with "supervised residents" who reside on the premises "because of social, emotional, mental or physical handicaps or problems or personal distress" and is developed for the "well-being of its residents through the provision of self-help, guidance, professional care and supervision..."

[70] There will be no change in the character of Charlton Hall when it is relocated to the second floor of 121 Augusta Street. It will be no more or no less "institutional" than it currently is at 52-56 Charlton Avenue West. However, the evidence was clear that the new environment would be superior for the care of the eight adolescent girls. The attributes of Charlton Hall as these exist in its current location, will continue to exist in its new location. The non-residential component of LCC's proposal has nothing to do with the relocation of that facility. Instead, it is tied to the COMPASS Day Programs.

[71] With respect to the City's argument that the proposal would not satisfy that part of the definition of a RCF requiring that such a facility be located "within a fully detached residential building occupied wholly by...", this is not fatal to the appeal. The Board finds, based on the evidence before it, that it was evident from the outset that LCC proposed a site specific zoning amendment which would permit such a facility in a mixed-use building on the subject site. There is no need under the circumstances to amend the definition of RCF in the main by-law. It is sufficient to permit it specifically on the subject property in the amending by-law. Allowing this use in a mixed-use building is appropriate and will not have the effect of "institutionalizing" the residents.

[72] The Board notes that the property at 124 Walnut Street immediately adjacent to the subject lands was approved to permit a RCF in 1992 to accommodate 70 seniors and other uses. The Official Plan and Neighbourhood Plan designations for this site are precisely the same as exist for the subject lands less the permissions for office uses. City Council in 2007 amended the relevant by-law to remove retirement homes from the separation distance requirements that otherwise apply to RFC's.

[73] It is also noted that the zoning by-law enacted by Council permitting RFC's in their current form also established two "Moratorium Areas" within the downtown core in which no additional RFC's may be permitted or expanded. Charlton Hall is located within one of the moratorium areas and the subject property is not within a moratorium area. Allowing this proposal to proceed would mean that a RFC would move from a

moratorium area to a non-moratorium area although the new facility would be located within 300 metres of two other RFC's, the four to six bed facility operated by LCC for severely challenged children at 135 Forest Avenue and the six bed adult RCF at 106 Catherine Street South. There is no evidence before the Board that these facilities have caused any impacts on the neighbourhood or that there would be any interaction between the three.

[74] There is a disagreement between Counsel for the Appellant and Counsel for the City respecting the form of the amending by-law. The City takes the position that in the event the Board allows the appeal, the property should be re-zoned to an institutional use to reflect the actual use of the property. Although the Appellant does not agree or accept that the proposed use is an institutional one, it is prepared to accept the City's proposed amending by-law but is concerned about the lack of recognition for the current permitted use of offices within the existing building because in effect, if the Board were to accept the City's version, this general office use within the existing building would be lost. Mr. Snider argues that there was absolutely no evidence to suggest that the general office use was problematic or caused any significant land use impacts and that accepting the City's version of the amending by-law would amount to a down zoning of the subject property without planning justification. Furthermore, the parties agree that the COMPASS day use programs are permitted as general office uses and were recognized as such in the City's new Urban Official Plan.

[75] Mr. Minkowski on the other hand argues that the office use would not be lost if the City version of the amending by-law was adopted. The definition of "social services establishment" in Zoning By-law 05-200 incorporates the office use. It reads as follows:

Shall mean a building in which non-profit services intended to promote and improve the independence, economic self-sufficiency, social and health development of citizens are provided and shall include but not be limited to clerical, administrative, consulting, counselling, office and recreational functions for a non-profit agency but shall not include facilities in which overnight accommodation is provided.

[76] Mr. Minkowski maintains that it would be redundant and confusing to maintain the separate office use reference in the zoning by-law when the office uses currently permitted would continue to be so under the term "social services establishment" and that therefore there is no need to refer back to the uses permitted under the site specific "L-mr" Zone.

[77] The Board agrees with Mr. Snider in that accepting the City's version would effectively result in a downzoning of the property without proper justification provided during the course of the hearing.

DISPOSITION

[78] Accordingly, the appeal is allowed and Zoning By-law 6593 of the City of Hamilton is hereby amended in accordance with Attachment 1 hereto.

ORDER

[79] It is so Ordered.

"R.G.M. Makuch"

R.G.M. MAKUCH
MEMBER

ATTACHMENT 1

Authority:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 121 Augusta Street, Hamilton**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the new Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS the Ontario Municipal Board, in adopting Item _____ recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

NOW THEREFORE the City of Hamilton enacts as follows:

1. That Map No. 995 of Schedule "A" to Zoning By-law No 05-200, is amended, by incorporating additional Community Institutional (I2) Zone boundaries, in the form of a Site-Specific Community Institutional (I2, #, H#) Holding Zone for the lands, the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.

2. That Schedule "C" - Special Exemptions, of By-law No. 05-200, be amended by adding an additional special exception as follows:

" _____ Within the lands zoned Community Institutional (I2-____) Zone, identified on Map 995 of Schedule "A" and described as 121 Augusta Street, shown

on Schedule "A" of this By-law, **in addition to the special provisions of the Special Provision L-mr-2/S-1345**, the following special provisions shall **also** apply:

- i) To permit a social services establishment together with overnight accommodation, subject to the following provisions:
 - (a) Maximum number of residents that can be accommodated - 8
 - (b) Minimum number of parking spaces - 15

3. That Schedule "D" - Holding Provisions, of By-law No. 05-200, be amended by adding additional Holding provisions as follows:

(H#) Notwithstanding Section 2 of this By-law, within lands zoned Community Institutional (I2-#) Zone, on Map 995 of Schedule "A" Zoning Maps, and described as 121 Augusta Street, a holding provision shall prohibit all uses other than those uses existing at the time of this by-law (being ____ 2013) until such time as:

- (i) The owner/applicant has submitted a signed Record of Site Condition (RSC) to the City of Hamilton, and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.

Council may remove the 'H' symbol, and thereby give effect to the Site-Specific Community Institutional (I2-#) Zone provisions by enactment of an amending by-law once the conditions are fulfilled.

4. That this By-law No. ____ shall come into force and effect and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said subsection.

- 22 -

PL120529

PASSED and ENACTED this day of , 2013.

Mayor

ZAR-11-034

Clerk

[05-200 By-law Schedule must be attached]

"R.G.M. Makuch"
R.G.M. MAKUCH
MEMBER

Appendix "B"

Ontario Human
Rights Commission

Office of the Chief Commissioner

180 Dundas Street West, 9th Floor
Toronto ON M7A 2R9
Tel.: (416) 314-4537
Fax.: (416) 314-7752

Commission ontarienne
des droits de la personne

Cabinet de la commissaire en chef

180, rue Dundas ouest, 9^e étage
Toronto ON M7A 2R9
Tél. : (416) 314-4537
Téléf. : (416) 314-7752



VIA Email

February 26, 2015

Dear Colleagues,

Re: Applying a human rights lens in zoning, licensing and municipal decision-making

As new and returning mayors, councillors and elected officials, you play a central role in ensuring that municipal processes and decisions respect the human rights of all community members. The Ontario Human Rights Commission (OHRC) has worked for several years with governments, experts and community partners to increase human rights compliance in housing, land use and licensing. I'm writing to share some positive developments in these areas, and to point out some OHRC resources that can help you make your community more inclusive.

In 2014, Toronto and Smiths Falls removed minimum separation distance (MSD) and other zoning restrictions for group homes, as part of human rights settlements with the Dream Team, a mental health consumer-survivor group. This follows similar moves by Sarnia in 2011 and Kitchener in 2012. In each case, there was no planning justification for MSDs. In fact, Toronto's own external planning expert recommended they be removed because they contravened the *Human Rights Code*.

Over the past few years, several other municipalities have recognized their human rights obligations by preventing or removing zoning, licensing and other barriers to housing and services (such as methadone clinics) that are needed by *Code*-identified groups.

The Ministry of Municipal Affairs and Housing has also reinforced the requirement to meet *Human Rights Code* obligations in municipal work by adding human rights language to two key resources:

- Section 3 of the *Municipal Councillor's Guide 2014* [www.mah.gov.on.ca/AssetFactory.aspx?did=4965] now refers to *Code* protections
- Section 4.6 of the 2014 Provincial Policy Statement under the *Planning Act* [www.mah.gov.on.ca/Page10679.aspx] now states that the PPS shall be implemented in a way that is consistent with the *Code* and the *Charter of Rights and Freedoms*.

Also in 2014, several Ontario planning schools and organizations added human rights content to courses and ongoing professional education. We continue to work with them to ensure that new graduates and practicing planners incorporate human rights principles in their work.

The OHRC provides several tools to help elected officials, staff and advocates improve human rights in housing, planning, licensing and other municipal decisions.

- Our municipal guides, *In the zone: Housing, human rights and municipal planning* [www.ohrc.on.ca/en/zone-housing-human-rights-and-municipal-planning]; and *Room for everyone: human rights and rental housing licensing* [www.ohrc.on.ca/en/room-everyone-human-rights-and-rental-housing-licensing] identify human rights risks and best practices in zoning and licensing.
- Our *Neighbourhood housing tip sheet* [www.ohrc.on.ca/en/neighbourhood-housing-tip-sheet-fact-sheet] offers suggestions for responding to community concerns about affordable supportive and rental housing, including discriminatory opposition that is based on stereotypes, assumptions and misinformation about people or the impact on the neighbourhood.
- Municipalities can also spread the message about human rights in housing by sharing our landlord and tenant brochures, fact sheet on fair rental housing ads, and *Policy on human rights and rental housing* with community members and organizations.

These publications are available in both English and French on our website at www.ohrc.on.ca/en/social_areas/housing. To order printed copies, email us at communications@ohrc.on.ca.

Municipalities are the level of government that is closest to the daily lives of people across Ontario. The decisions you make can have an immediate impact on the human rights of your residents. I challenge you to look at your planning, bylaws and decision-making processes, and to apply a human rights lens to help your neighbourhoods and communities be supportive, welcoming places for everyone to call home.

If you would like more information on human rights, municipal decision-making and housing, please contact Jacquelin Pegg at 416-326-9863 or via email at jacquelin.pegg@ohrc.on.ca.

Yours truly,



Barbara Hall, B.A., LL.B., Ph.D. (hon.)
Chief Commissioner

Appendix "C"

Land Use Planning History for Residential Care Facilities (Hamilton)

1.0 1970's Provincial Policy Direction

The availability of appropriate accommodation for all residents is important for a community's social well-being. In the 1970's, the Province of Ontario developed an alternative approach to the care of people requiring support. While historically, these people lived in institutional settings, the Province believed that they would lead more productive lives when integrated into neighbourhoods with appropriate amount of supervision and support. Residential Care Facilities (RCFs) and group homes were located within communities to provide a residential living environment for small groups of people to fill this need by providing housing options for those who require support beyond what their families can provide. These facilities are designed to provide supervision, professional counselling, and other support services to help residents meet their educational, employment, and social goals.

2.0 Zoning By-law Regulations

1.1 1980's – City of Hamilton Zoning By-law Regulations

In 1981, the former City of Hamilton introduced By-Law No. 81-27, which defined and established zoning regulations for RCFs, short-term care facilities, and lodging houses.

The by-law introduced capacities for residential care facilities by specific zoning district and included the following distance separation regulations:

- (5) Except as provided in subsection 6, every residential care facility shall be situated on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility or a short-term care facility.

(6) Where the radial separation distance from the lot line of an existing residential care facility is less than 180.0 metres to the lot line of any other lot occupied by a residential care facility or short-term care facility, the existing residential care facility may be expanded or redeveloped to accommodate not more than the permitted number of residents."

In Hamilton, many RCFs have historically located in the downtown area. These dense urban neighbourhoods are ideal locations for RCFs due to relatively inexpensive land values and convenient access to community services, transit, among other benefits. The dispersion of RCFs throughout the City, as a whole, is desirable so that the residents in these facilities can live in a residential atmosphere with a mix of housing types rather than an institutionalized environment. In addition, residents may have a choice as to what part of the City they could live in. To address the issue of over-concentration of RCFs in certain areas, the City incorporated radial separation distances in the Zoning By-law that require RCFs to be separated from each other. This distance separation does not affect existing facilities, but ensures any new RCFs will be dispersed throughout the City.

1.1.1 History of Radial Separation Distance

A separation distance requirement is a tool for controlling the number and locational restrictions of certain uses. A Radial Separation Distance (RSD) has been used to separate disruptive uses, to avoid conflict/adverse impacts to both the community and the operation. For example, separation distances could enforce appropriate buffering between industrial uses and more sensitive uses, such as residential.

In the case of RSD and residential care facilities, the former municipalities implemented radial separation distances following the de-institutionalization direction from the Province in the 1980's and 1990's. The RSD was intended to reduce an overconcentration of facilities in certain areas of the City.

Historically, the former City of Hamilton (Wards 1 to 8 and 14) had / have the highest percentage of residential care facilities, but it has been proportional to its share of population of the City (former Region of

Hamilton-Wentworth) as a whole. However, there has always been a disproportionate share of the distribution in the lower City, in particular, Wards 2 and 3. In the late 1970's, the percentage share in the former City of Hamilton was 73% and by the late 1990's it was still 67%. The intent of the radial separation by-law was to encourage the dispersion of new facilities throughout the City, which is what led to the review in 2001.

1.1.2 OHRC Concern

The OHRC has taken the position that RSD does not achieve decentralization, but rather decreases housing options and targets code protected groups. Licencing and locational requirements should only be based on ensuring decent, safe housing and not preventing or limiting housing options for people. The City can evaluate the zoning of a residential care facility / group home in light of the *Code* to determine if there is any undue hardship on the City and its residents.

1.2 Other municipalities within Hamilton

Throughout the 1980's and 1990's, Dundas, Flamborough, Glanbrook and Stoney Creek also defined RCF's but used different terms (i.e. group homes) and established their own separation requirements in their former Zoning By-laws (still in force and effect).

3.0 2000 Review of Residential Care Facilities, Short Term Care Facilities, Long Term Care Facilities and Correctional Facilities (Zoning By-Law No. 6593)

In 2000/2001, Staff reviewed the Zoning By-law regulations in Zoning By-law No. 6593 for residential care facilities, short term care facilities, long term care facilities and correctional facilities for the former City of Hamilton. The purpose of the study was:

- To review the social and land use planning history;

- To review the current land use planning policy framework for the City of Hamilton and area municipalities;
- To identify key issues and concerns;
- To identify a number of options to address these concerns; and,
- To identify the preferred options and strategies.

In June 2000, staff presented a series of options to consider changes to Zoning By-law No. 6593 respecting residential care facilities, long term care facilities and correctional facilities. The Committee directed staff to undertake a public participation program to gain input on the proposed recommendations.

Staff met with a number of different groups – service providers, neighbourhood groups, government agencies and the Business Improvement Areas (BIAs) to gauge their reaction and concerns with the proposed recommendations. Following these discussions, a second report was prepared with recommendations on changes to Zoning By-law No. 6593. It was also further expanded to include hostels.

The May 2001 Discussion Paper titled “Residential Care Facilities, Long Term Care Facilities, Correctional Facilities and Hostels Discussion Paper No. 2 (Final Recommendations)” provided information and direction to update the current by-law standards from the 1981 by-law in a manner that balances the provision of a variety of housing types and size, the support for community integration of these facilities, and the impact of these facilities on the community. The report made a number of recommendations related to zoning definitions and regulations, in particular with regards to permitted uses within the zones and to increase the separation distance from 180 m to 300 m radial separation distance. In addition to the recommended zoning changes, the report provided direction for non-land use planning matters such as a central registry, review of subsidy agreements and a bi-annual report on the effectiveness of changes to the zoning requirements.

On June 26, 2001, the Hearings Sub-Committee considered the “Residential Care Facilities, Long Term Care Facilities, Correctional Facilities and Hostels

Discussion Paper No. 2 (Final Recommendations)". The main recommendations were to:

- Redefine short term care facilities and hostels to emergency shelters and add new definitions for retirement homes, and correctional facilities;
- Add RCFs to the "B" (Suburban Agriculture and Residential, etc.) District; and,
- Increase the radial separation distance between all facilities from 180m to 300m.

These recommendations were approved by Council on June 26, 2001, and, with respect to item (b), By-law No. 01-143 was passed by Council on this date and Hamilton Zoning By-law No. 6593 was amended to reflect the above recommendations. The other municipal zoning by-laws remained as is since these changes were underway prior to amalgamation.

Appendix "D"

Provincial Policies

1.0 Provincial Policy Statement, 2014

"1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;

1.4 Housing

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households*. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements; and
- e) establishing development standards for *residential intensification, redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety."

Special Needs is defined as: "any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

4.0 Implementation and Interpretation

4.6 This Provincial Policy Statement shall be implemented in a manner that is consistent with the Ontario *Human Rights Code* and the Canadian *Charter of Rights and Freedoms*.

2.0 Growth Plan for the Greater Golden Horseshoe

2017 Growth Plan

The Growth Plan does not specifically address special needs housing. However it contains similar policies to the PPS that requires a municipality, though the completion of a Housing Strategy, to identify affordable housing for current and future populations.

Policy 2.2.6.1 a) i) requires that a municipality must plan to achieve certain density targets both inside and outside the built boundary. To achieve these targets municipalities must identify a diverse range and mix of housing

options and densities, including second units and affordable housing to meet projected need of current and future residents.

Amendment No. 1 to the Growth Plan

On January 2019, the province introduced Amendment No, 1 which proposes to remove the need to complete a Housing Strategy. However, the requirement to identify and plan for diverse range and mix of housing remains.

Appendix "E"

OFFICIAL PLAN POLICIES

1.0 Urban Hamilton Official Plan

B.3.2 Housing Policies

Housing is fundamental to the economic, social and physical well-being of Hamilton's residents and communities. Housing is a basic human need and is the central place from which people build their lives, nurture their families and themselves, and engage in their communities. Housing needs change and evolve as social, demographic, and economic conditions change. The long term sustainability of communities is based on building a diverse, flexible housing stock today to meet changing needs at both household and community levels. To ensure that housing is available for all residents with a wide variety of needs, there must be a sufficient supply of housing with a range of housing types, forms, tenures, densities, affordability levels, and housing with support services.

"B.3.2.1.6 Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City."

Housing targets for Ownership and Rental are found in Table B.3.2.1.

B.3.2.3 Affordable Housing Policies

"Many households in Hamilton cannot obtain housing that is *affordable* or appropriate to their needs. Households and individuals may be at risk of homelessness because of economic and/or personal circumstances where a level of support is required to live independently. Hamilton's aging and diversifying population has new and unique housing needs that cannot solely be met through current housing options. The City recognizes the importance of *affordable* housing and *housing with supports* in meeting the housing needs of

those without the resources to participate in the private housing market.

B.3.2.3.1 The City shall endeavour to provide a facilitative land use planning process for development applications for affordable housing and housing with supports.

B.3.2.4.3 Housing with supports, including residential care facilities, shall be permitted in the Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, and shall be subject to zoning regulations where applicable.”

Downtown, Sub-Regional Service Nodes, Community Nodes and Neighbourhood designations all support and encourage housing with supports.

C.3.2 Urban Area General Provisions (Policies)

“C. 3.2.2. The following uses shall be permitted in the Neighbourhoods, Institutional, and Commercial Mixed Uses designations:

- c) A small scale residential care facility shall be as-of-right, provided it complies with all applicable policies and the Zoning By-law.”

2.0 Rural Hamilton Official Plan

The following policies in Chapter B – Communities specifically address the need for support services in the Rural Area:

"B.3.2 Housing Policies

Housing is fundamental to the economic, social and physical well-being of Hamilton's residents and communities. Housing is a basic human need and is the central place from which people build their lives, nurture their families and themselves, and engage in their communities. While the housing needs of the farm community and rural residents are important, rural land is primarily a working landscape for agriculture and non-renewable resources, with strong protections for our vital natural resources. Rural settlement areas are the focus of rural non-agricultural and non-resource uses to protect the rural land base for its primary resource purposes. Additionally, the rural area cannot be serviced by lake-based municipal water and sewer systems. Any municipal water systems existing on the date of adoption of this Plan were developed to address a water quality health emergency. The need for a certain land area to accommodate sustainable private servicing means that multi-dwelling housing forms cannot be permitted in the rural area, and densities must remain low. In accordance with Chapters D and F of this Plan, no additional non-farm housing is contemplated outside of rural settlement areas. Unfortunately, this means the opportunities for affordable housing in the rural area are limited.

3.2.1 Affordable Housing Policies

Many households in Hamilton cannot obtain housing that is *affordable* or appropriate to their needs. Households and individuals may be at risk of homelessness because of economic or personal circumstances where a level of support is required to live independently. The City recognizes the importance of *affordable* housing and *housing with supports* in meeting the housing needs of those without the resources to participate in the private housing market. There are also unique housing needs in the *rural area*, with special challenges in meeting those housing needs. The overlying planning principles are the protection and availability of the agricultural land base and natural

resources, and protection of natural heritage resources. Protection of the land base and the ability to farm that land or extract natural resources necessitates restricting future residential *development* to existing permissions and Rural Settlement Areas. Further, water and sewage servicing constraints, the need for a certain land area to accommodate safe water supply and sewage disposal limits housing forms. For these reasons the potential for additional housing in the rural area is limited.

- 3.2.1.1 The City shall endeavour to provide a facilitative land use planning process for development applications for *affordable housing and housing with supports.*"

In addition, small scale residential care facilities are permitted in the Agriculture, Specialty Crop, Rural and Rural Settlement Area designations in accordance with the Zoning By-law and provided the facility can meeting the sustainable servicing provisions. (Policy C. 3.1.2.c)

3.0 Glossary for OP's:

"Housing with Supports: means public, private or non-profit owned housing with some form of support component, beyond economic support, intended for people who need support services to live independently in the community, where providers receive funding for support services. The tenure may be long term. Housing with supports includes special needs housing as defined by the Provincial Policy Statement (2005)."

Appendix "F"

Zoning By-laws in Hamilton

1.0 Zoning By-law No. 05-200

In 2005, Zoning By-law No. 05-200 established the definitions as well as the regulations for the Downtown area. Since 2005, new zones have incorporated certain uses within various zones that apply on a city wide basis.

1.1 Definitions

“Residential Care Facility: Shall mean a group living arrangement, within a fully detached residential building occupied wholly by a minimum of four supervised residents and a maximum number of supervised residents as permitted by the zone, exclusive of staff, residing on the premises because of social, emotional, mental or physical handicaps or personal distress and which residential setting is developed for the well-being of its residents through the provision of self-help, guidance, professional care and supervision not available within the resident’s own family, or in an independent living situation or if:

- a) The resident was referred to the facility by a hospital, court or government agency; or
- b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments.

A residential care facility shall include a children’s residence and group home but shall not include an emergency shelter, lodging house, corrections residence or correctional facility.”

“Corrections Residence Shall mean a group living arrangement in a secure facility, for people who have been placed on probation, who have been released on parole, or who are admitted to the facility for correctional or rehabilitation purposes, and live together with the requirements of its residents and accepted standards for secure detention. A corrections residence is licensed, funded, approved or has a contract or agreement with the Province of Ontario or Federal Government, but shall not include a correctional facility, emergency shelter, or a residential care facility.”

There is only a corrections residence permitted in the City as a special exception.

1.2 Downtown Zones

In 2005, Zoning By-law No. 05-200 was passed which introduced, amongst other matters, definitions and six Downtown Zones. The definition and the regulations for Zoning By-law No. 05-200 were based on the 2001 amendments to the Zoning By-law No. 6593.

These zones allow residential care facilities of varying sizes:

Zone	Capacity
Downtown Mixed Use (D3) Zone	20
Downtown Local Commercial Use (D4) Zone	20
Downtown Residential (D5) Zone	6
Downtown Multiple Residential (D6) Zone	6

A radial separation distance of 300 m between a residential care facility, a corrections residence, a correctional facility or an emergency shelter is included. It also maintains the moratorium on new facilities within the area bounded by Queen Street, James Street, Hunter Street and Main Street.

The Downtown Zones were amended in 2018 but no changes were made to RCFs.

1.3 Institutional Zones

On March 28, 2007, By-law No. 07-101 was passed by Council which introduced three new Institutional Zones to the City of Hamilton Zoning By-law No. No. 05-200. These zones allow residential care facilities of varying sizes as follows:

Zone	Capacity
Neighbourhood Institutional (I1) Zone	15
Community Institutional (I2) Zone	50
Major Institutional (I3) Zone	50

Similar to the Downtown zones, this By-law included a radial separation distance of 300 metres for any new residential care facility or correctional residence throughout the City and the Institutional Zones established the capacity for any residential care facility within the new zones. No new additional work was done in regards to reviewing the separation distances.

Following the completion of the "Residential Care Facilities, Long Term Care Facilities and Correctional Facilities Discussion Paper" in 2000, and as a part of the Comprehensive Zoning By-law No. No. 05-200, the Institutional Zoning process began in 2005. Using the recommendations of the Discussion Paper, the foundation of the Institutional Zones was established.

1.4 Commercial/Mixed Use (CMU) Zones

In November 2017, City Council passed By-law No. 17-240 to include eight new commercial zones within Zoning By-law No. No. 05-200. There are three zones which allow RCFs; the following capacities apply:

Zone	Capacity
Residential Character Commercial (C1) Zone	6
Mixed Use High Density (C4) Zone	50
Mixed Use Medium Density (C5) Zone	50

Radial separation distances were included because no decision had been made about the need for this separation in the urban area.

1.4 Rural Zoning

Residential care facilities are permitted use within the following Zones:

Zone	Capacity
Agricultural (A1) Zone Rural (A2) Zone	10
Settlement Residential (S1) Zone	6

No radial separation distances were included since the location of these facilities, primarily outside the RSA's, were located on lots that were large such that a separation distance was not warranted.

2.0 Dundas Zoning By-law No. 3581-86

A RCF is referred to as a "Group Home" in this By-law and is only permitted in two zones - the Low Density Residential (R4) Zone and Residential and Commercial Conversion (R.C.C.) Zone with a maximum capacity of 6 residents. It is defined as:

"GROUP HOME" means any supervised, community based group living arrangement, located in a fully-detached building occupied wholly for such use, by a maximum number of supervised residents, exclusive of staff, with social, legal, emotional or mental problems, that is developed for the well-being of its occupants through self-help and/or professional care, guidance, and supervision unavailable in the occupant's own family or in an independent situation, provided that:

- i) the occupants of the Group Home are referred to the Group Home by a hospital, court or government agency; or
- ii) such facility is government funded either wholly or in part, other than funding provided solely for capital purposes; or
- iii) the facility is regulated or supervised under any general or special act (Municipal, Provincial or Federal)."

The radial separation distance is 275 metres and the maximum capacity is 6 persons.

3.0 Flamborough Zoning By-Law No. 90-145-Z

Similar to Dundas, a RCF is considered a "Group Home" in this By-law and is subject to the following regulations:

"Group Home" shall mean a household located within a *single detached dwelling* in which 3 to 10 residents, excluding staff or receiving

household, live under responsible supervision consistent with the requirements of its residents and relevant Provincial guidelines. "

Group Home Regulations

A group home shall be permitted in any zone except any industrial zone subject to the following applicable provisions for the urban area:

- (a) the group home is licensed or approved under Provincial Statute;
- (b) the group home is located within a single detached dwelling containing a minimum of 20 square metres of gross floor area per person residing within the said dwelling unit;
- (d) in the Urban Area, no group home shall be located within 350 metres of any other group home;
- (e) when any conflict regarding the required separation distances specified (d) occurs, the more restrictive of the two distances shall be used;
- (f) all group homes shall be listed on a Municipal Register.

4.0 Glanbrook Zoning By-Law No. 464

Similar to Dundas and Flamborough, a RCF is considered a "Group Home" in this By-law and is only permitted within a single detached dwelling in one zone - the Residential Multiple "RM1" Zone. The radial separation distance is 1.6 kilometres, the minimum capacity is 3 persons, the maximum capacity is 6 persons and must be licensed by the appropriate Provincial Ministry having jurisdiction and registered with the Township of Glanbrook in accordance with Section 240 of the Municipal Act, being Chapter M.45 of the Revised Statutes of Ontario, 1990, as amended from time to time. It is defined as follows:

"GROUP HOME" means a licensed single housekeeping unit in a single detached dwelling in which three (3) to six (6) persons,

excluding supervisory staff or the receiving family, live under responsible supervision consistent with both the particular needs of its residents and the relevant Provincial guidelines."

5.0 Hamilton Zoning By-Law No. 6593

This By-law defines a RCF as follows:

"Residential Care Facility" means a group living arrangement, within a fully detached residential building occupied wholly by a minimum of four supervised residents and a maximum number of supervised residents as permitted by the district, exclusive of staff, residing on the premises because of social, emotional, mental or physical handicaps or problems or personal distress and that is developed for the well being of its residents through the provision of self-help, guidance, professional care and supervision not available in the residents own family, or in an independent living situation or if:

- (i) the resident was referred to the facility by hospital, court or government agency; or
- (ii) the facility is licensed, funded, approved or has a contract or agreement with the federal, provincial or municipal governments.

A residential care facility is not considered as an emergency shelter, lodging house, corrections residence, correctional facility or retirement home. "

It is permitted in the "B", "B-1", "B-2", "C", "R-4", "D", "DE", "DE-2" and "DE-3" Districts with a maximum capacity of 6 persons, and the "E", "E-1", "E-2", "E-3", "G", "G-2", "H", "I", "CR-1", "CR-2" and "CR-3" Districts with a maximum capacity of 20 persons, subject to the following radial separation distance requirements:

"8. (5) Except as provided in Subsection 6, every residential care facility

shall be situated on a lot having a minimum radial separation distance of 300.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility, emergency shelter, corrections residence or correctional facility. (01-143 - Deleted by 06-188) (07-107)

- (6) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents. (01-143 – Deleted by 06-188) (07-107)"

Finally, there are certain areas of the City where a RCF is prohibited:

- "4. (8) No additional residential care facilities, retirement homes, emergency shelters, corrections residence and correctional facilities or expansions of existing residential care facilities, retirement homes, emergency shelters, corrections residence or correctional facilities shall be permitted in the areas identified on Schedule "O" of Zoning By-Law No. 6593 – Moratorium Areas for Residential Care Facilities, Retirement Homes, Emergency Shelters, Corrections Residence and Correctional Facilities. (01-143) (02-043)
19. (4) Notwithstanding any other provisions of this By-Law, any building or portion thereof existing on the date of the passing of this By-Law, located within Area "A" shown on Schedule "I" of Section 18A, may be converted to a residential use except for a Residential Care Facility or Short-Term Care Facility, provided that the ground floor is maintained for commercial use. (96-034)" (See Schedules attached in Appendix "A")

In 2007, Zoning By-law No. 6593 was modified to remove the radial separation distances for retirement homes (By-law 07-107).

6.0 Stoney Creek Zoning By-Law No. 3692-92

This By-law includes a definition of RCF:

“Residential Care Facility” Means a housekeeping unit within a detached building in which the maximum number of persons residing in the unit, exclusive of supervisory personnel, employees or their dependents, shall be as specified in the various zoning categories of this By-law. Such a unit shall be a facility that receives funding based on the number of persons residing in the unit, which funding may be from any source, and which funding is not for capital purposes. Such a unit shall be a facility that is supervised by on-site personnel. Such a unit shall not include the following:

- (a) A Community Resource Centre or a Correctional Institution as defined or designated under the Ministry of Correctional Services Act, R.S.O. 1990, c.M.22;
- (b) A place of open custody, a place of open temporary detention, a place of secure custody, a place of secure temporary detention or a place of temporary detention as defined under the Mental Health Act, R.S.O. 1990, c.M.7;
- (c) A Charitable Institution, a Hostel as defined under the Charitable Institutions Act, R.S.O. 1990, c.C.9;
- (d) A Nursing Home as defined under the Nursing Home Act, R.S.O. 1990, c.N.7;
- (e) A Home for the Aged as defined under the Homes for the Aged and Rest Homes Act, R.S.O. 1990, c.H.13;
- (f) A Domiciliary Hostel;
- (g) A Tent, Cabin or Recreational Vehicle;
- (h) A Hotel, Motel or Tourist Home;
- (i) A Foster Home;
- (j) A Group Home; or

(k) A Boarding House."

"Group Home - Means a housekeeping unit within a building, in which the maximum number of persons residing in the unit, exclusive of supervisory personnel, employees or their dependents, shall be as specified in the various zoning categories of this By-law and which unit shall be licenced pursuant to a Provincial Statute. Such a unit shall not include the following:

- (a) A Community Resource Centre or a Correctional Institution as defined or designated under the Ministry of Correctional Services Act, R.S.O. 1990, c.M.22;
- (b) A place of open custody, a place of open temporary detention, a place of secure custody, a place of secure temporary detention or a place of temporary detention as defined under the Mental Health Act, R.S.O. 1990, c.M.7.
- (c) A Charitable Institution or Hostel as defined under the Charitable Institutions Act, R.S.O. 1990, c.C.9;
- (d) A Nursing Home as defined under the Nursing Home Act, R.S.O. 1990, c.N.7;
- (e) A Home for the Aged as defined under the Homes for the Aged and Rest Homes Act, R.S.O. 1990, c.H.13;
- (f) A Residential Care facility;
- (g) A Domiciliary Hostel;
- (h) A Tent, Cabin, Trailer or a Mobile Home;
- (i) A Hotel, Motel or Tourist Home;
- (j) A Foster Home; or
- (k) A Boarding House.

These uses are permitted in any Residential Zones that permit a single detached dwelling, a duplex, a semi-detached dwelling or a triplex dwelling (8 zones permit these uses), subject to the following regulations:

"6.1.5 Residential Care Facilities, Group Homes Or Domiciliary Hostels

Where any residential zone permits a single detached dwelling, a duplex, a semi-detached dwelling or a triplex dwelling, such dwelling may be converted to a Group Home, a Residential Care Facility or a Domiciliary Hostel for a maximum of six (6) residents provided that:

- (a) The entire dwelling is so converted and wholly occupied by such use;
- (b) A lot containing such dwelling shall not be located within 800 metres of any other lot upon which is situated any other Group Home, Residential Care Facility or a Domiciliary Hostel;
- (c) Parking spaces shall be provided in accordance with the provisions of Section 4.10 with a maximum of two (2) parking spaces in the front yard; and
- (d) The dwelling complies with all regulations of the zone in which it is located."

Any single detached, duplex, semi-detached or triplex can be converted into a residential care facility or group home provided the entire building is converted to that single use.

Appendix "G"

1.0 Municipalities challenged on Human Rights

1.1 Toronto

“Group Home means premises used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for up to ten persons, exclusive of staff, living together in a single housekeeping unit because they require a supervised group living arrangement. [By-law: 0550-2014]

Residential Care Home means supervised living accommodation that may include associated support services, and:

- (A) is licensed or funded under Province of Ontario or Government of Canada legislation;
- (B) is for persons requiring semi-independent or supervised group living arrangements;
- (C) is for more than ten persons, exclusive of staff; and,
- (D) an apartment building used for the purpose of supportive housing or social housing is not a residential care home.

(1) Group Home or Residential Care Home - Use Restriction

A group home or a residential care home must occupy the entire building and may not be combined with any other use.

(2) Group Home - Type of Building in the Residential Zone Category

In the Residential Zone category, a group home may be in:

- (A) a building that was originally constructed as a detached house; and

- (B) a building that was originally constructed as a semi-detached house if:
- (i) the building is on a lot in the R zone; and
 - (ii) the group home occupies the entire building."

1.1.2 Smith Falls

"GROUP HOME, TYPE A: Means a single household unit in a dwelling, in which 3 to 10 residents (excluding staff or receiving family) live together under responsible supervision consistent with the requirements of its residents. The definition does not include residences for young offenders, adult offenders or boarding/rooming dwelling houses"

"Type A Group Homes shall be a permitted use in all zones in which a single detached dwelling is permitted as a principle use in accordance with the following provisions.

1. *Type A Group Homes* shall not be permitted in accessory single detached dwelling houses nor in accessory dwelling units.
2. *Type A Group Homes* may be permitted in single-detached dwellings and in both units of semi-detached and duplex dwellings, provided that both units are occupied by one group home operation and that the total number of residents (excluding staff or receiving family) in both units does not exceed ten."

1.1.3 Kitchener

"**Correctional Group Home**" means a residence licensed or funded under a federal or provincial statute for accommodation of three to ten persons, exclusive of staff, supervised by staff on a daily basis for

persons who have been placed on probation, released on parole or admitted for correctional purposes.

"Group Home" means a residence licensed or funded under a federal or provincial statute for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, ~~by reason of their emotional, mental, social or physical condition or legal status,~~ require a group living arrangement for their well-being and shall not include a correctional group home." (Strikethrough indicates the removed wording)

"Residential Care Facility" means a building or part thereof occupied by three (3) or more persons, exclusive of staff, who are cared for on a temporary or permanent basis in a supervised group setting. This shall include, for example, a group home, correctional group home, crisis care facility, residence for socially disadvantaged persons or nursing home, but shall not include a lodging house, foster care home, hospital or a hospice with 10 patients or less."

1.1.4 Sarnia

The City continues to define Group Home and Residential Care Facility as follows:

"GROUP HOME" shall mean a dwelling unit operated as a single housekeeping unit accommodating, or having the facilities to accommodate, 5 to 10 residents (exclusive of staff) who, by reason of their emotional, mental, social, or physical condition require a group living arrangement under 24 hour responsible supervision consistent with the requirements of its residents, and the group home is either licensed or funded under Provincial or Federal statute. Any counseling or support services provided in the group home shall be limited to those required by the residents."

"RESIDENTIAL CARE FACILITY" means a family home, group care facility, or similar facility for **24** hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual."

2.0 Other Municipalities

2.1 City of St. Catharines

In December 2013, the City of St. Catharines adopted a new Comprehensive Zoning By-law. The new By-law removed the minimum separation requirement which was previously in place. The new Zoning By-law also redefined group homes as "Special Needs Housing" which is now permitted in all dwelling types in all zones that permit a residential use.

The City noted that the changes were made because the application of an MDS, together with defining the use as Group Home, was believed to be discriminatory based on Ontario Human Rights.

"Special Needs Housing: means any housing, including dedicated facilities in whole or in part, that is used by people who have specific needs beyond economic needs including, but not limited to, needs such as mobility requirements or support functions required for daily living."

2.2 City of Burlington

The City of Burlington continues to maintain a separation distance of 400m for group homes of 6 or more residents. It was noted by City of Burlington staff that most of the facilities in Burlington have less than 6 residents and therefore they do not need special zoning or regulatory steps.

“Group Home: A single housekeeping unit supervised by staff on a daily basis which provides special care and treatment to persons for physical or mental deficiency, physical handicap or other such cause. A Group Home shall be funded, licensed, approved, or supervised by the Province of Ontario under a general or specific Act, for the accommodation of not less than 6 and not more than 8 residents, exclusive of staff. Where a Group Home is located outside the Urban Improvement Area boundary, the maximum number of residents permitted, exclusive of staff is 10. A Group Home may contain an office provided that the office is used only for the administration of the Group Home in which it is located.”

2.3 Town of Milton

The Town of Milton maintains a 500m minimum separation distance for group homes that was implemented in 2002. There are also locational and number of occupant requirements associated with group homes.

“GROUP HOME TYPE 1

Means a dwelling unit occupied by residents who live as a single housekeeping unit requiring specialized or group care, supervised on a daily basis, and which is licensed, approved or supervised, or funded by the Province of Ontario as:

- Home for Special Care, Homes for Special Care Act;
- Approved Home, Mental Hospitals Act;
- Children’s Residence, Child and Family Services Act;
- Approved Home, Developmental Services Act;
- A Facility, Developmental Services Act;
- Charitable Home for the Aged, Charitable Institutions Act; or,
- Home for the Aged, Homes for the Aged and Rest Homes Act.”

"GROUP HOME TYPE 2

Means a dwelling unit occupied by residents who live as a single housekeeping unit requiring specialized or group care, supervised on a daily basis, and which is licensed, approved or supervised, or funded by the Province of Ontario under any general or specialized Act and which shall be maintained and operated primarily for:

- Persons who require temporary care and transient or homeless persons; or
- Persons requiring treatment and rehabilitation for addiction to drugs or alcohol."

1.4 City of Windsor

When staff originally contacted the City of Windsor in early 2016, the City had a minimum separation distance requirement of 240 metres for group homes and residential care facilities. However, in light of the changes to the *Planning Act* and Provincial Policy Statement and the recent challenges made by the Human Rights Commission in other municipalities, the City of Windsor commenced a City initiated amendment to remove minimum distance separation requirements.

The minimum distance separation between Group homes was removed in September, 2016 via a housekeeping amendment. There was no discussion on the matter of group homes at the public meeting or at Council. The definitions remain the same.

The City's zoning definitions are below:

"Group Home" means a dwelling that is:

1. For the accommodation of six to ten persons, exclusive of staff;

2. For persons living under supervision in a single housekeeping unit and who require a group living arrangement for their well-being; and
3. Licensed or funded by the Federal, Provincial or Municipal government.

A lodging house or a residential care facility is not a group home.

"Residential Care Facility" means a dwelling that is:

1. For the accommodation of eleven or more persons, exclusive of staff;
2. For persons requiring supervised or assisted living arrangements; and
3. Licensed or funded by the Federal, Provincial or Municipal government.

A group home or a lodging house is not a residential care facility."

Appendix "G1"

Review of Municipal Approaches to OHRC-Dream Team Concerns on Residential Care Facilities

Below is a summary of the experience of the 4 municipalities targeted by the Dream Team.

1.0 City of Toronto

The City of Toronto investigated the human rights implications identified by a complaint lodged by the Dream Team prior to initiating amendments to its Zoning requirements. The complaint alleged that the separation distance requirement discriminates against persons with disabilities contrary to the Code. In response to the legal challenge, the City of Toronto retained a land use planning expert to study the appropriateness of Toronto's group home regulations. According to the City of Toronto's expert report¹, separation distances need to be appropriately rationalized based on the findings of a thorough study of the land use component of facilities, activities and functions associated with the specified land use and their impacts along with public consultation. Therefore, the municipality's zoning requirements should focus on the use and function of the building on the land and not on the persons using the building. Furthermore, the Supreme Court of Canada states that planning requirements must be based on legitimate goals, adopted in good faith, necessary to meet the goals, inclusive and accommodate differences to the point of undue hardship.

This review determined there was no planning rationale to justify the required minimum separation distance between group homes and recommended, among other things, that the separation distance requirement be removed.

In June, 2014 the City of Toronto amended its Zoning By-law to amend its definitions and to remove separation distances for group homes. The By-law

¹ Agrawal, Sandeep K., *Opinion of the provisions of Group Homes in the City-wide Zoning By-law of the City of Toronto*, attached to Report on Human Rights Challenges to Group Home Zoning regulations to the Planning and Growth Management Committee (Toronto) (February 28, 2013).

was approved without appeal. The Dream Team agreed to drop its human rights complaint against the City now that the amendments have been made.

2.0 Smiths Falls

Prior to the challenge by the Dream Team in 2010, Smiths Falls Zoning By-law restricted the total number of mentally handicapped residents to a maximum of 36 residents in all such Type A Group Homes in the community. In addition, a minimum distance separation of 300 metres between two Type A Group Homes was required.

After negotiations with the OHRC and the Dream Team, the Town agreed to amend their Zoning definition and requirements in October, 2014. Section 4.12, Group Homes, of By-law 6080-94, was amended to remove provisions for minimum separation distances. The definition does not contain any references (social, emotional or physically challenged) for group living arrangement.

3.0 City of Kitchener

The City of Kitchener put forward a recommendation to its Community and Infrastructure Services Committee to commence a City-Initiated Zone Change for the minimum distance separation regulation and definitions for group homes in June of 2012. The report outlined the mediation with the Dream Team and the Human Rights Legal Support Centre and the general agreement struck to initiate the process to amend the Zoning By-law. The June report was seeking direction from City Council to commence this process and undertake the necessary public consultation.

In summary, the following zoning by-law amendments were reviewed:

- add a definition of "correctional group home";
- replace section 5.17 (general provisions) with a similar minimum distance separation applying to correctional group homes only;
- permit group homes in the R-1 and M-1 zones; and,

- amend the definition of "group home" to eliminate references to protected groups.

Following the proper planning review and public consultation process, the City of Kitchener amended their Zoning By-law definition to remove any language deemed discriminatory in the definition. A definition of 'correctional group home' was added to the Zoning By-law to differentiate between the group homes. "Group homes" were added to the permitted uses of the R-1 and M-1 zones where residential uses were permitted but did not explicitly state residential care facilities. Group homes are no longer subject to a minimum separation distance. Correctional Group Homes are required to meet the 400m separation distance.

The amendments were approved by Council in September, 2012.

4.0 City of Sarnia

The City of Sarnia initiated a review of group homes in December 2009, prior to the complaint lodged by the Dream Team in February 2010. Based on information from the Sarnia staff report, the advocacy group felt that the regulations for group homes in Sarnia were discriminatory because they restrict the location of group homes to arterial and collector streets, group homes must be separated from other group homes by 200m (4km in Rural areas), and group homes are not permitted as-of-right in any area of the City.

Through a thorough review and investigation of the zoning requirements, it was determined that groups homes should be considered as residential uses and therefore should be treated as such. The rationale in the staff report indicates that the group home provider is the best person to determine the locational needs and that separation distances have no degree of certainty as the City does not maintain a record of group homes. For higher density, more intensive uses such as shelters, nursing homes and residential care facilities, it was recommended to keep the locational and separation requirements.

The City of Sarnia amended their Official Plan and Zoning By-law to remove the separation distance requirements for group homes. In addition, it was determined group homes were not required to be in a single detached dwelling and could be located in any dwelling unit where dwellings are permitted subject to the zone requirements. The findings also recommended that special parking requirements and locational requirements should not be applied to group homes as they function as residential uses.

For higher density and more intensive special residential uses that are more appropriately characterized as public service facilities such as shelters or nursing homes, it was recommended that the official plan policies which deal with locating on collector or arterial streets and minimum separation distances, be maintained.

The City amended its Zoning By-law in 2010 to remove the minimum separation distance; however, descriptive wording of persons requiring the facilities remains in the definition. In recent correspondence with the City, it was noted that the definition will be reviewed and potentially amended through the next comprehensive review of the Zoning By-law.

Appendix "H"

Options for Change - Definitions

The purpose of a definition is to describe a specific use and to permit it in certain areas of the City. Generally, a definition does not include regulations unless it is necessary to differentiate it from a similar use.

Option 1: Apply the existing definition in Zoning By-law No. No. 05-200 to all new residential zones.

The former municipal Zoning By-laws and Zoning By-law No. 05-200 use different nomenclature and descriptions to identify the same use. Residential care facility is the preferred definition in that it also correlates to the City's licencing by-law.

Advantages	Disadvantages
It creates consistent terminology and understanding of the use throughout the City.	It does not address the Human Rights issue allowing people to choose where they live without being identified as needing care.
This definition has been in place for many years and does not result in interpretation issues as to the use.	

Option 2: Amend the definition in Zoning By-law No. 05-200 to remove references to why someone resides in a facility.

The definition is modified by deleting (strikeouts) and adding new words (italics).

Residential Care Facility Shall mean a group living arrangement, within a fully detached residential building occupied wholly by a minimum of four supervised residents and a maximum number of

supervised residents as permitted by the zone, exclusive of staff, residing on the premises ~~because of social, emotional, mental or physical handicaps or personal distress~~ and which residential setting is developed for the well-being of its residents through *the provision of supports/services* ~~of self-help, guidance, professional care and supervision not available within the resident's own family, or in an independent living situation~~ or if:

- a) The resident was referred to the facility by a hospital, court or government agency; or
- b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments.

A residential care facility ~~shall include a children's residence and group home but~~ shall not include an emergency shelter, lodging house, corrections residence or correctional facility.

Advantages	Disadvantages
It creates a consistent terminology and understanding of the use.	It maintains the capacity in the definition opposed to the Zone.
It does not change the intent of the land use to allow for group living arrangements with supervision.	
Removes references to any disability or characteristics of the residents ('people zoning') and deals with the land use. This concern was raised by ORHC in other municipalities.	

Proposed definition: **Residential Care Facility** Shall mean a group living arrangement, within a fully detached residential building occupied wholly by a minimum of four supervised residents and a maximum number of

supervised residents as permitted by the zone, exclusive of staff, residing on the premises and which residential setting is developed for the well-being of its residents through *the provision of supports/services* or if:

- a) The resident was referred to the facility by a hospital, court or government agency; or
- b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments.

A residential care facility shall not include an emergency shelter, lodging house, corrections residence or correctional facility.

Option 3: Amend the definition to remove references to the number of residents, why people live in the facility and to generalize the provision of supports and services .

The definition is modified by deleting (strikeouts) and adding new words (italics).

Residential Care Facility Shall mean a group living arrangement, within a fully detached residential building occupied wholly by a ~~minimum of four supervised residents, and a maximum number of supervised residents as permitted by the zone,~~ exclusive of staff, residing on the premises ~~because of social, emotional, mental or physical handicaps or personal distress~~ and which residential setting is developed for the well-being of its residents through *the provision of supports/services* ~~of self-help, guidance, professional care and supervision not available within the resident's own family, or in an independent living situation~~ or if:

- a) The resident was referred to the facility by a hospital, court or government agency; or
- b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments.

A residential care facility ~~shall include a children's residence and group home but~~ shall not include an emergency shelter, lodging house, corrections residence or correctional facility.

Advantages	Disadvantages
It removes all regulations and places the regulations (i.e. capacity) within the zone itself. The maximum capacity per zone is established in each zone, where individual zones have a range.	City staff and the public have become accustomed to understanding the definition includes a minimum number of residents.
Definitions should not include regulations but only define the use.	
Removes references to any disability or characteristics of the residents ('people zoning') and deals with the land use. This concern was raised by OHRC in other municipalities.	

Proposed definition: **Residential Care Facility** Shall mean a group living arrangement, within a fully detached residential building occupied wholly by supervised residents, exclusive of staff, residing on the premises and which residential setting is developed for the well-being of its residents through *the provision of supports/services* or if:

- a) The resident was referred to the facility by a hospital, court or government agency; or
- b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments.

A residential care facility shall not include an emergency shelter, lodging house, corrections residence or correctional facility.

Preliminary Recommendations

Based on the review of the various options, including the advantages and disadvantages, the preferred approach is:

Proposed Regulations	Option(s)
<p>Residential Care Facility Shall mean a group living arrangement, within a fully detached residential building occupied wholly by supervised residents exclusive of staff, residing on the premises and which residential setting is developed for the well-being of its residents through <i>the provision of supports/services</i> or if:</p> <ul style="list-style-type: none"> a) The resident was referred to the facility by a hospital, court or government agency; or b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments. <p>A residential care facility shall not include an emergency shelter, lodging house, corrections residence or correctional facility.</p>	<p>3</p>

This proposed definition removes the regulations within the definition and places them within the zone as well as removes any reference to the disability or characteristics of a person living in a facility.

Appendix "H1"

Options for Change: Minimum and Maximum Capacities

There are three different approaches to regulate capacity (number of residents) within the Zoning By-law:

- The minimum and maximum capacities are included within the definition; or,
- The minimum capacity is contained within the definition and the maximum capacity in an individual zone; or,
- Minimum and maximum capacities are included in the Zone.

Assuming maximum capacities are included within individual zones, then options should be considered for regulating the size of a residential care facility based on the intensity of the residential zone.

1.0 Minimum and/or Maximum Capacity (By-law Format)

Option 1a: Establish the Minimum and Maximum Capacities within the Definition

Advantages	Disadvantages
Without reading the Zoning By-law regulations, it would be easy to determine how small or large a facility can be.	It establishes a maximum number of residents by zone without considering the type of residential development in the surrounding area.
	It is an inconsistent approach and it is not a good Zoning By-law practice to establish regulations within a definition.
	This approach does not allow for a maximum to vary by zone.

Option 1b: Establish the Minimum Capacity in the Definition and the Maximum Capacities within the Individual Zones

Advantages	Disadvantages
It allows for the capacities to vary by zone.	The definition and zone regulations would have to be read to determine how small or large a facility can be.
Many of the current by-laws establish a minimum capacity in the definition.	Definitions describe the use and no regulations should be contained within it. For consistency in by-law format all regulations should be included in the zone or general provisions section.
	The format is inconsistent when the minimum is established in the definition and the maximum is within the zone. In reading the by-law it may be interpreted as a zone having no maximum.

Option 1c: Minimum and Maximum Capacities Included within the Individual Zones

Advantages	Disadvantages
Definitions describe the use and no regulations should be contained within it. For consistency in by-law format, all regulations should be included in the zone or general	The zone regulations would have to be read to determine how small or large a facility can be.

Advantages	Disadvantages
provisions section.	
It allows for the capacities to vary by zone.	Modifications to all zones will be required in Zoning By-law No. 05-200.

2.0 Capacity Included within each Zone

As noted in Appendix "F1", Zoning By-law No. 05-200 and the other former municipal Zoning By-laws establish different regulations as well as the type of residential zones in which the use is permitted.

Option 2a – Allow the Use in Low Density Zones with a Capacity of Minimum 4 and a Maximum of 6 residents

Uses within low density zones usually include single detached, semi-detached, duplex, triplexes and some forms of townhouse dwellings. Since this use is to be contained within an entire building, the most likely scenario is the use would locate within a single detached dwelling or a duplex and triplex which could wholly be converted to a RCF.

Advantages	Disadvantages
The Urban Hamilton Official Plan policies allow residential care facilities to locate in any neighbourhood (residential) designation, subject to the Zoning By-law requirements.	There may be some buildings that can physically accommodate more than 6 residents.
6 people could reasonably live in a single detached dwelling.	
6 residents has been the standard for the majority of zones that permit this use.	

Option 2b – Allow Residential Care Facilities in Medium Density Zones (including the Community Institutional (I2) Zone) with a Minimum Capacity of 4 residents and a Maximum of 24 Residents

As noted above, this use must be wholly contained within a building. In circumstances where a larger number of residents are intended, a multi-storey building would be required. The building form for the facility would be determined on the basis of the regulations for a particular zone (i.e. maximum heights, minimum setbacks, parking, etc.).

It should be noted that several (I2) zoned sites are located within the interior of neighbourhoods where there is a greater interface with low density residential uses. The Transit Oriented Corridor-Mixed Use Medium Zone (TOC1) and the Commercial and Mixed Use Medium Density (C5) Zones are located along major transit routes and arterial roads and therefore should retain their capacity for 50 residents.

Advantages	Disadvantages
The Urban Hamilton Official Plan policies allow residential care facilities to locate in any neighbourhood (residential) designation, subject to the Zoning By-law requirements.	There may be some sites/buildings that can physically accommodate more than 20 or 50 residents.
It provides opportunities for different areas of the city to accommodate RCF's.	
A capacity of 24 aligns with the residential care facility by-law (Schedule 20).	
The built form in medium density areas includes multi-storey dwellings. A residential care facility of up to 24 residents could be	

Advantages	Disadvantages
<p>accommodated in a built form similar to the other residential development.</p>	
<p>The Community Institutional (I2) Zone has a current capacity of 50 residents. However, the majority of the sites are located within the interior of the neighbourhood. These sites can only be redeveloped for single and semi-detached dwellings. Therefore a lower built form may be more appropriate.</p>	
<p>Depending on the built form and densities within different medium density zones, a capacity of either 20 or 50 residents may be appropriate.</p> <p>The Transit Oriented Corridor (TOC1) and the Mixed Use Medium Density Zones allow for a residential care facility of 50 residents while the Transit Oriented Corridor (TOC3) Zone allows 20 residents. These capacities were based on the potential built form in the area.</p>	

Option 2c-1 – Allow Residential Care Facilities in High Density Zones with a Minimum Capacity of 4 Residents and a Maximum of 50 Residents

Advantages	Disadvantages
<p>The Urban Hamilton Official Plan policies allow residential care facilities to locate in any neighbourhood (residential) designation, subject to the Zoning By-law requirements.</p>	<p>There may be some buildings that can physically accommodate more than 50 residents or less than 4 residents.</p>
<p>The built form in higher density areas includes multi-storey dwellings. A residential care facility of up to 50 residents could be accommodated in a built form similar to the permitted uses.</p>	
<p>High density buildings are generally located along arterials roads which are more accessible to public transit, shopping and other amenities.</p>	
<p>It provides opportunities for different areas of the city to accommodate RCFs.</p>	
<p>Establishing a higher minimum number of residents will allow for a built form that is similar to other residential developments in high density zones.</p>	

Option 2c-2 – Allow Residential Care Facilities in High Density Zones with a Capacity of Minimum 15 residents and a Maximum of 50 residents

Advantages	Disadvantages
<p>The Urban Hamilton Official Plan policies allow residential care facilities to locate in any neighbourhood (residential) designation, subject to the Zoning By-law requirements.</p>	<p>There may be some buildings that can physically accommodate more than 50 residents or less than 15 residents.</p>
<p>The built form and higher density areas includes multi-storey dwellings. Residential buildings will generally be greater than 8 storeys and 100 units. If the units were bedrooms that would equate to 100 persons. A residential care facility of up to 50 residents could be accommodated in a built form similar to the permitted uses.</p>	<p>A higher minimum capacity may be redundant as the built form requires multiple dwellings.</p>
<p>It provides opportunities for different areas of the city to accommodate RCF's.</p>	
<p>Establishing a higher minimum number of residents will allow for a built form that is similar to other residential developments in high density zones.</p>	

Option 2c-3 – Allow Residential Care Facilities in High Density Zones (including the Mixed Use High Density (C4) Zone) with a capacity of Minimum 15 residents and No Maximum Capacity

Advantages	Disadvantages
<p>The Urban Hamilton Official Plan policies allow residential care facilities to locate in any neighbourhood (residential) designation, subject to the Zoning By-law requirements.</p>	<p>Based on built form, there may be some buildings that can physically accommodate less than 15 residents.</p>
<p>The built form in higher density areas includes multi-storey dwellings. A residential care facility with no fixed capacity could be accommodated in a built form similar to the permitted uses.</p>	<p>A higher minimum capacity may not be necessary as the built form requires multiple dwellings.</p>
<p>High density buildings are generally located along arterial roads which generally are more accessible to public transit, shopping and other amenities.</p>	
<p>It provides opportunities for different areas of the city to accommodate RCFs.</p>	
<p>By establishing a higher minimum number of residents will allow for a built form that is similar to other residential developments in high density zones.</p>	
<p>It allows greater flexibility if the building can accommodate more than 50 residents without the need</p>	

Advantages	Disadvantages
for a variance.	
The Mixed Use High Density (C4) Zone allows for up to 12 storeys so such a large building could accommodate more than 50 residents.	

3.0 Preliminary Recommendations

Based on the review of the various options, including the advantages and disadvantages, the preferred approach is:

Proposed Regulations	Option(s)
Low Density Zones Minimum capacity 4 residents Maximum capacity 6 residents	1c and 2a
Medium Density Zones Minimum capacity 4 residents Maximum capacity 24 residents, depending on the density and built form within the zone	1c and 2b
High Density Zones Minimum capacity 15 residents Maximum capacity no maximum	1c and 2c3

Appendix "H2"

Options for Change: Radial Separation Distance

The radial separation distance refers to the requirement in the Zoning By-law that requires certain housing types (i.e. residential care facilities) to be separated a distance (i.e. 300 m) from each other.

Option 1: Eliminate Radial Separation Distance

Advantages	Disadvantages
It removes barriers for housing options.	It may create a strain on availability of community services because of concentration in one specific area.
It creates the opportunity for residents requiring supports to choose the community they prefer to live in.	It reduces the potential for dispersion of these facilities throughout the City.
It will provide for a consistent approach within Zoning By-law No. 05-200 since the rural zones have no separation distances.	It may create concerns regarding concentrations in neighbourhoods.
It follows a similar approach of other municipalities (i.e. Toronto, Smith Falls, Kitchener, Sarnia, St. Catherines, and Windsor) that have removed the radial separation distance.	Maintaining an accurate listing of residential care facilities is difficult since not all facilities require a municipal licence nor a building permit.
It addresses the concerns expressed by OHRC.	
Potential land use impacts, such as parking; size of a	

Advantages	Disadvantages
facility, are addressed in the Zoning By-law.	
The number of new RCFs is small because the housing with supports model is shifting to small independent apartments, with on-site supports (i.e. counselling, nurse, 24 on-call services) rather than congregate living. A recent example is Indwells' Stratherne suites.	

Option 2: Retain the 300 metre Radial Separation Distance for Zoning By-law No. 05-200 and Apply this Distance Separation to Future Residential Zones in the Urban Area

Many of the former Zoning By-laws and Zoning By-law No. 05-200 have radial separation distance requirements ranging from 275 m to 1,600m. The 300 m radial separation distance has been established in 05-200, except for the rural area, where no radial separation distance applies.

Advantages	Disadvantages
It eliminates the possibility of adding a new facility in areas of higher concentration (without a <i>Planning Act</i> change).	It will result in an inconsistent approach in Zoning By-law 05-200 since there are no separation distances for RCFs for the rural zones.
It requires the dispersion of any new facilities throughout the City.	It does not remove barriers for housing options nor does it address the concerns of the OHRC.

Advantages	Disadvantages
	Accurate lists of residential care facilities are difficult to maintain since not all facilities require a municipal licence.

Option 3: Delete the Moratorium Areas

The two moratorium areas are located:

- Queen Street South, Hunter Street West, James Street South and Main Street West; and,
- Wellington Street South, Railway tracks, Sherman Avenue South and King Street East.

Advantages	Disadvantages
It removes barriers for housing options.	It may create a strain on availability of community services because of concentration in one specific area.
It creates the opportunity for residents requiring supports to choose the community they prefer to live in.	It removes the potential for dispersion of these facilities throughout the City.
Potential land use impacts such parking, size of a facility, is addressed in the Zoning By-law.	It may create concerns regarding concentrations in neighbourhoods.
The number of new RCFs is small because the housing with supports model is shifting to small independent apartments, with on-site supports (i.e.	

Advantages	Disadvantages
counselling, nurse, 24 on-call services) rather than congregate living. A recent example is Indwells' Stratherne suites.	
It addresses the concerns expressed by OHRC.	

Option 4: Retain the Moratorium Areas

Advantages	Disadvantages
It requires the dispersion of these facilities throughout the City.	It may create a strain on availability of community services because of concentration in one specific area.
It eliminates the possibility of adding a new facility in areas of higher concentration (without a <i>Planning Act</i> change).	It does not remove barriers for housing options nor does it address the concern of the OHRC.

Preliminary Recommendations

Based on the review of the various options, including the advantages and disadvantages, the Preliminary approach is:

Proposed Regulations	Option(s)
Delete the radial separation distance from 05-200	1
Delete Moratorium areas	3

Appendix "H3"

Options for Change: Counselling Services

Certain agencies operate multiple RCF's and provide counselling for its residents. For financial or other operational reasons, they would prefer to consolidate the counselling in one location. RCF's are only permitted to provide counselling for their residents. It should be noted that not all residential care facilities provide counselling for its residents.

Counselling services that cater to people who live outside the residential care facility is considered as a social service establishment; a counselling service for residents within the building is considered as an accessory use.

Option 1: Allow RCF's to Operate a Social Service Establishment in conjunction with a Residential Care Facility in a Community Institutional (I2), Major Institutional (I3), Transit Oriented Corridor-Mixed Use Medium Zone (TOC1) and the Mixed Use Medium Density (C5) Zones.

Advantages	Disadvantages
A Social Service Establishment is a permitted use in the (I2), (I3), (TOC 1) and (C5) zones as separate uses.	Clients within the facility may be uncomfortable with additional people coming to the facility.
Restricting the zones where this use can locate addresses the difference in the intensity of the land use.	
It allows agencies to have integrated services in appropriate locations for these services.	
The (I2) and (I3) zones are generally located in close proximity to collector and arterial roads and public transit. However, there are many (I2) sites located within the interior of the neighbourhood.	

Advantages	Disadvantages
It provides direction to a provider/agency when they wish to develop an integrated model of service.	

Option 2: Allow RCF's to Operate a Social Service Establishment in conjunction with a Residential Care Facility in a Major Institutional (I3), Transit Oriented Corridor-Mixed Use Medium Zone (TOC1) and the Mixed Use Medium Density (C5) Zones.

Advantages	Disadvantages
A Social Service Establishment is a permitted use in the (I2), (I3), (TOC 1) and (C5) zones as separate uses.	Clients within the facility may be uncomfortable with additional people coming to the facility.
By restricting the zones in which this use can locate, it addresses the difference in the intensity of the land use.	The (I2) zone is proposed to have a lower maximum capacity than the (I3), (TOC1) and (C5) Zones since they are more likely to be located in the interior of neighbourhoods.
It allows agencies to have integrated services in appropriate locations for these services.	
The (I3) zone is generally located in close proximity to collector and arterial roads and public transit	
It provides direction to a provider/agency when they wish to develop an integrated model of service.	

Option 3: No changes to the by-law

Advantages	Disadvantages
The request for an integrated model is not common.	Applications to amend the zoning by-law will be required should a provider wish to have counselling services
	It does not provide direction to a provider/agency when they wish to develop an integrated model of service.

Preliminary Recommendation

Based on the review of the various options, including the advantages and disadvantages, the preferred approach is Option 2.



GENERAL ISSUES COMMITTEE REPORT 19-009

9:30 a.m.

Wednesday, May 1, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor M. Pearson (Chair)
Councillors M. Wilson, J. Farr, N. Nann, S. Merulla, C. Collins,
T. Jackson, E. Pauls, J. P. Danko, B. Clark, B. Johnson,
L. Ferguson, A. VanderBeek, T. Whitehead, J. Partridge

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 19-009 AND RESPECTFULLY RECOMMENDS:

1. Revised Ottawa Street Business Improvement Area (BIA) Appointment of the Board of Management for 2019-2023 (PED19054(a)) (Wards 3 and 4) (Item 7.1)

That the following individuals be appointed to the Ottawa Street Business Improvement Area (BIA) Board of Management for a four-year term (2019 to 2023):

- (i) Councillor Nrinder Nann, Ward 3 Councillor
- (ii) Councillor Sam Merulla, Ward 4 Councillor
- (iii) Melanie Anderson
- (iv) Sauro Bertolozzi
- (v) Michael Carruth
- (vi) Randy Gallant
- (vii) Eva Grad
- (viii) Mike Heddle
- (ix) Kerry James
- (x) Wendy Kemp
- (xi) Helena McKinney
- (xii) Mike Spadafora
- (xiii) Ariane Terveld

2. CityLAB Annual Report and Request for Extension (CM19003) (City Wide) (Item 9.1)

That the CityLAB Hamilton pilot program be extended until May 31, 2022, and that the City's financial contribution be funded through the Tax Stabilization Reserve (110046).

3. Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) (Item 10.1)

That Report PED19085, respecting the Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives, be received.

4. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 212 King William Street, ERG-17-04 (PED19094) (Ward 2) (Item 10.2)

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application - ERG-17-04, submitted by Rose Hamilton Home Inc., owner of the property at 212 King William Street, Hamilton, for an ERASE Redevelopment Grant not to exceed \$4,803,684, the actual cost of the remediation over a maximum of ten years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (b) That the Mayor and City Clerk be authorized and directed to execute the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Agreement together with any ancillary documentation required, to effect Recommendation (a) of Report PED19094, in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any grant amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

5. Mayor's Blue Ribbon Task Force on Workforce Development Report 19-001, March 26, 2019 (Item 10.3)

(a) Appointment of Chair and Vice Chair (Item 1)

- (i) That Ron McKerlie be appointed as Chair of the Mayor's Blue Ribbon Task Force on Workforce Development for this last meeting; and,
- (ii) That Keanin Loomis be appointed as Vice-Chair of the Mayor's Blue Ribbon Task Force on Workforce Development for this last meeting.

(b) Mayor's Blue Ribbon Task Force Next Steps (Item 7.1)

- (i) That the Mayor's Blue Ribbon Task Force on Workforce Development be disbanded; and,
- (ii) That annual reports on workforce development be included within the Business Development Annual Report.

6. Disaster Mitigation and Adaptation Fund Financing Strategy (FCS19038) (City Wide) (Item 10.4)

- (a) That the financing strategy for Disaster Mitigation and Adaptation Fund projects with a gross project cost of \$31.85 M and the City's municipal share:
 - (i) of \$18.48 M for Shoreline Protection Measures Project, as detailed in Appendix "A" to Report 19-009, be approved;
 - (ii) of \$0.63 M for Combined Sewer Overflow Backflow Prevention Project of equal contributions from the Wastewater Reserve (108005) and Storm Reserve (108010) be approved;
- (b) That staff be authorized and directed to forward to the Government of Canada correspondence setting out the City of Hamilton's share of the Disaster Mitigation and Adaptation Fund in the total amount of \$19.11 M approved through the funding sources identified in recommendation (a) to Report FCS19038, as evidence that all project funding, other than the federal contribution under Disaster Mitigation and Adaptation Fund, has been secured; and,
- (c) That the City Solicitor be authorized and directed to prepare any necessary by-laws for Council approval, for the purpose of giving effect to the City's acceptance of funding from the Government of Canada's

Disaster Mitigation and Adaptation Fund for the Shoreline Protection Measures Project and the Combined Sewer Overflow Backflow Prevention Project.

7. Conservation Authorities Act Review (LS15027(d)) (City Wide) (Item 10.5)

That the Office of the Mayor forward a submission to the Ministry of the Environment, Conservation and Parks, consistent with the contents of Appendix "B" attached to Report 19-009 and in a form acceptable to the City Solicitor, regarding the proposed amendments to the Conservation Authorities Act and ERO (Environmental Registry of Ontario) notice number 013-5018.

8. Niagara Peninsula Conservation Authority Board Composition (Added Item 11.1)

WHEREAS, the judicial review of the appeal for the Niagara Peninsula Conservation Authority (NPCA) on the levy is complete; and,

WHEREAS, the 3 municipalities, they being the City of Hamilton, Haldimand County, and Niagara Region, agreed to negotiate the composition of the NPCA Board at such time as the judicial review of the appeal is complete;

THEREFORE, BE IT RESOLVED:

The City of Hamilton Mayor and/or both representatives meet with representatives of Haldimand County and Niagara Region to begin discussions of negotiating the composition of the Niagara Peninsula Conservation Authority (NPCA) Board.

9. Acquisition of Industrial Land in Ward 11 (PED19093) (Ward 11) (Item 14.1)

That Report PED19093, respecting the Acquisition of Industrial Land in Ward 11, and its appendices, remain confidential until completion of the real estate transaction.

10. Settlement of Litigation – Canada Fibers Ltd. (LS18047(b)/PW19039) (City Wide) (Added Item 14.2)

That Report LS18047(b)/PW19039, respecting the Settlement of Litigation – Canada Fibers Ltd., be received and remain confidential.

**11. Niagara Peninsula Conservation Authority Board Representation (LS19018)
(City Wide) (Added Item 14.3)**

- (d) That recommendation (a), as amended, be released publicly following approval by Council;
- (e) That recommendations (b) and (c) and the contents of Report LS19018 remain confidential.

**12. 35 Market Street South, Dundas (LS19009(a)/PW19020(a)) (City Wide)
(Added Item 14.4)**

That Report LS19009(a)/PW19020(a), respecting 35 Market Street South, Dundas, be received and remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.1 Ute Schmid-Jones, Hamilton's Own Snowflake Lady is Et-Tu Productions: Ageless Creative You, respecting Better Inclusive Marketing and Perspective of Seasonal Neighbourhood Celebrations Funded in Part by the City of Hamilton (For the May 1, 2019 GIC)

2. PRIVATE & CONFIDENTIAL (Item 14)

- 14.2 Settlement of Litigation – Canada Fibers Ltd. (LS18047(b)/PW19039) (City Wide)

Pursuant to Section 8.1, Sub-sections (e), (f), (i) and (k) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (e), (f), (i) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to 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.

14.3 Niagara Peninsula Conservation Authority Board Representation (LS19018) (City Wide)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, 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 City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

14.4 35 Market Street South, Dundas (LS19009(a)/PW19020(a)) (City Wide)

Pursuant to Section 8.1, Sub-sections (e) and (k) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (k) 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 City; 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.

The agenda for the May 1, 2019 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 MEETINGS (Item 4)

(i) April 17, 2019 (Item 4.1)

The Minutes of the April 17, 2019 meeting of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

- (i) Ute Schmid-Jones, Hamilton's Own Snowflake Lady is Et-Tu Productions: Ageless Creative You, respecting Better Inclusive Marketing and Perspective of Seasonal Neighbourhood Celebrations Funded in Part by the City of Hamilton (Added Item 6.1)**

The delegation request, submitted by Ute Schmid-Jones, Hamilton's Own Snowflake Lady is Et-Tu Productions: Ageless Creative You, respecting Better Inclusive Marketing and Perspective of Seasonal Neighbourhood Celebrations Funded in Part by the City of Hamilton, was approved to appear before the General Issues Committee at its meeting of May 1, 2019.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

- (i) Ute Schmid-Jones, Hamilton's Own Snowflake Lady is Et-Tu Productions: Ageless Creative You, respecting Better Inclusive Marketing and Perspective of Seasonal Neighbourhood Celebrations Funded in Part by the City of Hamilton (Added Item 8.1)**

Ute Schmid-Jones, Hamilton's Own Snowflake Lady is Et-Tu Productions: Ageless Creative You, addressed Committee, respecting Better Inclusive Marketing and Perspective of Seasonal Neighbourhood Celebrations Funded in Part by the City of Hamilton.

The presentation, provided by Ute Schmid-Jones, Hamilton's Own Snowflake Lady is Et-Tu Productions: Ageless Creative You, respecting Better Inclusive Marketing and Perspective of Seasonal Neighbourhood Celebrations Funded in Part by the City of Hamilton, was received.

(f) CONSENT ITEMS (Item 7)

- (i) Business Improvement Area Advisory Committee Minutes, March 19, 2019 (Item 7.2)**

The Business Improvement Area Advisory Committee Minutes, March 19, 2019, were received.

(g) STAFF PRESENTATIONS (Item 9)

(i) CityLAB Annual Report and Request for Extension (CM19003) (City Wide) (Item 9.1)

Patrick Byrne, Project Manager, City Lab, addressed Committee and provided a PowerPoint presentation respecting Report CM19003, CityLAB Annual Report and Request for Extension.

The presentation respecting Report CM19003, CityLAB Annual Report and Request for Extension, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

For further disposition of this matter, please refer to Item 2.

(h) DISCUSSION ITEMS (Item 10)

(i) Conservation Authorities Act Review (LS15027(d)) (City Wide) (Item 10.5)

That staff prepare a Report back to the General Issues Committee on how Conservation Authority Levies are apportioned in other Ontario Jurisdictions either on a Watershed Basis or on a full Municipality Basis.

For further disposition of this matter, please refer to Item 7.

(i) NOTICES OF MOTION (Item 12)

(i) Niagara Peninsula Conservation Authority Board Composition (Added Item 12.1)

Councillor B. Johnson introduced a Notice of Motion respecting the Niagara Peninsula Conservation Authority Board Composition.

The Rules of Order were waived to allow for the introduction of a Motion respecting the Niagara Peninsula Conservation Authority Board Composition.

For further disposition of this matter, please refer to Item 8.

(j) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List (Item 13.1)

The following amendments to the General Issues Committee's Outstanding Business List, were approved:

(a) Items to be Removed:

- (i) Mayor's Blue Ribbon Task Force on Workforce Development Semi-Annual Update (Committee Disbanded through Item 10.3 on today's agenda.)**

(b) Items to be Referred to Appropriate Standing Committee/Board:

- (i) Climate Change Reserve and Adaptation Plan – Funding Opportunities with Higher Levels of Government
Climate Change Reserve and Adaptation Plan – Funding Opportunities with Higher Levels of Government**

Be referred to the Board of Health

(k) PRIVATE & CONFIDENTIAL (Item 14)

Committee moved into Closed Session, respecting Items 14.1 to 14.4, pursuant to Section 8.1, Sub-sections (c), (e), (f), (i) and (k) of the City's Procedural By-law 18-270; 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.

(i) Acquisition of Industrial Land in Ward 11 (PED19093) (Ward 11) (Item 14.1)

Staff were provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 9.

**(ii) Settlement of Litigation – Canada Fibers Ltd. (LS18047(b)/PW19039)
(City Wide) (Added Item 14.2)**

Staff were provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 10.

**(iii) Niagara Peninsula Conservation Authority Board Representation
(LS19018) (City Wide) (Added Item 14.3)**

Staff were provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 11.

**(iv) 35 Market Street South, Dundas (LS19009(a)/PW19020(a)) (City Wide)
(Added Item 14.4)**

Staff were provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 12.

(I) ADJOURNMENT (Item 13)

There being no further business, the General Issues Committee adjourned at 2:38 p.m.

Respectfully submitted,

M. Pearson, Deputy Mayor
Chair, General Issues Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk

Disaster Mitigation and Adaptation Fund Project Financing Strategy (\$000s)

Project Number	Project Description	Gross Costs	Dev Charges (Inc Debt)	Reserves	WIP Other / Other Internal	Net Cost	2019 Budget Financing			2019 Revised Financing Plan			
							Cont'bn From Operating	Debt	Federal Gas Tax	Cont'bn From Operating	Debt	Federal Gas Tax	Disaster Mitigation Fund
Projects Identified for Alternative Financing													
4411606105	Pier 8 Shorewall	3,400	-	-	-	3,400	3,400	-	-	-	-	3,400	
7101558501	Parkdale Outdoor Pool Redevelopment & Expansion	2,000	150	-	-	1,850	1,850	-	-	200	-	1,650	
7101954908	Freon Upgrade at Parkdale Arena	1,600	-	-	-	1,600	1,600	-	-	130	-	1,470	
7201841803	St. Mark's Interior Restoration	1,000	-	-	-	1,000	1,000	-	-	-	-	1,000	
5121990200	Diversion Container Replacement Program	880	39	-	-	841	841	-	-	-	-	841	
4411506107	Pier 5-7 Marina Shoreline Rehab	810	-	-	-	810	810	-	-	-	-	810	
3541941412	Program - Roof Management	800	-	-	-	800	800	-	-	-	-	800	
4031911224	Sidewalk Rehabilitation Program	750	-	-	-	750	750	-	-	-	-	750	
3541741603	Central Library Window Replacement	1,200	-	-	500	700	700	-	-	200	-	500	
4031580594	First Road West - Green Mountain to Mud	4,160	3,536	-	-	624	624	-	-	-	-	624	
3541941901	Capital Lifecycle Renewal - Hamilton Farmer's Market	550	-	-	-	550	550	-	-	110	-	440	
4031710715	Railway Crossings - Review and Upgrades	500	-	-	-	500	500	-	-	-	-	500	
4041910017	Street Lighting Capital Program	500	-	-	-	500	500	-	-	-	-	500	
4411506106	Marina Services & Gas Dock	500	-	-	-	500	500	-	-	-	-	500	
5121949003	CCF Lifecycle Replacement	500	-	-	-	500	500	-	-	-	-	500	
7201941902	Battlefield Park Bridge Replacement	500	-	-	-	500	500	-	-	100	-	400	
4661920945	Fibre Optics Communication Cable	450	-	-	-	450	450	-	-	-	-	450	
7501741601	Valley Park Library Expansion	1,100	440	220	-	440	440	-	-	-	-	440	
4411606102	Pier 5-7 Boardwalk	2,190	-	-	-	2,190	418	1,772	-	-	1,772	418	
4401956922	Alexander Park Skate Park	532	-	-	118	414	414	-	-	53	-	361	
4401556503	Heritage Green Community Sports Park Implementation	500	-	-	133	367	367	-	-	110	-	257	
4401956910	Ancaster Soccer Improvements	350	-	-	-	350	350	-	-	30	-	320	
4661916102	Traffic Calming	350	-	-	-	350	350	-	-	267	-	83	
4401056060	Open Space Replacement Strategy-East Mtn Trail Loop	300	14	-	-	286	286	-	-	30	-	256	
7101754706	Valley Park Community Centre Fit-up	1,500	1,215	-	-	285	285	-	-	150	-	135	
7501741610	New Library - Greensville	625	250	95	-	280	280	-	-	-	-	280	
3541849003	Backflow Prevention for Various Facilities	250	-	-	-	250	250	-	-	-	-	250	
4031980951	Springbrook Ave (Phase 2) - Regan to Garner	1,500	1,275	-	-	225	225	-	-	-	-	225	
4401949101	Park Pathway Resurfacing Program	215	-	-	-	215	215	-	-	-	-	215	
4401756703	Mountain Brow Path	80	-	-	-	80	80	-	-	-	-	80	
4031918048	Bridge 048 - Jones St, 110m w/o King St E	30	-	-	-	30	30	-	-	5	-	25	
	Sub-totals	29,622	6,919	315	751	21,637	19,865	1,772	-	1,385	1,772	18,480	
DMAF Project Financing													
4401956930	Shoreline Protection Measures	30,800				30,800				18,480			12,320

[LETTERHEAD OF THE OFFICE OF THE MAYOR]

[Date]

Ministry of the Environment, Conservation and Parks
Great Lakes Office
40 St. Clair Avenue West
Floor 10
Toronto, ON M4V 1M2

Attention: Carolyn O'Neill

Via e-mail: glo@ontario.ca

Dear Ms. O'Neill,

Re: Proposed amendments to the *Conservation Authorities Act*

ERO Notice Number 013-5018 – Modernizing conservation authority operations – Conservation Authorities Act

On behalf of the City of Hamilton ("Hamilton"), I am pleased to forward the within submission on the proposed amendments to the *Conservation Authorities Act* (the "Act"), and ERO Notice Number 013-5018.

The Act, including un-proclaimed provisions of the Act which the Province is proposing to proclaim into force, contemplates that significant and substantive matters will be addressed by regulation, including but not limited to matters involving apportionment of capital costs and operating expenses; requirements regarding the appointment and qualifications of members of conservation authority boards; standards and requirements for conservation authority programs and services; and consultation that conservation authorities must carry out with respect to their programs and services.

Accordingly, I anticipate that further comprehensive amendments to the framework will come at a later date, in the form of regulatory change, and changes to policies, procedures and programs. Hamilton hopes there will be a further consultation period when specific amendments are introduced and will welcome the opportunity to provide additional input when such changes are proposed.

The references to section numbers below are to section numbers in the Act, including those section numbers which are currently un-proclaimed.

Representation on the Board

Pursuant to subsections 14(1), 14(5) and 2(2) of the Act, the number of representatives that each municipality can appoint to a conservation authority board is based on the population of that municipality within the watershed. However, section 4 of the Act suggests that a two-tier municipality is entitled to even more seats, by permitting each lower tier municipality to appoint a representative, regardless of its population. This has the effect of giving a two-tier municipality representation which is far greater and disproportionate to its aggregate population.

A municipality like Hamilton, which is single tier, is in effect penalized in comparison to its neighbouring two-tier municipalities. To avoid such disparity and inequity, where there is a two-tier municipality, the population of the upper tier municipality should determine the total number of representatives to which it and its lower tier municipalities are entitled, and section 4 should be amended accordingly.

Collaboration

The Act provides a requirement for a conservation authority to establish advisory boards as may be required by regulation (section 18 – Advisory boards). It also sets out a requirement for a conservation authority to carry out such consultations with respect to the programs and services it provides as may be required by regulation (section 21.1 – Consultation).

The independent and watershed based governance model of conservation authorities is generally supported. With respect to source water protection activities, such model is considered essential. However, municipalities should be entitled to more decision-making powers (as they relate to scope of projects, risk management, priorities and funding) when conservation authorities undertake projects within a municipality's boundaries. The role of municipalities should be specified in the Act and/or regulations.

As well, Hamilton requests legislative or regulatory direction to require collaboration among all relevant stakeholders in relation to the following goals/concerns, with the aim of finding environmentally and economically responsible policy solutions:

- (i) maximization of efforts by conservation authorities to protect and increase the biodiversity of regionally rare native Ontario plants;
- (ii) creation of science-based policy to address the problem of artificial in-breeding within plant populations on conservation authority lands, due to such barriers as de facto bans on the planting of regionally rare native stock not derived from plants found on the authority's watershed, though within that authority's seed zone (Ontario Seed Zone Directive, 2010; based on Ontario Climate Model of climatic gradients within the province);

- (iii) clarification and implementation, province-wide, of best ecological practices related to the assisted migration of regionally rare native plants on conservation land and within the appropriate seed zone (or adjacent seed zone), but across conservation authority watershed boundaries;
- (iv) promotion of the planting of regionally rare native Ontario species in any appropriate habitat, including novel urban habitats, within a species' seed zone, particularly including conservation authority land where that species has a good chance of thriving, by specifically removing regulatory barriers that discourage opportunities for restoration;
- (v) regular conversation among conservation authority officials, Royal Botanical Gardens officials, provincial officials, First Nations, scientists, citizens, and private sector stakeholders on biodiversity and sustainable development concerns related to the conservation authorities and to biodiversity generally;
- (vi) sharing of information related to best practices with regard to the above goals, among all relevant stakeholders; and
- (vii) formalization of rules and/or expectations with regard to best practices with regard to the above goals, among all relevant stakeholders.

Oversight by the Province

In earlier submissions, Hamilton requested greater consistency in governance, strategic direction and service delivery, which could be achieved through greater oversight by the Province. Hamilton is pleased that the 2017 amendments to the Act bestow a greater role upon the Province, including a right of the Minister to direct a conservation authority to make or amend a by-law (section 19.1 – By-laws) and to demand information from a conservation authority about its operations, including the programs and services it provides (section 23.1 – Information required by Minister).

Hamilton submits that the Minister should proactively use those powers to review, revise and synchronize the operational and administrative procedures, rules and guidelines for conservation authority boards.

Those powers should also be used to influence conservation authority activities on a day-to-day basis. Providing conservation authorities with sufficient autonomy and flexibility to address local needs is a positive thing; however, too much autonomy and flexibility has resulted in inconsistency in projects and practices. The Minister should play a role in providing a clear direction for conservation authorities across the province.

Membership and Qualifications

The Act sets out that the appointment of members to a conservation authority shall be in accordance with such additional requirements regarding the composition of the authority

and the qualification of members as may be prescribed by regulation (section 14 – Requirements regarding composition of authority).

Municipalities may have technical expertise which conservation authorities lack for certain projects. As a result, there should be some formal ability for municipalities to provide technical, administrative and leadership assistance to conservation authority initiatives. To this end, representatives appointed to the conservation authority board could include senior administrators from the participating municipalities. The role of municipalities should be specified in the Act and/or regulations.

Increasing Clarity and Consistency in Programs and Services

In the Act, the objects of a conservation authority are broad, presumably so that each conservation authority can tailor programs according to its unique needs (section 20 – Objects). However, this can be challenging to a municipality such as Hamilton, whose territory is shared by four conservation authorities, which in turn can lead to inconsistency in strategic direction and service delivery.

It is acknowledged that greater consistency may be achieved through increased oversight powers of the Province. However, Hamilton submits that other measures ought to be incorporated in the Act and/or regulations, such as:

- (i) ensuring work as between conservation authorities, municipalities, the Province and other parties is performed by the party with the most technical knowledge, and ensuring funds are allocated accordingly;
- (ii) standardizing certain work, such as collecting and preparing technical data (e.g. collection of rainfall, stream flow, lake levels, snow courses) which all support a multitude of programs, and ensuring funds are consistently committed to support such work;
- (iii) updating certain documents such as:
 - MNRF's natural hazard guideline from 2002, upon which conservation authorities provide review comments related to natural hazards, and
 - the Generic Regulations from 2006, established for regulating any development or activities in hazard lands.

Capital Costs and Operating Expenses

Un-proclaimed provisions of the Act provide for the recovery and apportionment of capital costs and operating expenses by conservation authorities (sections 25 to and including 27.1). It appears that new regulations governing how capital costs and operating expenses are apportioned by a conservation authority among its participating municipalities will be proposed by the Province at a later date.

The Act applies to all of Ontario with a variety of complex situations, and thus it would be difficult to provide a definitive approach to levy distribution (and other issues) that would be fair to all conservation authorities and all municipalities in all situations. However, the Act should include broad guiding principles and clarify the intent of the law so that such principles may guide the application of the regulations. Such principles would also protect against unintended consequences of the mechanical application of the regulations.

In developing such guidelines in the Act, and in later developing the regulations, the Province should place great emphasis on equity, fairness and accountability.

For example, if the regulation contains alternate options for levy distribution, then the sequence and circumstances in which such options are to be considered should be defined. There should also be some clause in such regulations that would ensure that unreasonable conduct by any one party is not protected or rewarded; that is, all parties should have an incentive to be reasonable.

As well, a participating municipality paying the levy should have the right to request, at its discretion, information concerning administration expenditures and proposed expenditures on the watershed lands covered within its jurisdiction as well as the expected benefits of such expenditures. In reviewing the levy for a new budget year, the municipality may require the conservation authority to confirm the actual results in comparison to the expenditures and outcomes related to the previous year.

Hamilton submits that the calculation of a municipality's levy apportionment for operating expenses ought to be based on the rateable property in that part of the municipality which falls within the conservation authority's jurisdiction. This principle ought to be clearly set out in the Act.

Hamilton is unfortunately embroiled in a legal dispute with the Niagara Peninsula Conservation Authority (NPCA), where the NPCA is arguing that all of Hamilton's lands should be used to calculate the modified current value assessment, thereby vastly increasing Hamilton's levy apportionment. Hamilton falls within the jurisdiction of four conservation authorities, and using the NPCA's interpretation of the formula would result in a distorted increase to all of Hamilton's levy apportionments. This erroneous statutory interpretation causes a disproportionate and unfair financial burden to Hamilton. It is imperative that the Act and regulations be clear to state that only the rateable property within a conservation authority's jurisdiction may be used when calculating the levy apportionment.

To assist conservation authorities in accurately assessing the value of lands within their watershed, MPAC should code properties based on watershed. Failing this, conservation authorities should undertake a "Geo-referencing" study at regular intervals to determine the assessment apportionments in their watershed.

Currently, Ontario Regulation 670/00 allows a conservation authority and its participating municipalities to agree on a levy apportionment which differs from the formula set out in said regulation. The requirement of an agreement can be logistically impossible, where a conservation authority has 15 or more participating municipalities. Further, there may be no incentive for a participating municipality to consent to an agreement, where it derives an unjust enrichment from the formula. For example, where the application of the formula causes a municipality to receive a benefit which disproportionately exceeds the amount it must pay, then it may well choose to decline an agreement. If the Act and/or its regulations will continue to permit "agreements", the solution may be for the conservation authority board to have the authority to determine an apportionment which is fair and appropriate, having regard to specific factors like benefit derived; or alternatively, the Minister could have the authority to impose an apportionment on the parties which is fair and appropriate.

In the alternative, or additionally, the Province should consider general equity, and the unique geographic position of Hamilton specifically (situated between the Greater Toronto Area and rural Southwestern Ontario, and the Niagara Peninsula) in revising the relevant funding rules.

Un-proclaimed provisions of the Act, once proclaimed, will replace the terms "administration costs" and "maintenance costs" with "operating expenses" (section 27). Items such as employee salaries and office costs are no longer identified as administration costs but are rather included in operating expenses. In order to ensure such costs are properly controlled, the Act or regulations could specify a maximum percentage of all the maintenance and capital costs up to which administration costs may be allowed.

Currently, the Act states that conservation authorities must apportion capital project costs and maintenance costs to participating municipalities based on the "benefit derived" by each such municipality. Un-proclaimed provisions of the Act, once proclaimed, will remove the term and concept of "benefit derived". To ensure that apportionment among municipalities remains fair and proportionate, the concept of "benefit derived" ought to remain in the Act as a guiding principle. Further, it would be helpful if the Act and/or regulations set out factors for determining the "benefit derived" by each municipality, how it should affect the levy apportionment, and how such benefit can be verified, whether in the form of financial, environmental assessment or other reports. Such reporting would also improve the transparency in the work done by conservation authorities and how money is spent.

Similarly, capital costs ought to be apportioned in a manner which is commensurate with the benefit derived by the participating municipality.

In a document issued June 2017 entitled "Conserving Our Future: A Modernized *Conservation Authorities Act*", the Province stated that it will be "[w]orking with municipalities and conservation authorities to update the way in which costs are apportioned to participating municipalities – including determining the appropriate body

for hearing appeals of apportionment decisions". Hamilton hopes that the Province will provide for such consultation. Hamilton will be pleased to work with the parties in this regard and will be making further submissions at that time.

Planning

Hamilton is concerned that with the Act and proposed amendments, the Province is placing the emphasis on "protecting people and property" and by default eliminating or deemphasizing the role of conservation authorities in protecting the natural environment. This will effectively result in a transfer of functions from conservation authorities to municipalities. This will have resource implications and result in more uncertainty in the planning process, as it appears the Province is proposing similar changes to the Provincial Policy Statement and Growth Plan under the banner of empowering local municipalities to have more flexibility. The unintended consequence will be more disagreements as to what is an acceptable buffer or protection zone.

Provincial Funding

Provincial funding is not addressed in the Act. Rather, the Province previously indicated that it will be exploring options for updating provincial funding levels through future program changes.

As Hamilton previously submitted, the role of conservation authorities has expanded in recent years, and it is envisaged that their work will further increase due to, for example, the effects of climate change, rapid growth, and aging infrastructure. In contrast, funding from the Province has decreased and become more intermittent over the years, with a trend towards one-time, non-recurring, special projects funding.

We hope to see greater and long-term commitment of annual base funding from the Province. Further, we would like clarification and direction on how provincial funding is to be equitably shared among the conservation authority and its participating municipalities. To this end, there ought to be clarification on:

- (i) how Provincial grant funding is to be applied towards offsetting the levy for each supporting municipality;
- (ii) how special purpose funding by the Province is to be factored into the levy calculations;
- (iii) how the conservation authority may prioritize the request for special funding such that where the available funds are limited, that all supporting municipalities are treated fairly in terms of allocation of such funds to individual initiatives; and
- (iv) where the funds expended on a municipality's projects during the year are less than the funds levied, the balance would go into a reserve; the Act could specify

that such reserves be maintained as segregated reserves to be used only for the purposes of that municipality; and the Act could clarify if the contributing municipality has a voice in how such accumulated reserves should be applied in future years, specifically, to offset any levy for the subsequent years.

Source Protection Planning

An example of Hamilton's concerns about Provincial funding and allocation of responsibilities involves source protection planning. The Province is proposing to clearly define the core mandatory work of conservation authorities and include source protection planning as a core mandatory program. Further, it appears that the Province is downloading the responsibility for funding of the source protection program to municipalities: "increase transparency in how conservation authorities levy municipalities for mandatory and non-mandatory programs and services" (ERO Notice Number 013-5018).

Conservation authorities have been funded by the Province for the source protection program, as they play an important role in protecting municipal drinking water by working in collaboration with multiple stakeholders. Each of the conservation authorities in the Hamilton area have at least two full-time staff dedicated exclusively to this program. Their legislated responsibilities include:

- establish and administer Source Protection Committees (SPCs) for local decision making (the lead SPAs carry out this role)
- assist the SPCs in their powers and duties to be carried out under the *Clean Water Act*
- provide scientific, technical and administrative support and resources to the SPCs
- comply with an obligation to implement a significant threat policy or designated Great Lakes policy
- prepare annual progress reports for each source protection plan, submit to the SPC first and then to the Director, MECP
- propose and prepare updates to source protection plans and undertake necessary consultations leading to a submission to the MECP
- issue a notice to municipal residential drinking water system owners, upon receipt and review of necessary technical work, to support source protection planning for new or changing systems
- implement the work plan as per the Minister's order for review and updating of the source protection plan, assessment reports and explanatory document. Some of this work is legislated and some is not. The legislated work consists of updates

that are due to a change in the technical rules, regulation, tables of circumstances, etc. All other work required by the local stakeholders is considered non-legislated.

Some of the other non-legislated activities include:

- provide advice and program support to municipal staff to resolve issues with policy implementation
- keep municipal councils and councillors informed and aware of program progress and their obligations.
- maintain local source protection program, including issues management and participation in local, regional and provincial meetings to advance local programs
- support source protection committees in the preparation of updates to an assessment report and source protection plan under section 36 of the *Clean Water Act*
- monitor the provincial groundwater and surface water networks.

Municipalities will have the option to opt-out of the non-legislated activities; however, that will compromise the overall efficiency of the program. Further, at this time, municipalities do not necessarily have the staff and resources to assume those activities.

If you have any questions or wish to discuss this submission, please contact me by telephone or by e-mail.

Sincerely,



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 19-007

**9:30 a.m.
May 2, 2019
Council Chambers
Hamilton City Hall**

Present: Councillors C. Collins (Chair), M. Wilson (Vice-Chair), B. Clark, B. Johnson, M. Pearson, J. Partridge, A. VanderBeek, and L. Ferguson

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 19-007 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Future Fund Investment Performance Report - December 31, 2018 (FCS19027) (City Wide) (Item 7.1)

That Report FCS19027, respecting the Hamilton Future Fund Investment Performance Report - December 31, 2018, be received.

2. Reserve / Revenue Fund Investment Performance Report - December 31, 2018 (FCS19028) (City Wide) (Item 7.2)

That Report FCS19028, respecting the Reserve / Revenue Fund Investment Performance Report - December 31, 2018, be received.

3. Cemetery Trust Accounts Investment Performance Report - December 31, 2018 (FCS19029) (City Wide) (Item 7.3)

That Report FCS19029, respecting the Cemetery Trust Accounts Investment Performance Report - December 31, 2018, be received.

4. Vacancy Rebate - Delegation Request (FCS19037) (City Wide) (Item 7.4)

That Report FCS19037, respecting the Vacancy Rebate - Delegation Request, be received.

5. Treasurer's Investment Report 2018 Fiscal Year by Aon (FCS19019) (City Wide) (Item 7.5)

- (a) That Report FCS19019, respecting the Treasurer's Investment Report 2018 Fiscal Year by Aon, be received; and
- (b) That Report FCS19019, be forwarded to the Hamilton Future Fund Board of Governors.

6. Whistleblower, Fraud & Waste Information Updated for Q1 2019 (AUD19003) (City Wide) (Item 7.6)

That Report AUD19003, respecting the Whistleblower, Fraud & Waste Information Updated for Q1 2019, be received.

7. Accounts Receivable Write-Offs for 2018 (FCS19033) (City Wide) (Item 10.1)

- (a) That the Acting General Manager of Finance and Corporate Services be authorized to write-off uncollectible General Accounts Receivables in the amount of \$62,869.84 attached as Appendix "A" to Audit, Finance & Administration Report 19-007;
- (b) That the General Accounts Receivable Write-Offs, less than \$1,000 each, in the amount of \$3,549.42 attached as Appendix "B" to Report FCS19033, be received for information; and,
- (c) That the Acting General Manager of Finance and Corporate Services be authorized to write-off uncollectible Lodge Accounts Receivables in the amount of \$34,422.27 attached as Appendix "B" to Audit, Finance & Administration Report 19-007.

8. Delegation Authority for Property Taxation Matters (FCS19039) (City Wide) (Item 10.2)

- (a) That delegated authority to hold meetings, give notice and make decisions under sections 110(17), 334, 356, 357, 357.1, 358, 359 and 359.1 of the *Municipal Act, 2001* be given to the Treasurer, Deputy Treasurers, Manager of Taxation, Tax Assessment and Appeals Administrator; and,
- (b) That the by-law attached as Appendix "A" to Report FCS19039, being a By-law for the Delegation of Authority to Treasurer and Deputy Treasurers with Respect to the Adjustment of Taxes and Payments in lieu of Taxes, which has been prepared in a form satisfactory to the City Solicitor, be approved.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5.1)

- 5.1 Correspondence from Redeemer University College respecting clarification on Redeemer's request for an amendment to the development charges by-law change proposal

Recommendation: Be received and referred to staff for appropriate action.

The agenda for the May 2, 2019 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) April 18, 2019 (Item 4.1)

The Minutes of the April 18, 2019 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

- (i) Correspondence from Redeemer University College respecting clarification on Redeemer's request for an amendment to the development charges by-law change proposal (Added Item 5.1)**

The correspondence from Redeemer University College respecting clarification on Redeemer's request for an amendment to the development charges by-law change proposal, was received and referred to staff for appropriate action.

(e) CONSENT ITEMS (Item 7)

- (i) Hamilton Mundialization Advisory Committee Minutes – March 20, 2019 (Item 7.7)**

The Hamilton Mundialization Advisory Committee Minutes from March 20, 2019, were received.

(f) MOTIONS (Item 11)

Councillor Collins asked that the following motions be considered at the May 16th, 2019 Audit, Finance & Administration Meeting:

(i) 2019 Development Charges By-law – Garden Suites (Added Item 12.1)

WHEREAS, the proposed 2019 Development Charges By-law provides an exemption for Laneway Houses;

WHEREAS, a Garden Suite is an alternative form of a detached dwelling that only exists on a lot ancillary to a principal dwelling which expands the housing stock on properties with existing single and semi-detached dwellings in a manner similar to Laneway Houses; and,

WHEREAS, a Garden Suite is already defined within the proposed 2019 Development Charges By-law;

BE IT THEREFORE RESOLVED:

That a Garden Suite be added to the list of exempted uses within Section 25 of the proposed 2019 Development Charges By-law.

(ii) 2019 Development Charges By-law – Commercial Greenhouse (Added Item 12.2)

WHEREAS, the proposed 2019 Development Charges By-law lists Commercial Greenhouse within the definition of Industrial Development;

WHEREAS, per the proposed 2019 DC By-law a Commercial Greenhouse “means a Building, that is made primarily of translucent building material, used, designed or intended to be used for the sale and display of plants products grown or stored therein gardening supplies and equipment, or landscaping supplies and equipment” which is a retail use, not an industrial use;

WHEREAS, comparator municipalities assess these types of retail greenhouses as commercial; and,

WHEREAS, “Retail Greenhouse” is a more descriptive term to ensure that there is no confusion with a wholesale greenhouse, which is an agriculture use;

THEREFORE BE IT RESOLVED:

(a) That the term Commercial Greenhouse be removed from the definition of Industrial Development in the proposed 2019 DC By-

law, thereby having the use default to being assessed as non-industrial; and,

- (b) That the defined term Commercial Greenhouse be restated as Retail Greenhouse.

(iii) 2019 Development Charges By-law – CityHousing Hamilton (Added Item 12.3)

WHEREAS, buildings developed and used for the City of Hamilton and Local Boards is exempt pursuant to Section 3 of the Development Charges Act, 1997 and Section 20 of the proposed 2019 Development Charges By-law;

WHEREAS, the 2019 Development Charges Background Study includes capital projects by CityHousing Hamilton to fulfil the service of social housing provided by the City of Hamilton;

WHEREAS, CityHousing Hamilton is not a Board per the enacting legislation; and,

WHEREAS, the capital cost of social housing projects would increase, thereby increasing the overall Development Charge rates if the City were to charge Development Charges on projects owned and used by CityHousing Hamilton to fulfillment of the social housing service provided by the City of Hamilton;

THEREFORE BE IT RESOLVED:

That CityHousing Hamilton be added to the list of exempted organizations in Section 20 of the proposed 2019 Development Charges By-law.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List:

The following amendment to the Audit, Finance & Administration Committee's Outstanding Business List, was approved:

- (a) Item to be removed:

Item: 19-C

Voislav Bjelajac, respecting a Vacancy Rebate for 2016

Completed: May 2, 2019 - Item 7.4 - Vacancy Rebate - Delegation Request (FCS19037)

(h) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee, adjourned at 10:02 a.m.

Respectfully submitted,

Councillor Collins, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

Hamilton General Receivables Write-Offs - Over \$1,000 for 2018

Customer ID	Customer Name	Amount	Description
112961	Pattison Enterprises Limited	\$ 2,676.08	Finance charges - Contract negotiation delay - pd in full
		<u>\$ 2,676.08</u>	Total Finance Charges Write-off
117035	ORA Italian Kitchen and Bar	\$ 6,275.93	Exhausted collections - sold to new owner
118322	Agave Mex-I-Can	\$ 2,011.76	Exhausted collections - sold to new owner
		<u>\$ 8,287.69</u>	Total Exhausted Collections
118075	Choice Media	\$ 51,906.07	Uncollectible - Legal Agreement - Revenue Generation
		<u>\$ 51,906.07</u>	Total Revenue Generation Write-Off
		\$ 62,869.84	TOTAL

Note

Amounts listed have been allowed for in the December 2018 year end allowance, these write-offs will not affect the 2019 budget.

Lodges Receivable Write-Off for 2018

Customer ID	Customer Name	Amount	Description
528 ***		\$ 24,543.18	Deceased - Did not have a will - unrecoverable
335 ***		\$ 5,511.97	Deceased in 2009
		\$ 30,055.15	
116763 ***		\$ 365.51	Senior's Day Program
117646 ***		\$ 9.90	Senior's Day Program
118808 ***		\$ 208.07	Senior's Day Program
119026 ***		\$ 341.93	Senior's Day Program
118513 ***		\$ 1,029.10	Senior's Day Program
119066 ***		\$ 888.84	Senior's Day Program
119154 ***		\$ 87.08	Senior's Day Program
119211 ***		\$ 865.28	Senior's Day Program
119441 ***		\$ 478.31	Senior's Day Program
119453 ***		\$ 93.10	Senior's Day Program
		\$ 4,367.12	
		\$ 34,422.27	TOTAL

NOTES

Amounts listed have been allowed for in the December 2018 year end allowance, these write-offs will not affect the 2019 budget.

*** Identifiable Individual, name left off at request of Council



EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 19-004

1:30 p.m.
Thursday, May 2, 2019
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillors S. Merulla (Chair), E. Pauls (Vice-Chair), B. Clark, T. Jackson, N. Nann, and T. Whitehead

THE EMERGENCY & COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 19-004 AND RESPECTFULLY RECOMMENDS:

1. **Interview Sub-Committee to the Emergency and Community Services Committee (Item 7.1)**
 - (a) **Appointment of Chair and Vice Chair**
 - (i) That Councillor Esther Pauls be appointed as Chair of the Interview Sub-Committee to the Emergency and Community Services Committee for the 2018-2022 term; and,
 - (ii) That Councillor Nrinder Nann be appointed as Vice-Chair of the Interview Sub-Committee to the Emergency and Community Services Committee for the 2018-2022 term.
 - (b) **Minutes of the March 28, 2019 meeting**
 - (i) That the Minutes of the March 28, 2019 meeting of the Interview Sub-Committee to the Emergency and Community Services Committee, be received.
2. **Gage Hancharek - Peace, Love, Unity, Respect, Dignity (PLURD) Update (HSC19022) (City Wide) (Outstanding Business List Item) (Item 7.2)**

That Report HSC 19022, respecting Gage Hancharek – Peace, Love, Unity, Respect, Dignity (PLURD), be received.

3. Information on the Installation of Hearing Loops in Public Facilities (HUR17023(a)) (City Wide) (Outstanding Business List Item) (Item 7.3)

That Report HUR17023(a), respecting Information on the Installation of Hearing Loops in Public Facilities, be received.

4. Request that the City of Hamilton Appeal to the Provincial Government to Pause the Plan to Change the Ontario Autism Program to Allow for Further Consultation (Item 8.3)

That the Mayor, on behalf of City Council, submit a request to the Minister of Children and Youth Services, seeking that:

- (a) To maintain the Autism funding at its current levels and models;
- (b) To pause any changes to the Ontario Autism Program, pending further consultation with families and stakeholders; and,
- (c) That funding be tied to a needs-based model for clinically prescribed therapies.

5. Reaching Home: Canada's Homelessness Strategy (HSC19008(a)) (City Wide) (Item 10.1)

- (a) The General Manager of Healthy and Safe Communities, or his designate, be authorized and directed to enter into and execute an Agreement with Employment and Social Development Canada to administer the Reaching Home Program as of April 1, 2019 and any ancillary agreements required to give effect thereto in a form satisfactory to the City Solicitor;
- (b) The current temporary Social Policy Analyst position (1 FTE) be converted to a permanent position, to meet the additional Federal obligations, in the amount of \$97,178 funded through the Reaching Home administrative funding allocation, with no net levy impact, be approved; and,
- (c) That the current temporary Senior Project Manager position (1 FTE) be converted to a permanent position, to meet the additional Federal obligations, in the amount of \$115,180 funded through the Reaching Home administrative funding allocation, with no net levy impact, be approved.

6. St. Matthew's House – Request for Service Manager Consent to Sell Units (HSC19015) (Ward 3) (Item 10.2)

- (a) That Council, in its capacity as Service Manager under the *Housing Services Act, 2011*, approve the request of St. Matthew's House to sell two properties comprised of nine housing units at 247 East Avenue North (five units) and 44 St. Matthew's Avenue (four units) subject to the following condition:
- (i) that the sale proceeds be reinvested into St. Matthew's House Senior Support Program in partnership with both private and social housing landlords to maintain homelessness prevention for the aging population; and,
- (b) That the General Manager of Healthy and Safe Communities Department or his designate be authorized and directed to reallocate the net existing operating budget for St. Matthew's House of \$111,700 from Dept ID 625084 to increase the Hamilton Housing Allowance Program operating budget to \$1.146M (Dept ID 626029) to offer additional housing allowances to approximately 30 households from the centralized wait list.

7. 2019 Provincial Funding Update (HSC19023) (City Wide) (Item 10.3)

That Report, HSC19023, respecting 2019 Provincial Funding Update, be received.

8. Recreation and Social Infrastructure at 430 Cumberland Ave. (Ward 3) (Item 11.1)

WHEREAS, CityHousing Hamilton located at 430 Cumberland Avenue aims to improve the quality of life of residents, specifically young families and youth with outdoor recreational, community garden and safety enhancements on site;

WHEREAS, this social infrastructure project requires further investment in order to be completed; and,

WHEREAS, funding will enable increased recreation, health and social benefits to the residents of 430 Cumberland Avenue;

THEREFORE, BE IT RESOLVED:

That a total of \$65,000 be invested in 430 Cumberland Avenue for playground equipment and a half basketball court be funded from the Ward 3 Discretionary Funds in the following way:

- (a) \$20,000 from the 2017 Ward 3 Discretionary Funds No. 3301709300;

- (b) \$45,000 from the 2018 Ward 3 Discretionary Funds No. 3301809300; and,
- (c) That the Mayor and City Clerks be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

- 5.2 Correspondence from the Early Years and Child Care Division of the Ministry of Education respecting 2019 Child Care and Early Years Allocations

Recommendation: be received.

- 5.3 Correspondence from the Ministry of Municipal Affairs and Housing respecting Hamilton 2019-2020 Allocation

Recommendation: be received.

2. DELEGATION REQUESTS (Item 6)

- 6.1 Dianne McIntyre and Laura Delsey, respecting a Request that the City of Hamilton Appeal to the Provincial Government to Pause the Plan to Change the Ontario Autism Program, withdrew their delegation request.

3. PUBLIC HEARINGS/DELEGATIONS (Item 8)

- 8.1 Ruth Greenspan, John Howard Society of Hamilton, Burlington and Area, respecting the Hamilton Restorative Justice Initiative, requested that her delegation be rescheduled for a future meeting.

4. DISCUSSION ITEMS (Item 10)

- 10.3 2019 Provincial Funding Update (HSC19023) (City Wide)

The agenda for the May 2, 2019 Emergency and Community Services Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) April 4, 2019 (Item 4.1)

The Minutes of the April 4, 2019 meeting of the Emergency and Community Services Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

The following Communications were received, as follows:

- (i) Correspondence from the Ministry of Children, Community and Social Services, respecting Addiction Services Initiative Wind-Down (Item 5.1)
- (ii) Correspondence from the Early Years and Child Care Division of the Ministry of Education, respecting 2019 Child Care and Early Years Allocations (Added Item 5.2)
- (iii) Correspondence from the Ministry of Municipal Affairs and Housing, respecting Hamilton 2019-2010 Allocation (Added Item 5.3)

(e) CONSENT ITEMS (Item 7)

a. Minutes of the Interview Sub-Committee to the Emergency and Community Services Committee for April 16, 2019 (Item 7.1)

The April 16, 2019 Minutes of the Interview Sub-Committee to the Emergency and Community Services Committee, were received.

(f) PUBLIC HEARINGS/DELEGATIONS (Item 8)

(i) Paul Empringham, Ancaster Minor Hockey, respecting the Protection of Interests and Availability of Ice for the Ancaster Minor Hockey League (Item 8.2)

Paul Empringham addressed the Committee respecting the Protection of Interests and Availability of Ice for the Ancaster Minor Hockey League, with the aid of a presentation.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

The presentation from Paul Empringham respecting the Protection of Interests and Availability of Ice for the Ancaster Minor Hockey League, was received.

(ii) Nancy Silva-khan, respecting a Request that the City of Hamilton Appeal to the Provincial Government to Pause the Plan to Change the Ontario Autism Program to Allow for Further Consultation (Item 8.3)

Nancy Silva-khan was permitted to address the Committee for an additional 10 minutes in order to complete her presentation.

Nancy Silva-khan addressed the Committee respecting a Request that the City of Hamilton Appeal to the Provincial Government to Pause the Plan to Change the Ontario Autism Program to Allow for Further Consultation.

The presentation from Nancy Silva-khan respecting a Request that the City of Hamilton Appeal to the Provincial Government to Pause the Plan to Change the Ontario Autism Program to Allow for Further Consultation, was received.

For further disposition of this matter, refer to Item 4.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List (Item 13.1)

The following amendments to the Emergency and Community Services Committee's Outstanding Business List, were approved:

(a) Items considered complete and needing to be removed:

- (i) Gage Hancharek respecting PLURD (Peace, Love, Unity, Respect, Dignity)**
Addressed as Item 7.2 on today's agenda – Report HSC19022
Item on OBL: EEE
- (ii) Requiring the City of Hamilton to be More Accessible to the Hearing Impaired**
Addressed as Item 7.3 on today's agenda - -Report HUR17023(a)
Item on OBL: WW

(h) ADJOURNMENT (Item 15)

There being no further business, the Emergency and Community Services Committee was adjourned at 3:18 p.m.

Respectfully submitted,

Councillor S. Merulla
Chair, Emergency and Community Services
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON

MOTION

Council: May 8, 2019

MOVED BY COUNCILLOR T. WHITEHEAD.....

SECONDED BY COUNCILLOR.....

Removal of the Stop Sign at Atkins Drive & Golfwood Drive

WHEREAS many of the community members in the Gurnett neighbourhood have requested the removal of the stop sign at Atkins Drive & Golfwood Drive;

THEREFORE BE IT RESOLVED:

That the stop sign at Atkins Drive & Golfwood Drive, be removed.

CITY OF HAMILTON MOTION

Council: May 8, 2019

MOVED BY COUNCILLOR S. MERULLA

SECONDED BY COUNCILLOR.....

Authorization for CityHousing Hamilton to apply for Variances to a By-law for Lands Located at 41 Reid Avenue

WHEREAS Bill 73, *Smart Growth for our Communities Act*, 2015 placed a moratorium for minor variance applications within 2 years of passing a site specific zoning by-law amendment;

WHEREAS the application as presented in report PED18158 for lands including 41 Reid Avenue was approved July 13, 2018 and is within the 2 year moratorium;

WHEREAS Council may waive this moratorium on a site specific basis, to allow the applicant to make an application to the Committee of Adjustment;

WHEREAS it would then be within the authority of the Committee of Adjustment to assess the merits of the application and to make a decision;

WHEREAS the application as presented in report PED18158 represents a comprehensive mixed income, mixed tenure demonstration project intended to secure innovative and creative ways to address affordable housing; and

WHEREAS the applicant is interested in seeking minor variances to address matters related to parking, landscape requirements, and potentially other matters.

THEREFORE BE IT RESOLVED:

That CityHousing Hamilton be authorized to apply for variances to a by-law for lands located at 41 Reid Avenue.

CITY OF HAMILTON

MOTION

Council: May 8, 2019

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY COUNCILLOR.....

Funding for the Construction of John Rebecca Park at 76 John Street North, Hamilton

WHEREAS, Public Works Committee Report PW18050 respecting John Rebecca Park – Donation, 76 John Street North, Hamilton (Ward 2), approved by Council on June 18, 2018, allocated funding to the design and construction of John Rebecca Park and authorized staff to enter into a donation agreement with the Patrick J. McNally Foundation for \$1million and that donation agreement has been signed with a stipulated park completion date of December 31, 2019;

WHEREAS, the project was designed based on the approved conceptual masterplan, and with consultation with the public to confirm the features of the park;

WHEREAS, the John Rebecca Park project was tendered and closed on April 18 and the low bid is over the available funds, and the project requires an additional \$350,000 in order to award the contract; and

WHEREAS, if the project was required to be redesigned to remove features to be able to retender and award within the available funds, the completion date of December 2019 would not be possible and if the donation agreement expires, the park design would have to be reduced by \$1 million in features in order to be feasible within the available city funds;

THEREFORE, BE IT RESOLVED:

- a) That \$350,000 be appropriated from the Ward 2 Area Rating Reserve Account #108052 to the John Rebecca Park Development Project Id 4401856615 for the purposes of awarding the contract to the low bid for the construction of the John Rebecca Park in 2019.
- b) That the General Manager of Public Works be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON

MOTION

Council: May 8, 2019

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY COUNCILLOR.....

Funding for the Gazebo Capital Project at 226 Rebecca Street

WHEREAS the cladding issues over the last year have delayed a previous commitment to residents of 226 Rebecca that committed to a gazebo and tables as a means to improve long dated outdoor amenities; and

WHEREAS the cladding issues have very recently been resolved to a state where the previous commitment of the gazebo project may proceed.

THEREFORE BE IT RESOLVED:

That staff be directed to complete the Gazebo Capital Project with funding in the amount of \$5,452.25 from the Ward 2 Area Rating Capital Reserve; and

That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) required by any of the above projects with such terms and conditions being in a form satisfactory to the City Solicitor.

CITY OF HAMILTON

MOTION

Council: May 8, 2019

MOVED BY COUNCILLOR T. WHITEHEAD.....

SECONDED BY MAYOR / COUNCILLOR

2019 Development Charges By-law – Deferral Agreement

WHEREAS the City has established a cap on the total dollar value allowed for non-industrial Development Charges (DC) Deferral agreements at any point in time equal to 50% of the previous three years DC collections (2019 cap = \$32M);

WHEREAS, once the cap has been reached, all requests to apply for a non-industrial DC Deferral agreement are suspended until payments on the outstanding agreements bring the total value below the cap amount.

WHEREAS there is no cap regarding industrial DC Deferral Agreements and the interest rate to be used as an incentive for industrial development (per economic development staff and GM of Planning recommendation) is the City’s 5-yr debenture rate + 0.25 admin fee + 0.75% (therefore approximately 3.3% all in based on the April 2019 cost of borrowing),

WHEREAS the non-industrial DC Deferral program has reached the established cap and requests for DC Deferrals are being received and turned away on a regular basis; and,

WHEREAS the City’s DC By-law 14-153 provides the General Manager of Finance and Corporate Services the discretion to enter into DC Deferral Agreements for non-residential, apartment and residential facility developments and the authority to set the terms of the City’s DC Deferral Program;

THEREFORE BE IT RESOLVED:

That pursuant with the City’s Development Charges By-law 14-153, the General Manager of Finance and Corporate Services, be directed to review the feasibility of amending the current non-industrial Development Charges Deferral Agreement cap, along with the introduction of required controls and provisions, to allow for enhanced capacity to enter into additional agreements.

CITY OF HAMILTON

MOTION

Council: May 8, 2019

MOVED BY COUNCILLOR B. JOHNSON.....

SECONDED BY COUNCILLOR

Amendment to Item 1 of the Public Works Committee Report 19-002 respecting Proposed Permanent Closure and Sale of a Portion of Wetenhall Court, Hamilton (PW19011) (Ward 11) (Item 8.2)

WHEREAS, the subject road closure application was applied for by Panattoni Development Company on behalf of the adjoining land owner but failed to indicate the intended owner of the road to be closed;

WHEREAS, the adjoining lands are owned by Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.; and,

WHEREAS, the Panattoni Development Company is a related company to Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc;

THEREFORE, BE IT RESOLVED:

That Item 1 of the Public Works Committee Report 19-002, be amended by correcting the name of the applicant and revising subsection (f), to read as follows:

- 1. Proposed Permanent Closure and Sale of a Portion of Wetenhall Court, Hamilton (PW19011) (Ward 11) (Item 8.2)**

That the application of ~~Panattoni Development Company~~ ***Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.***, to permanently close and purchase a portion of Wetenhall Court, Hamilton (“Subject Lands”), as shown on Appendix "A" and Appendix “B”, attached to Public Works Committee Report 19-002, be approved, subject to the following conditions:

- (a) That the City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the highway, for enactment by Council;
- (b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to sell the closed highway to ~~Panattoni Development Company~~ **Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.**, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
- (c) The City Solicitor be authorized to complete the transfer of the Subject Lands to ~~Panattoni Development Company~~ **Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.** pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
- (d) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing and selling the highway in the proper land registry office;
- (e) That the Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed highway pursuant to the City of Hamilton Sale of Land Policy By-law 14-204;
- (f) That the applicant enters into **any ancillary** agreements ~~with any required by the City and any~~ Public Utility ~~requiring easement protection~~; and,
- (g) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section.

Authority: Item 6, Audit, Finance &
Administration Committee
19-006
CM: April 24, 2019
Ward: City Wide

Bill No. 090

CITY OF HAMILTON

BY-LAW NO. 19-

To Amend By-law No. 18-270, the Council Procedural By-law

WHEREAS Council enacted a Council Procedural By-law being City of Hamilton By-law No. 18-270;

AND WHEREAS it is necessary to amend By-law 18-270.

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

1. That By-law No. 18-270, be amended, to include the appointment of a Vice Chair for the Board of Health for the Term of Council, as follows:

5.2 Appointment of Standing Committee Chairs and Vice Chairs

- (1) Each Standing Committee shall recommend to Council the appointment of a Chair, Vice-Chair and, where applicable, 2nd Vice-Chair for the required term.
 - (a) The term of the Chair, Vice-Chair and 2nd Vice-Chair shall be for a calendar year, or part of a calendar year in an election year.
 - (b) No Member of Council may serve as Chair, Vice-Chair or 2nd Vice-Chair of the same Standing Committee for more than one year in a Council term.
 - (c) The role of the Chair of the General Issues Committee shall be rotated amongst the Deputy Mayors.
- (2) Despite subsection 5.2 (1)(a) and (b), the Mayor shall stand as Chair for the term of Council for the Board of Health;
- (3) *The Board of Health shall recommend to Council the appointment of a Vice-Chair for the required term.***
- (4) *Despite subsection 5.2 (1)(a) and (b), the Vice-Chair shall stand as Vice-Chair for the term of Council for the Board of Health.***

2. This By-law comes into force on the day it is passed.

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 5, Public Works Committee
Report 19-006 (PW19030)
CM: May 8, 2019
Ward: City Wide

Bill No. 091

CITY OF HAMILTON

BY-LAW NO. 19-

To Amend Solid Waste Management By-law No. 09-067, as amended To Prohibit Leaf and Yard Waste in Organic Waste Collection

WHEREAS the City of Hamilton's Central Composting Facility is unable to accept leaf and yard waste as part of "green bin" waste collection until further notice.

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

1. That Solid Waste Management By-law No. 09-067 is amended as indicated in the following subsections by deleting the text that is struck out and adding the text that is underlined:

(1) In the definition of "Organic Waste" in section 1.1:

"Organic Waste" means animal and vegetable waste, excluding Household Pet Waste and including, but not limited to, the following kitchen and other source separated organic waste materials:

(a) baked goods, bone, coffee filters and grounds, tea bags, dairy products, eggs, grains, meat, fish, poultry, pasta, vegetables, fruits, peelings and nut shells; or

(b) soiled newsprint, paper bags, greasy pizza boxes, paper towels and microwave popcorn bags;

(2) In the definition of "Unacceptable Organic Waste" in section 1.1 insert in alphabetical order;

(a) Leaf and Yard Waste;

(b) Grass clippings;

(c) Plants;

(d) Leaves;

(e) Flowers;

(f) Vegetable Garden;

(3) 8.4 **Conditions for Leaf and Yard Waste Collection**

No Owner or Occupant shall set out for collection, or permit to be set out for collection, any Leaf and Yard Waste except in accordance with subsections (a) to (f) inclusive.

(a) The only permitted Containers for Leaf and Yard Waste are:

- (i) a rigid, reusable Container with the lid removed;
- (ii) a kraft paper bag with the top folded over; or
- (iii) a bushel basket;

2. This By-law comes into force on April 1, 2019.

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 6, Public Works Committee
Report 17-014 (PW17048(a))
CM: December 8, 2017
Ward: 13

Bill No. 092

CITY OF HAMILTON

BY-LAW NO. 19-

**To Permanently Close and Sell a Portion of a Public Unassumed Alley
Abutting 34 Alma 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)
and to Repeal By-law No. 18-206**

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 8, 2017, Council approved Item 6 of Public Works Committee Report 17-014, and authorized the City of Hamilton to permanently close and sell the portion of a public unassumed alley abutting 34 Alma Street, Dundas;

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; and

WHEREAS By-law No. 18-206 passed on August 17, 2018, contained an incorrect legal description of the subject lands.

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

1. The portion of the public unassumed alley abutting 34 Alma Street, Dundas, described as Part of Lane, Registered Plan 1447, in the City of Hamilton, designated as Parts 2 and 3, Plan 62R-20858, which is owned by the City of Hamilton, is permanently closed.

To Permanently Close and Sell a Portion of a Public Unassumed Alley Abutting 34 Alma 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) and to Repeal By-law No. 18-206

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 Thomas Robert Bontje for the sum of Two Dollars (\$2.00).
3. This by-law comes into force on the date of its registration in the Land Registry Office (No. 62).
4. By-law No. 18-206 is hereby repealed.

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 6, Public Works Committee
Report 17-014 (PW17048(a))
CM: December 8, 2017
Ward: 13

Bill No. 093

CITY OF HAMILTON

BY-LAW NO. 19-

**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 Part 1, Plan 62R-
20858, City of Hamilton, being Part of PIN 17585-0090 (LT),
and to Repeal By-law No. 18-207**

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 8, 2017, Council approved Item 6 of Public Works Committee Report 17-014, and authorized the City of Hamilton to permanently close and sell the portion of a public unassumed alley abutting 31 Victoria Street, Dundas;

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; and.

WHEREAS By-law No. 18-207 passed on August 1, 2018, contained an incorrect legal description of the subject lands.

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

1. The portion of the public unassumed alley abutting 31 Victoria Street, Dundas, described as Part of Lane, Registered Plan 1447, in the City of Hamilton, designated as Part 1, Plan 62R-20858, which is owned by the City of Hamilton, is permanently closed.

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 Part 1, Plan 62R-20858, City of Hamilton, being Part of PIN 17585-0090 (LT), and to Repeal By-law No. 18-207

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 Ramsay MacNay and Karen Busche for the sum of Two Dollars (\$2.00).
3. This by-law comes into force on the date of its registration in the Land Registry Office (No. 62).
4. By-law No. 18-207 is hereby repealed.

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 15

Bill No. 094

CITY OF HAMILTON

BY-LAW NO. 19-

Respecting Removal of Part Lot Control Block 211, Registered Plan No. 62M-1238, Waterdown Bay Phase 2, 75, 77, 79, 81, 83, 85 Riverwalk Drive

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating 6 lots for townhouse dwellings, shown as Parts 1, 3, 5, 6, 8 and 10, inclusive, including maintenance easements, shown as Parts 2, 4, 7 and 9, inclusive, on deposited Reference Plan 62R-20994, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Block 211, Registered Plan No. 62M-1238, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 8th day of May, 2021.

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 15

Bill No. 095

CITY OF HAMILTON

BY-LAW NO. 19-

**Respecting Removal of Part Lot Control
Lots 91 and 174, Registered Plan No. 62M-1238, Municipally known as 39 Mill Stone
Terrace and 331 Humphrey Street, Flamborough**

WHEREAS the sub-section 50(5) of the Planning Act, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the Planning Act, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

1. Sub-section 5 of Section 50 of the Planning Act, for the purpose of creating 2 maintenance maintenance easements, shown as Part 1 on deposited Reference Plan 62R-21086, and Part 1 on deposited Reference Plan 62R-21088, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Lots 91 and 174 on Registered Plan No. 62M-1238, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 8th day of May, 2021.

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 31 Economic Development
and Planning Committee
Report: 06-005
CM: April 5, 2006
Ward: 11

Bill No. 096

CITY OF HAMILTON

BY-LAW NO. 19-

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 2515 Upper James Street

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by Virtue of the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap 14;

WHEREAS the City of Hamilton is the lawful successor to the former Municipalities, identified in Section 1.7 of By-law No. 05-200;

WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with Zoning through the City;

WHEREAS the first stage of the new Zoning By-law, being By-law No. 05-200, came into force on the 25th day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item 33 of Report 10-020 of the Economic Development and Planning Committee at its meeting held on the 13th day of October, 2010, established the "H" Holding provisions for certain lands within the Airport Employment Growth District; and,

AND WHEREAS the Council of the City of Hamilton, in adopting Section 31 of Report 06-005 of the Planning and Economic Development Committee at its meeting held on the 12th day of April 2006, 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;

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

1. That Map 1269 of Schedule "A" – Zoning Maps, of Zoning By-law 05-200, be amended by changing the zoning from the Airport Prestige Business (M11, 47, H37) Zone to the Airport Prestige Business (M11, 47) Zone.
2. That further development shall proceed in accordance with the Airport Prestige Business (M11, 47) Zone.
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*.

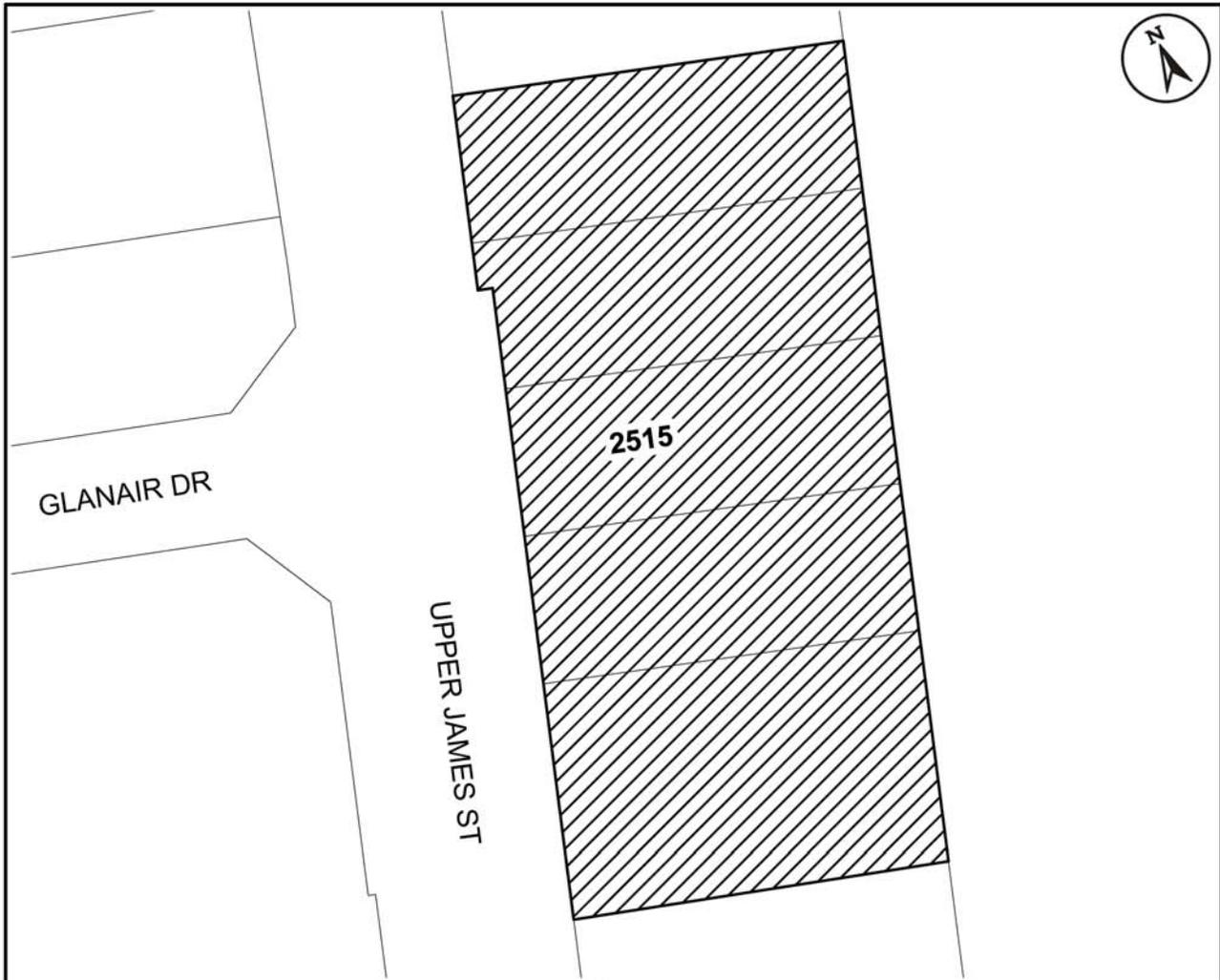
To Amend Zoning By-law No. 05-200
Respecting Lands Located at 2515 Upper James Street

PASSED this 8th day of May , 2019

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAH-19-019



This is Schedule "A" to By-law No. 19-
 Passed the day of, 2019

 Mayor

 Clerk

Schedule "A"

Map Forming Part of
 By-law No. 19-_____

to Amend By-law No. 05-200
 Map 1629

Subject Property

2515 Upper James Street



Change in Zoning from
 Airport Prestige Business (M11, 47, H37) Zone
 to the Airport Prestige Business (M11, 47) Zone

Scale:
 N.T.S.

File Name/Number:
 ZAH-19-019

Date:
 Mach 18, 2019

Planner/Technician:
 RF/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Authority: Item 31, Planning and Economic
Development Committee
Report: 06-005
CM: April 12, 2006
Ward: 2

Bill No. 097

CITY OF HAMILTON

BY-LAW NO. 19-

To Amend Zoning By-law No. 05-200, as amended by By-law No. 18-011, respecting lands located at 43-51 King Street East and 60 King William Street (Hamilton)

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”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Hamilton” and is the successor of the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the first stage of the new Zoning By-law, being Zoning By-law No. 05-200, came into force on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 31 of Report 06-005 of the Planning and Economic Development Committee at its meeting held on the 12th day of April 2006, 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 Schedule “A” appended to and forming part of By-law No. 05-200, as amended by By-law No. 18-011, is hereby further amended by changing the zoning from the Downtown Prime Retail Streets (D2, 626, H18) Zone, to the Downtown Prime Retail Streets (D2, 626) Zone, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. 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 Downtown Prime Retail Streets (D2, 626) Zone, provisions.

3. 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 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAH-19-015



This is Schedule "A" to By-law No. 19- Passed the day of, 2019	----- 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. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 1328 & 1339</p>	<p>Subject Property 43 - 51 King Street East & 60 King William Street</p> <p> Change in Zoning from the Downtown Prime Retail Street (D2, 626, H18) Zone to the Downtown Prime Retail Streets (D2, 626) Zone</p>
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Scale: N.T.S.	File Name/Number: ZAH-19-015	
Date: April 29, 2019	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 8, Audit, Finance & Administration
Committee Report 19-007 (FCS19039)
CM: May 8, 2019
Ward: City Wide

Bill No. 098

CITY OF HAMILTON

BY-LAW NO. 19-

Delegation of Authority to the Treasurer and Deputy Treasurers with Respect to the Adjustment of Taxes and Payments In lieu of Taxes

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, paragraph 3 of subsection 10(2) authorizes by-laws respecting the financial management of the municipality;

AND WHEREAS sections 110(17), 334, 356, 357, 357.1, 358, 359 and 359.1 of the *Municipal Act, 2001* authorize the City of Hamilton to adjust taxes, for example to reduce or increase taxes when there has been an overpayment or underpayment caused by a gross or manifest error;

AND WHEREAS section 23.1 of the *Municipal Act, 2001* authorizes the City of Hamilton to delegate its authority;

AND WHEREAS subsection 23.2(2)(c) of the *Municipal Act, 2001* authorizes the City of Hamilton to delegate quasi-judicial powers under the *Municipal Act, 2001* to an individual who is an officer, employee or agent of the City;

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

1. The Treasurer, Deputy Treasurers, Manager of Taxation, Tax Assessment and Appeals Administrator are severally delegated the authority to hold meetings, give notice and make decisions under sections 110(17), 334, 356, 357, 357.1, 358, 359 and 359.1 of the *Municipal Act, 2001*, subject to such direction as may be given by Council or the appropriate Standing Committee of the City of Hamilton from time to time.
2. The Treasurer and Deputy Treasurers shall use the most efficient combination of staff and external resources as required when exercising their delegated authority under this By-law, and, in so doing, may make further delegations.
3. The Treasurer's exercise of their delegated authority under this By-law shall be reported to Council or the appropriate Standing Committee of the City of Hamilton at least once in a calendar year.

Delegation of Authority to the Treasurer and Deputy Treasurers
with Respect to the Adjustment of Taxes and Payments In lieu of Taxes

Page 2 of 2

4. Any reference to the title or position of a member of City staff in this By-law shall include any change to the title or position or any successor title or position or any new title or position which assumes the responsibilities of the title or position referenced in this By-law.
5. This By-Law comes into force on the date of its passing.

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 2, Planning Committee
 Report 19-007 (PED19092)
 CM: May 8, 2019
 Ward: City Wide

Bill No. 099

CITY OF HAMILTON

BY-LAW NO. 19-

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

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

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

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Schedule A of By-law No.17-225 is amended by adding a new Table 16 titled BY-LAW NO.10-197 HAMILTON SIGN BY-LAW

Table 16: By-law 10-197 Hamilton Sign By-law				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
PERMITS				
1	10-197	3.2.1(a)	display ground sign without permit	\$300.00
2	10-197	3.2.1(b)	display wall sign without permit	\$300.00
3	10-197	3.2.1(c)	display mobile sign without permit	\$100.00
4	10-197	3.2.1(d)	display banner sign without permit	\$100.00
5	10-197	3.2.1(e)	display temporary sign without permit	\$50.00
6	10-197	3.2.1(f)	display inflatable sign without permit	\$100.00
7	10-197	3.2.1(g)	display billboard without permit	\$500.00
8	10-197	3.2.1(h)	display digital billboard without permit	\$500.00
9	10-197	3.2.4	alter sign from original sign without written permission from Director/Chief Building Official	\$200.00
EXISTING SIGN				
10	10-197	3.4.3(2)	fail to comply with conditions of sign permit by Director	\$100.00
GENERAL PROHIBITIONS/REGULATIONS				
11	10-197	4.1(a)	permit/display sign without permit	\$100.00
12	10-197	4.1(b)	permit/display sign not in compliance with Sign By-law conditions/variance	\$200.00
13	10-197	4.1(c)	permit/display sign not specifically permitted under Sign By-law	\$200.00

Table 16: By-law 10-197 Hamilton Sign By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
14	10-197	4.1(d)(i)	permit/display sign on City property except poster/election sign as permitted	\$100.00
15	10-197	4.1(d)(ii)	permit/display sign on City property without permission	\$200.00
16	10-197	4.1(e)	permit/display sign on property without owner's permission	\$200.00
17	10-197	4.1(f)	permit/display sign which obstructs the view by pedestrian	\$200.00
18	10-197	4.1(f)	permit/display sign which obstructs the view by driver of vehicle	\$200.00
19	10-197	4.1(f)	permit/display sign which obstructs traffic signal	\$200.00
20	10-197	4.1(f)	permit/display sign which obstructs traffic control devise	\$200.00
21	10-197	4.1(f)	permit/display sign which interferes with vehicular traffic	\$200.00
22	10-197	4.1(g)	permit/display sign on traffic signal	\$100.00
23	10-197	4.1(g)	permit/display sign on traffic control devise	\$100.00
24	10-197	4.1(h)	permit/display sign which illuminates onto adjacent property	\$100.00
25	10-197	4.1(h)	permit/display sign which illuminates onto path of vehicular traffic	\$200.00
26	10-197	4.1(i)	permit/display sign not maintained	\$100.00
27	10-197	4.1(i)	permit/display sign that is unsightly	\$100.00
28	10-197	4.1(i)	permit/display sign that is structurally inadequate	\$200.00
29	10-197	4.1(i)	permit/display sign that is faulty	\$100.00
30	10-197	4.1(i)	permit/display sign that is hazardous	\$200.00
31	10-197	4.1(j)	permit/display sign when directed to remove	\$200.00
32	10-197	4.1(k)	permit/display sign which bears City logo without permission	\$200.00
33	10-197	4.1(k)	permit/display sign which bears City crest without permission	\$200.00
34	10-197	4.1(k)	permit/display sign which bears City seal without permission	\$200.00
35	10-197	4.1(l)	permit/display sign which does not comply with By-law	\$200.00
36	10-197	4.1(l)	permit/display sign which does not comply with statutes or regulation including Ontario Heritage Act	\$200.00
37	10-197	4.2	sign owner fail to stop the display of sign	\$200.00
PROHIBITED SIGNS				
38	10-197	5.1.1(a)	permit/display sign with a video screen or any flashing, kinetic, or illusionary motion	\$100.00
39	10-197	5.1.1(b)	permit/display sign supported entirely/partly by the roof of a building/structure and which projects above the roof	\$200.00
40	10-197	5.1.1(c)	permit/display sign displayed within a visibility triangle	\$200.00
41	10-197	5.1.1(d)	permit/display sign displayed on a vehicle/trailer/truck parked/located on property unrelated to its normal use	\$100.00
42	10-197	5.1.1(e)	permit/display sign which obstructs parking space required by zoning by-laws	\$100.00
43	10-197	5.1.1(f)	permit/display sign within 400m of Highway 403/Queen Elizabeth Way/Lincoln M. Alexander Parkway or the Red Hill Valley Parkway	\$100.00
44	10-197	5.1.2	permit/display sign not expressly permitted by Sign By-law	\$200.00
45	10-197	5.1.3	permit/display sign not permitted by zoning	\$200.00
46	10-197	5.1.3	permit/display sign on property not permitted by zoning	\$200.00
GROUND/CONSTRUCTION SIGN				
47	10-197	5.2.1	permit/display a Ground Sign not in accordance to By-law	\$300.00

Table 16: By-law 10-197 Hamilton Sign By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
48	10-197	5.2.2(a)	permit/display a Ground Sign without permit	\$300.00
Permit/Timing				
49	10-197	5.2.2(b)	permit/display construction information Ground Sign not in compliance with approved construction/development project under Planning Act	\$300.00
50	10-197	5.2.2(c)	permit/display construction information Ground Sign for more than 28 days after construction/development	\$100.00
Structure				
51	10-197	5.2.2(d)	Ground Sign not embedded in a foundation in the ground to a depth of at least 1.2m or secured in a manner that is satisfactory	\$300.00
52	10-197	5.2.2(d)	Ground Sign not secured in a manner satisfactory to Chief Building Official	\$300.00
53	10-197	5.2.2(e)	permit/display a Ground Sign with a maximum sign area of 0.3m ² for every 1.0m of frontage	\$300.00
54	10-197	5.2.2(e)	permit/display Ground Sign exceeding a total sign area of 18.0m ² for a single- faced Ground Sign	\$300.00
55	10-197	5.2.2(e)	permit/display Ground Sign exceeding a total sign area of 36.0m ² for a double or multi-faced	\$300.00
56	10-197	5.2.2(f)	permit/display Ground Sign exceeding a maximum height of 7.5m	\$300.00
Content				
57	10-197	5.2.2(g)(i)	permit/display Ground Sign without municipal address number of property less than 15.0cm in height	\$200.00
58	10-197	5.2.2(g)(ii)1.	permit/display Ground Sign without the name of business in copy less than 15.0cm in height	\$100.00
59	10-197	5.2.2(g)(ii)2.	permit/display Ground Sign without the registered trademark of business in copy less than 15.0cm in height	\$100.00
60	10-197	5.2.2(g)(ii)3.	permit/display Ground Sign without name of ownership of business in copy less than 15.0cm in height	\$100.00
61	10-197	5.2.2(g)(ii)4.	permit/display Ground Sign without name of activity/ product/service in copy less than 15.0cm in height	\$100.00
62	10-197	5.2.2(g)(iii)	permit/display Ground Sign exceeding more than 50% readograph or electronic message display	\$200.00
63	10-197	5.2.2(g)(iii)	permit/display Ground Sign with readograph or electronic message display less than 3 seconds and movement/ colour/intensity/illumination change	\$100.00
64	10-197	5.2.2(g)(iv)	permit/display Ground Sign for institutional purposes exceeding 75% with readograph or electronic message display	\$100.00
65	10-197	5.2.2(g)(iv)	permit/display Ground Sign for institutional purposes with readograph or electronic message display copy less than 3 seconds and movement/colour /intensity/ illumination change	\$100.00
66	10-197	5.2.2(g)(v)	advertise a business not on property by Ground Sign	\$100.00
67	10-197	5.2.2(g)(v)	advertise an activity not on property by Ground Sign	\$100.00
68	10-197	5.2.2(g)(v)	advertise a product/service not on property by Ground Sign	\$100.00
69	10-197	5.2.2(g)(v)	advertise a charity/community activity not on property by Ground Sign	\$100.00

Table 16: By-law 10-197 Hamilton Sign By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
70	10-197	5.2.2(g)(vi)	Ground Sign exceeding 25% of the sign area or 1.2m ² , whichever is lesser for electronic message display not within Downtown Community Improvement Project/ Business Improvement/Ancaster Village Core/Glanbrook Village Core Areas	\$100.00
71	10-197	5.2.2(g)(vii)	Ground Sign not advertising business/activity/product/ service on property within the Downtown Community Improvement Project/Business Improvement/Ancaster Village Core/Glanbrook Village Core Areas	\$100.00
Location				
72	10-197	5.2.2(h)	permit/display Ground Sign within 15.0m of a traffic signal/ traffic control device	\$100.00
73	10-197	5.2.2(i)	permit/display Ground Sign within 1.5m or distance equal to 75% of the height of the Ground Sign, whichever is greater, of any property line	\$100.00
74	10-197	5.2.2(j)	permit/display Ground Sign along the same frontage used to calculate the maximum sign area	\$100.00
75	10-197	5.2.2(k)	permit/display Ground Sign within 200m of another Ground Sign along same frontage	\$100.00
76	10-197	5.2.2(l)(i)	permit/display more than 1 construction information Ground Sign per frontage	\$100.00
77	10-197	5.2.2(l)(ii)	permit/display more than 1 Ground Sign which provides courtesy/directional information/menu board/clearance sign per frontage	\$100.00
78	10-197	5.2.2(m)	permit/display more than 2 Construction Information Ground Sign for any single development/construction project	\$100.00
79	10-197	5.2.2(n)(i)	permit/display Ground Sign on property of single detached dwelling	\$75.00
80	10-197	5.2.2(n)(ii)	permit/display Ground Sign on property of semi detached dwelling	\$75.00
81	10-197	5.2.2(n)(iii)	permit/display Ground Sign on property of duplex dwelling	\$75.00
82	10-197	5.2.2(n)(iv)	permit/display Ground Sign on property of triplex dwelling	\$75.00
83	10-197	5.2.2(n)(v)	permit/display Ground Sign on property of fourplex dwelling	\$75.00
84	10-197	5.2.2(n)(vi)	permit/display Ground Sign on street townhouse property	\$75.00
85	10-197	5.2.2(n)(vii)	permit/display Ground Sign on property of mobile home	\$75.00
86	10-197	5.2.2(n)(viii)	permit/display Ground Sign on property of residential care facility	\$100.00
87	10-197	5.2.2(n)(ix)	permit/display Ground Sign on property of lodging house	\$100.00
88	10-197	5.2.2(n)(x)	permit/display Ground Sign on property of retirement home	\$100.00
89	10-197	5.2.2(n)(xi)	permit/display Ground Sign on property of emergency shelter	\$100.00
90	10-197	5.2.3	permit/display Ground Sign on undeveloped or vacant property where Billboard has not been removed	\$200.00
WALL SIGNS/PROJECTING SIGNS				
91	10-197	5.3.1	permit/display Wall Sign not in accordance to By-law	\$200.00
Permit/Timing				
92	10-197	5.3.2(a)	permit/display Wall Sign without a permit	\$200.00
Structure				

Table 16: By-law 10-197 Hamilton Sign By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
93	10-197	5.3.2(b)	permit/display Wall Sign to extend beyond the sides or top of the wall	\$200.00
94	10-197	5.3.2(c)	permit/display Wall Sign to exceed 15% of total area of the wall	\$200.00
95	10-197	5.3.2(d)	permit/display Wall Sign less than 2.8m above grade	\$200.00
Content				
96	10-197	5.3.2(e)	permit/display Projecting Sign more than 1.0m ² with sign area exceeding 20% copy	\$100.00
97	10-197	5.3.2(f)	permit/display Wall Sign to exceed 50% of the sign area be a readograph/electronic message	\$200.00
98	10-197	5.3.2(f)	permit/display Wall Sign with a readograph/electronic message display message with less than 3 seconds of movement/change in colour/intensity of illumination	\$200.00
99	10-197	5.3.2(g)	permit/display Wall Sign that does not advertise the business/activity/product or service/charity's/community organization's activity on the property	\$100.00
100	10-197	5.3.2(h)	permit/display Wall Sign that exceeds 25% of the sign area or 1.2m ² , whichever is less	\$200.00
101	10-197	5.3.2(i)	permit/display Wall Sign within the Downtown Community Improvement Project/Business Improvement/Ancaster Village Core/Glanbrook Village Core areas that does not advertise the business/activity/service on the property	\$100.00
Location				
102	10-197	5.3.2(j)	permit/display Wall Sign that overhangs public right of way with no encroachment agreement/liability insurance	\$200.00
103	10-197	5.3.2(k)	permit/display Wall Sign that overhangs public right of way on the same building wall used to calculate the maximum sign area	\$200.00
104	10-197	5.3.2(l)(i)	permit/display Wall Sign on a Single Detached Dwelling	\$75.00
105	10-197	5.3.2(l)(ii)	permit/display Wall Sign on a Semi-Detached Dwelling	\$75.00
106	10-197	5.3.2(l)(iii)	permit/display Wall Sign on a Duplex	\$75.00
107	10-197	5.3.2(l)(iv)	permit/display Wall Sign on a Triplex	\$75.00
108	10-197	5.3.2(l)(v)	permit/display Wall Sign on a Fourplex or Quadruplex	\$75.00
109	10-197	5.3.2(l)(vi)	permit/display Wall Sign on a Street Townhouse	\$75.00
110	10-197	5.3.2(l)(vii)	permit/display Wall Sign on a Mobile Home	\$75.00
111	10-197	5.3.2(l)(viii)	permit/display Wall Sign on a Residential Care Facility	\$100.00
112	10-197	5.3.2(l)(ix)	permit/display Wall Sign on a Lodging House	\$100.00
113	10-197	5.3.2(l)(x)	permit/display Wall Sign on a Retirement Home	\$100.00
114	10-197	5.3.2(l)(xi)	permit/display Wall Sign on an Emergency Shelter	\$100.00
MOBILE SIGNS				
115	10-197	5.4.1	permit/display Mobile Sign not in accordance to By-law	\$100.00
Permit/Timing				
116	10-197	5.4.2(a)	permit/display Mobile Sign without permit	\$100.00
117	10-197	5.4.2(d)	permit/display Mobile Sign exceeding 28 consecutive days	\$100.00
Structure				
118	10-197	5.4.2(g)	permit/display Mobile Sign with sign area exceeding 4.5m ² for commercial/industrial use	\$100.00
119	10-197	5.4.2(h)	permit/display Mobile Sign exceeding maximum height of 2.7m and maximum width of 2.5m	\$100.00
Content				

Table 16: By-law 10-197 Hamilton Sign By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
120	10-197	5.4.2(i)	permit/display Mobile Sign that is illuminated	\$100.00
121	10-197	5.4.2(j)	permit/display Mobile Sign with electronic message display	\$100.00
122	10-197	5.4.2(k)	permit/display Mobile Sign without name and telephone number of sign owner clearly visible	\$100.00
123	10-197	5.4.2(m)	permit/display Mobile Sign advertising a business/activity/product/service that is not on the property	\$100.00
Location				
124	10-197	5.4.2(n)	permit/display Mobile Sign in location not approved by Director	\$100.00
125	10-197	5.4.2(o)(i)	permit/display Mobile Sign within 15.0m of an intersection/traffic signal/traffic control device	\$100.00
126	10-197	5.4.2(o)(ii)	permit/display Mobile Sign within 3.0m of a driveway line	\$100.00
127	10-197	5.4.2(o)(iii)	permit/display Mobile Sign within 15.0m of a side property line abutting a residential property	\$100.00
128	10-197	5.4.2(o)(iii)	permit/display Mobile Sign within 3.0m of a side property line abutting a property with other use	\$100.00
129	10-197	5.4.2(o)(iv)	permit/display Mobile Sign within 1.5m of a street line	\$100.00
130	10-197	5.4.2(o)(v)	permit/display Mobile Sign in parking space required by zoning	\$100.00
131	10-197	5.4.2(p)	permit/display Mobile Sign on vacant property	\$100.00
132	10-197	5.4.2(q)	permit/display 2 Mobile Signs, not separated by at least 50.0m on a property at any one time	\$100.00
133	10-197	5.4.2(r)(i)	permit/display Mobile Sign on property of a Single Detached Dwelling	\$75.00
134	10-197	5.4.2(r)(ii)	permit/display Mobile Sign on property of a Semi-Detached Dwelling	\$75.00
135	10-197	5.4.2(r)(iii)	permit/display Mobile Sign on property of a Duplex	\$75.00
136	10-197	5.4.2(r)(iv)	permit/display Mobile Sign on property of a Triplex	\$75.00
137	10-197	5.4.2(r)(v)	permit/display Mobile Sign on property of a Fourplex or Quadruplex	\$75.00
138	10-197	5.4.2(r)(vi)	permit/display Mobile Sign on a Street Townhouse	\$75.00
139	10-197	5.4.2(r)(vii)	permit/display Mobile Sign on property of a Mobile Home	\$75.00
140	10-197	5.4.2(r)(viii)	permit/display Mobile Sign on property of a Residential Care Facility	\$100.00
141	10-197	5.4.2(r)(ix)	permit/display Mobile Sign on property of a Lodging House	\$100.00
142	10-197	5.4.2(r)(x)	permit/display Mobile Sign on property of a Retirement Home	\$100.00
143	10-197	5.4.2(r)(xi)	permit/display Mobile Sign on property of an Emergency Shelter	\$100.00
BANNERS				
144	10-197	5.5.1	permit/display Banner Sign not in accordance to By-law	\$100.00
Permit/Timing				
145	10-197	5.5.2(a)	permit/display Banner Sign with sign area exceeding 1m ² without permit	\$100.00
146	10-197	5.5.2(c)	permit/display Banner Sign exceeding 28 consecutive days	\$100.00
Structure				
147	10-197	5.5.2(d)	permit/display Banner Sign not securely attached	\$100.00
148	10-197	5.5.2(e)	permit/display Banner Sign exceeding maximum 6.0m ² sign area	\$100.00

Table 16: By-law 10-197 Hamilton Sign By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
Content				
149	10-197	5.5.2(f)(ii)	permit/display Banner Sign of a business/activity/product or service not located on property	\$100.00
150	10-197	5.5.2(g)(ii)	permit/display Banner Sign of a business/activity/product or service not located on the adjacent property	\$100.00
Location				
151	10-197	5.5.2(h)	permit/display Banner Sign on boundary fence	\$100.00
152	10-197	5.5.2(i)	permit/display more than 1 Banner Sign on each building elevation/structure or fence	\$100.00
153	10-197	5.5.2(j)(i)	permit/display Banner Sign on property of a Single Detached Dwelling	\$75.00
154	10-197	5.5.2(j)(ii)	permit/display Banner Sign on property of a Semi-Detached Dwelling	\$75.00
155	10-197	5.5.2(j)(iii)	permit/display Banner Sign on property of a Duplex	\$75.00
156	10-197	5.5.2(j)(iv)	permit/display Banner Sign on property of a Triplex	\$75.00
157	10-197	5.5.2(j)(v)	permit/display banner Sign on property of a Fourplex or Quadruplex	\$75.00
158	10-197	5.5.2(j)(vi)	permit/display Banner Sign on a Street Townhouse	\$75.00
159	10-197	5.5.2(j)(vii)	permit/display Mobile Sign on property of a Mobile Home	\$75.00
160	10-197	5.5.2(j)(viii)	permit/display Mobile Sign on property of a Residential Care Facility	\$100.00
161	10-197	5.5.2(j)(ix)	permit/display Mobile Sign on property of a Lodging House	\$100.00
162	10-197	5.5.2(j)(x)	permit/display Mobile Sign on property of a Retirement Home	\$100.00
163	10-197	5.5.2(j)(xi)	permit/display Mobile Sign on property of an Emergency Shelter	\$100.00
BANNERS/TEMPORARY/ARICULTUAL PRODUCE PORTABLE/COROGATED PLASTIC/NEW HOME DEVEL. & SIDEWALK SIGNS				
164	10-197	5.6.1	permit/display Temporary Sign not in accordance to By-law	\$100.00
Permit/Timing				
165	10-197	5.6.2(a)	permit/display Temporary Sign without a permit	\$100.00
166	10-197	5.6.2(b)	permit/display Corrugated Plastic Sign for more than 1 year	\$100.00
167	10-197	5.6.2(c)(ii)	permit/display New Home Devel. Portable Sign before noon on Friday and after noon the following Monday	\$100.00
168	10-197	5.6.2(d)	permit/display Sidewalk Sign on public property without permit	\$100.00
Structure				
169	10-197	5.6.2(e)(i)	permit/display Temporary Sign permanently secured to the ground/structure or tree	\$100.00
170	10-197	5.6.2(e)(ii)	permit/display Temporary Sign to exceed 0.48m ² of sign area for each face	\$100.00
171	10-197	5.6.2(e)(iii)	permit/display Temporary Sign to exceed 0.8m in height	\$100.00
172	10-197	5.6.2(f)	permit/display Corrugated Plastic Sign to exceed 2.2m ² of sign area for each face	\$100.00
Content				
173	10-197	5.6.2(g)	permit/display Temporary Sign that is illuminated	\$100.00
174	10-197	5.6.2(h)	permit/display Temporary Sign that is an electronic message display	\$100.00

Table 16: By-law 10-197 Hamilton Sign By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
175	10-197	5.6.2(i)(ii)	permit/display Corrugated Plastic Sign on private property of a business/activity/product or service not located on the property	\$100.00
176	10-197	5.6.2(j)(ii)	permit/display Sidewalk Sign on public property of a business/activity/product or service not located on the adjacent private property	\$100.00
Location				
177	10-197	5.6.2(k)(i)	permit/display Agricultural Produce/New Home Devel. Portable Sign on public property	\$100.00
178	10-197	5.6.2(k)(ii)	permit/display Agricultural Produce/New Home Devel. Portable Sign obstructing permanent sign	\$100.00
179	10-197	5.6.2(k)(iii)	permit/display Agricultural Produce/New Home Devel. Portable Sign on traffic island/median or attached to pole	\$100.00
180	10-197	5.6.2(k)(iv)	permit/display Agricultural Produce/New Home Devel. Portable Sign on public sidewalk	\$100.00
181	10-197	5.6.2(k)(v)	permit/display Agricultural Produce/New Home Devel. Portable Sign less than 3.0m from driveway	\$100.00
182	10-197	5.6.2(k)(vi)	permit/display Agricultural Produce/New Home Devel. Portable Sign less than 1.5m from edge of curb/travelled portion of roadway	\$100.00
183	10-197	5.6.2(k)(vii)	permit/display Agricultural Produce/New Home Devel. Portable Sign on the untravelled portion of the street	\$100.00
184	10-197	5.6.2(k)(viii)	permit/display more than 1 Agricultural Produce/New Home Devel. Portable Sign per person on corner of intersection	\$100.00
185	10-197	5.6.2(k)(ix)	permit/display Agricultural Produce/New Home Devel. Portable Sign without liability insurance	\$100.00
186	10-197	5.6.2(l)(i)	permit/display Corrugated Plastic Sign on public property	\$100.00
187	10-197	5.6.2(l)(ii)(1)	permit/display Corrugated Plastic Sign within 15.0m of intersection of traffic signal/device	\$100.00
188	10-197	5.6.2(l)(ii)(2)	permit/display Corrugated Plastic Sign within 3.0m of driveway	\$100.00
189	10-197	5.6.2(l)(ii)(3)	permit/display Corrugated Plastic Sign within 15.0m of side property abutting property used as residential	\$100.00
190	10-197	5.6.2(l)(ii)(3)	permit/display Corrugated Plastic Sign within 3.0m of side property abutting property not used as residential	\$100.00
191	10-197	5.6.2(l)(ii)(4)	permit/display Corrugated Plastic Sign within 1.5m of street	\$100.00
192	10-197	5.6.2(l)(ii)(5)	permit/display Corrugated Plastic Sign in parking space required by zoning	\$100.00
193	10-197	5.6.2(l)(iii)	permit/display Corrugated Plastic Sign on vacant property	\$100.00
194	10-197	5.6.2(l)(iv)	permit/display Corrugated Plastic Sign within 10.0m of another corrugated plastic sign	\$100.00
195	10-197	5.6.2(m)(i)	permit/display Sidewalk sign on private property not close to front wall	\$100.00
196	10-197	5.6.2(m)(ii)	permit/display more than 1 Sidewalk sign per business	\$100.00
197	10-197	5.6.2(m)(iii)(1)	permit/display Sidewalk sign on a sidewalk/boulevard/travelled portion of street in the Downtown Community Improvement Project Area/a Business Improvement Area/Ancaster Village Core Area/Glanbrook Village Core Area	\$100.00

Table 16: By-law 10-197 Hamilton Sign By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
198	10-197	5.6.2(m)(iii)(2)	permit/display Sidewalk sign adjacent to curb opposite/ against front wall of business not maintaining minimum 1.5m of unobstructed sidewalk	\$100.00
199	10-197	5.6.2(m)(iii)(3)	permit/display Sidewalk sign not during hours of operation of business	\$100.00
200	10-197	5.6.2(m)(iii)(4)	permit/display Sidewalk sign without liability insurance	\$100.00
INFLATABLE SIGNS				
201	10-197	5.7.1	permit/display Inflatable Sign not in accordance to By-law	\$100.00
Permit/Timing				
202	10-197	5.7.2(a)	permit/display Inflatable Sign without a permit	\$100.00
203	10-197	5.7.2(c)	permit/display Inflatable Sign exceeding 14 days	\$100.00
Structure				
204	10-197	5.7.2(d)	permit/display Inflatable Sign not properly secured	\$100.00
205	10-197	5.7.2(e)	permit/display Inflatable Sign exceeding 7.0m tall/6.0m wide	\$100.00
Content				
206	10-197	5.7.2(g)	permit/display Inflatable Sign not advertising business on the property/activity/product or service	\$100.00
Location				
207	10-197	5.7.2(h)	permit/display Inflatable Sign less than 5.0m from property line	\$100.00
208	10-197	5.7.2(i)	permit/display Inflatable Sign on property not zoned commercial/industrial	\$100.00
POSTERS				
209	10-197	5.8.1	permit/display Poster Sign not in accordance to By-law	\$100.00
Permit/Timing				
210	10-197	5.8.2(b)	permit/display Poster Sign exceeding 21 days	\$100.00
211	10-197	5.8.2(b)	permit/display Poster Sign exceeding 3 days after event	\$100.00
Structure				
212	10-197	5.8.2(c)	permit/display Poster Sign not affixed by tape only	\$100.00
213	10-197	5.8.2(d)	permit/display Poster Sign not made of biodegradable material	\$100.00
214	10-197	5.8.2(e)	permit/display Poster Sign exceeding 0.13m ² sign area	\$100.00
Location				
215	10-197	5.8.2(f)(i)	permit/display more than 1 Poster Sign for a kiosk on public property	\$100.00
216	10-197	5.8.2(f)(ii)	permit/display more than 1 Poster Sign on a poster sleeve on public property	\$100.00
217	10-197	5.8.2(f)(iii)	permit/display more than 1 Poster Sign on a utility pole on public property	\$100.00
218	10-197	5.8.2(f)(iii)	permit/display more than 1 Poster Sign on a utility pole within 200m of another utility pole with same advertising on public property	\$100.00
219	10-197	5.8.2(g)(i)	permit/display Poster Sign exceeding 2.2m ² of sign area on private property	\$100.00
220	10-197	5.8.2(g)(ii)	permit/display Poster Sign within 200m of another sign on same private property	\$100.00
ELECTION SIGNS				
221	10-197	5.9.1	permit/display Election Sign not in accordance to By-law	\$50.00

Table 16: By-law 10-197 Hamilton Sign By-law

ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
Permit/Timing				
222	10-197	5.9.2(b)	permit/display Federal/Provincial Election Sign before date of writ of election	\$50.00
223	10-197	5.9.2(c)	permit/display Municipal Election Sign 28 days prior to voting day	\$50.00
224	10-197	5.9.2(d)	fail to remove Election Signs 3 days after voting day	\$50.00
Structure				
225	10-197	5.9.2(e)(i)	permit/display Election Sign exceeding 1.5m ² on property of Single Detached Dwelling	\$50.00
226	10-197	5.9.2(e)(ii)	permit/display Election Sign exceeding 1.5m ² on property of Semi Detached Dwelling	\$50.00
227	10-197	5.9.2(e)(iii)	permit/display Election Sign exceeding 1.5m ² on property of Duplex	\$50.00
228	10-197	5.9.2(e)(iv)	permit/display Election Sign exceeding 1.5m ² on property of Triplex	\$50.00
229	10-197	5.9.2(e)(v)	permit/display Election Sign exceeding 1.5m ² on property of Fourplex or Quadruplex	\$50.00
230	10-197	5.9.2(e)(vi)	permit/display Election Sign exceeding 1.5m ² on property of Street Townhouse	\$50.00
231	10-197	5.9.2(e)(vii)	permit/display Election Sign exceeding 1.5m ² on property of Mobile Home	\$50.00
232	10-197	5.9.2(e)(viii)	permit/display Election Sign exceeding 1.5m ² on property of Residential Care Facility	\$50.00
233	10-197	5.9.2(e)(ix)	permit/display Election Sign exceeding 1.5m ² on property of Lodging House	\$50.00
234	10-197	5.9.2(e)(x)	permit/display Election Sign exceeding 1.5m ² on property of Retirement Home	\$50.00
235	10-197	5.9.2(e)(xi)	permit/display Election Sign exceeding 1.5m ² on property of Emergency Shelter	\$50.00
Content				
236	10-197	5.9.2(g)	permit/display Election Sign with electronic message display	\$50.00
BILLBOARDS				
237	10-197	5.10.1	permit/display Billboard Sign not in accordance to By-law	\$500.00
Permit/Timing				
238	10-197	5.10.2(a)	permit/display Billboard Sign without permit	\$500.00
Structure				
239	10-197	5.10.2(b)	permit/display Billboard Sign exceeding 18.0m ² sign area	\$500.00
240	10-197	5.10.2(c)	permit/display Billboard Sign exceeding 12.0m high and more than 4.0m wide	\$500.00
Content				
241	10-197	5.10.2(d)	permit/display non-tri-vision Billboard Sign with animation	\$500.00
242	10-197	5.10.2(e)	permit/display Billboard Sign exceeding 50% readograph sign area	\$500.00
Location				
243	10-197	5.10.2(f)	permit/display Billboard Sign on property within Downtown Community Improvement Project/Waterdown Urban Settlement Areas	\$500.00
244	10-197	5.10.2(g)	permit/display Billboard Sign less than 300.0m from another Billboard	\$500.00

Table 16: By-law 10-197 Hamilton Sign By-law				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
245	10-197	5.10.2(h)	permit/display Billboard Sign less than 300.0m from any residentially zoned property	\$500.00
246	10-197	5.10.2(i)	permit/display Billboard Sign less than 15.0m from any property line	\$500.00
247	10-197	5.10.2(j)	permit/display Billboard Sign on vacant/undeveloped property zoned commercial/industrial	\$500.00
248	10-197	5.10.3	sign owner fail to remove Billboard Sign from un-vacant/undeveloped property	\$500.00
DIGITAL BILLBOARDS				
249	10-197	5.10A.1	permit/display Digital Billboard Sign not in accordance to By-law	\$500.00
Permit/Timing				
250	10-197	5.10A.2(a)	permit/display Digital Billboard Sign without a permit	\$500.00
Structure				
251	10-197	5.10A.2(b)(i)	permit/display single/double/V-shape Digital Billboard Sign exceeding maximum sign area of 18.6 m ² for each sign face	\$500.00
252	10-197	5.10A.2(b)(ii)	permit/display Digital Billboard Sign exceeding maximum height of 6.1 m for each sign face	\$500.00
253	10-197	5.10A.2(b)(iii)	permit/display Digital Billboard Sign exceeding maximum width of 10m	\$500.00
254	10-197	5.10A.2(b)(iii)	permit/display Digital Billboard Sign exceeding maximum width of 12m facing the Lincoln M. Alexander Parkway	\$500.00
255	10-197	5.10A.2(c)(i)	permit/display Digital Billboard Sign facing the Lincoln M. Alexander Parkway exceeding maximum sign area of 36.2m ²	\$500.00
256	10-197	5.10A.2(c)(ii)	permit/display Digital Billboard Sign facing the Lincoln M. Alexander Parkway exceeding maximum height of 10.7m	\$500.00
257	10-197	5.10A.2(c)(iii)	permit/display Digital Billboard Sign facing the Lincoln M. Alexander Parkway exceeding maximum width of 12m	\$500.00
Content				
258	10-197	5.10A.2(d)	permit/display Digital Billboard Sign exceeding maximum luminosity level of 300 candelas per m ² at night and 6000 candelas per m ² during the day	\$500.00
259	10-197	5.10A.2(e)(i)	permit/display Digital Billboard Sign that does not limit light to 0.3 candles above ambient light levels at a distance of 41m with a sign area not more than 18.6m ²	\$500.00
260	10-197	5.10A.2(e)(ii)	permit/display Digital Billboard Sign that does not limit light to 0.3 candles above ambient light levels at a distance of 51m with a sign area of more than 18.6m ²	\$500.00
261	10-197	5.10A.2(e)(iii)	permit/display Digital Billboard Sign that does not limit light to 0.3 candles above ambient light levels at a distance of 76m with a sign area of more than 28m ²	\$500.00
262	10-197	5.10A.2(f)	permit/display Digital Billboard Sign between the hours of 12 a.m. and 6 a.m.	\$500.00
263	10-197	5.10A.2(g)	permit/display Digital Billboard Sign less than minimum dwell time of 6 seconds	\$500.00
264	10-197	5.10A.2(h)	permit/display Digital Billboard Sign more than maximum transition time of 1 second	\$500.00
Location				

Table 16: By-law 10-197 Hamilton Sign By-law

ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
265	10-197	5.10A.2(i)	permit/display Digital Billboard Sign not on a property within Downtown Community Improvement Project/ Waterdown Urban/Waterdown Settlement Areas	\$500.00
266	10-197	5.10A.2(k)	permit/display Digital Billboard Sign less than 300m from another Digital Billboard	\$500.00
267	10-197	5.10A.2(k)	permit/display Digital Billboard Sign less than 180m from another Digital Billboard when facing the Lincoln M. Alexander Parkway	\$500.00
268	10-197	5.10A.2(k)	permit/display Digital Billboard Sign less than 40m from another Digital Billboard when facing any other street	\$500.00
269	10-197	5.10A.2(l)(i)	permit/display Digital Billboard Sign less than 300m from any residentially zoned property	\$500.00
270	10-197	5.10A.2(m)	permit/display Digital Billboard Sign less than 3.5m from any property line	\$500.00
271	10-197	5.10A.2(n)	permit/display Digital Billboard Sign less than 30m from an intersection	\$500.00
OTHER SIGNS				
Agricultural Sign				
272	10-197	5.11.2(a)(i)	permit/display Agricultural Sign more than 3.0m ² of sign area	\$50.00
273	10-197	5.11.2(a)(ii)	permit/display Agricultural Sign not in agricultural zone	\$50.00
Agricultural Society Sign				
274	10-197	5.11.2(b)(i)	permit/display Agricultural Sign by a non-profit agricultural society for an event or fair more than 9.0m ² of sign area	\$50.00
275	10-197	5.11.2(b)(ii)	permit/display Agricultural Sign by a non-profit agricultural society for an event or fair not in agricultural zone	\$50.00
Branding Sign				
276	10-197	5.11.2(c)(i)1.	permit/display Branding Sign on property without business name	\$50.00
277	10-197	5.11.2(c)(i)2.	permit/display Branding Sign on property without registered trademark of business	\$50.00
278	10-197	5.11.2(c)(i)3.	permit/display Branding Sign on property without ownership information	\$50.00
279	10-197	5.11.2(c)(i)4.	permit/display Branding Sign on property without activity/product/service information	\$50.00
Commemorative Sign				
280	10-197	5.11.2(d)(i)	permit/display Commemorative Sign more than 3.0m ² of sign area	\$50.00
281	10-197	5.11.2(d)(ii)	permit/display Commemorative Sign less than 1.5m from street line/property line	\$50.00
Directional Sign				
282	10-197	5.11.2(e)(i)1.	permit/display Directional wall-mounted Sign with more than 1m ² of sign area	\$50.00
283	10-197	5.11.2(e)(i)2.	permit/display Directional wall-mounted Sign less than 2.8m above grade	\$50.00
284	10-197	5.11.2(e)(ii)1.	permit/display Directional Sign with more than 0.5m ² of sign area	\$50.00
285	10-197	5.11.2(e)(ii)2.	permit/display Directional Sign more than 1.5m in height	\$50.00
286	10-197	5.11.2(e)(ii)3.	permit/display Directional Sign less than 1.5m from street/property/driveway lines	\$50.00

Table 16: By-law 10-197 Hamilton Sign By-law

ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
Home Occupation Sign				
287	10-197	5.11.2(f)(i)	permit/display Home Occupation Sign with more than 0.3m ² of sign area	\$50.00
288	10-197	5.11.2(f)(ii)	permit/display Home Occupation Sign with illumination	\$50.00
289	10-197	5.11.2(f)(iii)	permit/display Home Occupation Sign not in residential zone	\$50.00
290	10-197	5.11.2(f)(iv)	permit/display Home Occupation Sign attached to wall not the home advertised	\$50.00
Incidental Sign				
291	10-197	5.11.2(g)(i)	permit/display Incidental/Directional Sign exceeding maximum sign area of 1.0m ²	\$50.00
292	10-197	5.11.2(g)(ii)	Preview Menu Board visible from street	\$50.00
293	10-197	5.11.2(g)(iii)	permit/display Incidental/Directional Sign less than 1.5m from street line/property line	\$50.00
294	10-197	5.11.2(g)(iv)	permit/display Incidental/Directional Sign on property not incidentally related	\$50.00
295	10-197	5.11.2(g)(v)	permit/display Incidental/Directional Sign on agricultural/commercial/industrial/institutional property not incidentally related	\$50.00
Mural				
296	10-197	5.11.2(h)(i)	permit/display Mural Sign not in commercial zone more than 50% of total wall area	\$100.00
Open House Directional Sign				
297	10-197	5.11.2(i)(i)	permit/display open house directional sign before 10:00am of the day of the open house	\$100.00
298	10-197	5.11.2(i)(i)	permit/display open house directional sign after 6:00pm of the day of the open house	\$100.00
299	10-197	5.11.2(i)(ii)	permit/display open house directional sign with more than 0.5m ² sign area	\$100.00
300	10-197	5.11.2(i)(iii)	permit/display open house directional sign on traffic island	\$100.00
301	10-197	5.11.2(i)(iii)	permit/display open house directional sign on median	\$100.00
302	10-197	5.11.2(i)(iii)	permit/display open house directional sign attached to light standard	\$100.00
303	10-197	5.11.2(i)(iii)	permit/display open house directional sign attached to utility pole	\$100.00
304	10-197	5.11.2(i)(iv)	permit/display open house directional sign less than 0.3m from sidewalk	\$100.00
Real Property Sale/Lease/Rent Sign				
305	10-197	5.11.2(j)(i)	permit/display real property sale/lease/rent sign for more than 14 days	\$100.00
306	10-197	5.11.2(j)(ii)	permit/display real property sale/lease/rent sign for 1 dwelling more than 0.6m ² sign area	\$100.00
307	10-197	5.11.2(j)(iii)	permit/display real property sale/lease/rent sign for other than 1 dwelling more than 4.0m ² sign area	\$100.00
308	10-197	5.11.2(j)(iv)	permit/display real property sale/lease/rent sign with illumination	\$100.00
309	10-197	5.11.2(j)(v)	permit/display real property sale/lease/rent sign on property not being sold/leased/rented	\$100.00
Religious Emblem				
310	10-197	5.11.2(k)	permit/display religious emblem not on private property	\$100.00

Table 16: By-law 10-197 Hamilton Sign By-law

ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	PENALTY AMOUNT Box 1
Sale of Seasonal Farm Produce Sign				
311	10-197	5.11.2(l)(i)	permit/display sign advertising sale of seasonal farm produce more than 3.0m ² sign area	\$100.00
312	10-197	5.11.2(l)(ii)	permit/display sign advertising sale of seasonal farm produce not in agricultural zone	\$100.00
Trade Sign				
313	10-197	5.11.2(m)(i)	permit/display sign advertising work to repair/renovate/landscape other than during work being performed	\$100.00
314	10-197	5.11.2(m)(ii)	permit/display sign advertising work to repair/renovate/landscape more than 0.48m ² of sign area	\$100.00
315	10-197	5.11.2(m)(iii)	permit/display sign advertising work to repair/renovate/landscape more than 0.8m in height	\$100.00
316	10-197	5.11.2(m)(iv)	permit/display sign advertising work to repair/renovate/landscape with illumination	\$100.00
Window Sign				
317	10-197	5.11.2(n)(i)	permit/display electronic message display window sign more than 0.48m ² of sign area	\$100.00
318	10-197	5.11.2(n)(ii)	permit/display window sign more than 50% of window surface area	\$100.00
319	10-197	5.11.2(n)(iii)	permit/display window sign on property other than commercial/industrial/institutional zoned	\$100.00
Yard/Garage/Lawn Sale Sign				
320	10-197	5.11.2(o)(i)	permit/display more than 4 yard/garage/lawn sale signs	\$50.00
321	10-197	5.11.2(o)(ii)	permit/display yard/garage/lawn sale sign more than 1 day before event	\$50.00
322	10-197	5.11.2(o)(ii)	permit/display yard/garage/lawn sale sign after conclusion of the event	\$50.00
323	10-197	5.11.2(o)(iii)	permit/display yard/garage/lawn sale sign for more than 36 hours	\$50.00
324	10-197	5.11.2(o)(iv)	permit/display yard/garage/lawn sale sign more than 0.2m ² of sign area	\$50.00
PENALTIES AND ENFORCEMENT				
325	10-197	7.1	person contravened provision of the Sign By-law	\$500.00
326	10-197	7.1	person failed to comply with an order made under Sign By-law	\$500.00

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

CITY OF HAMILTON

BY-LAW NO. 19-

To Amend City of Hamilton By-law No. 10-221, as amended, being a By-law to Prescribe Standards for the Maintenance and Occupancy of Property; City of Hamilton By-law No.10-118, as amended, being a By-law to Regulate Exterior Property Maintenance including Vegetation, Waste and Graffiti

WHEREAS Council enacted a by-law to prescribe standards for the maintenance and occupancy of property, being City of Hamilton By-law No.10-221; and

WHEREAS Council enacted a by-law to regulate exterior property maintenance being City of Hamilton By-law No.10-118; and

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

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

By-law No. 10-221, City of Hamilton Property Standards By-law:

2. Subsection 2(1) is amended by repealing the definition of Director and substituting the following:

“Director” means the City’s Director of Licensing and By-law Services and their designate or successor;

3. Subsection 20(2) is repealed and the following substituted:

20(2) A tree that is dead, or part of a tree that is dead, or in a decayed or damaged condition and that may be hazardous to persons or property, shall be removed.

By-law No. 2010-118, City of Hamilton Yard Maintenance By-law:

4. Subsection 2(1) is amended by repealing the definition of Director and substituting the following:

“Director” means the City’s Director of Licensing and By-law Services and their designate or successor;

5. Subsection 2(1) is amended by repealing the definition of “Officer” and substituting the following:

To Amend City of Hamilton By-law No. 10-221, as amended, being a By-law to Prescribe Standards for the Maintenance and Occupancy of Property; City of Hamilton By-law No.10-118, as amended, being a By-law to Regulate Exterior Property Maintenance including Vegetation, Waste and Graffiti

Page 2 of 2

“**officer**” means a person appointed by the City of Hamilton or assigned by the Director to enforce this By-law;

6. Section 3 is amended by adding the following subsection:

3(2) Every owner or occupant of property located within the urban boundary, shall keep trees in the yard of their property free from dead, decayed or damaged limbs or branches.

7. Subsection 10(1) is repealed and the following substituted:

10(1) The Director is assigned the responsibility of administering or enforcing this By-law and may so assign duties to such persons as necessary to carry out the provisions of this By-law.

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 3, Planning Committee
Report 19-007 (PED18179(a))
CM: May 8, 2019
Ward: Ward 15

Bill No. 101

CITY OF HAMILTON

BY-LAW NO. 19-

**To Amend Zoning By-law No. 05-200, as amended by By-law 18-261
Respecting Lands Located at 5 Hamilton Street North (Flamborough)**

WHEREAS Council approved Item 3 of Report 19-007 of the Planning Committee, at the meeting held on May 8, 2019;

AND WHEREAS typographical errors and omissions were identified in By-law 18-261;

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 By-law No. 18-261 be amended by:
 - (a) deleting the word “east” and replacing it with the word “north” in Section 3 (d)
 - ii) adding the following two administrative sections be added as clauses 5 and 6:
 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; and,
 6. That no building or structure shall be erected, 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 Mixed Use – Medium Density (C5) Zone provisions, subject to the special requirements as referred to in Section 2 of this By-law.

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 6, Planning Committee
Report 19-007 (PED19089)
CM: May 8, 2019
Ward: Ward 2

Bill No. 102

CITY OF HAMILTON

BY-LAW NO. 19-

To Amend Zoning By-law No. 6593 Respecting Lands Located at 122 & 126 Augusta Street and 127 Young Street and 125 Young Street, 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 19-007 of the Planning Committee, at its meeting held on the 8th day of May, 2019, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan of the City of Hamilton.

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

1. That Sheet No. E5 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 “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the “E-3/S-1767-H” (High Density Multiple Dwellings) District, Holding, Modified (Block 1), “E-3/S-1767” (High Density Multiple Dwellings) District, Modified (Block 2) and the “D/S-1767-H” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Holding, Modified (Blocks 3 and 4); the

extent and boundaries of which are shown on a plan here to annexed as Schedule "A".

2. That the "E-3" (Multiple Dwellings) District provisions, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
 - a) That notwithstanding Section 2.(2)J.(xiii), for the purposes of this By-law, Augusta Street shall be deemed the front lot line.
 - b) That notwithstanding Section 2.(2)J.(xiv), for the purposes of this By-law, Young Street shall be deemed the rear lot line.
 - c) That notwithstanding Section 11C.(1) the following uses shall be permitted:
 - i) A use permitted in a "D" District;
 - ii) A Multiple Dwelling.
 - c) That notwithstanding Section 11C.(1a) no building or structure shall exceed 13.5 metres in height, wherein a roof top patio shall be permitted together with a mechanical penthouse and roof top stair not exceeding 16.5 metres in height.
 - d) That notwithstanding Section 11C.(2)(a), a front yard having a depth of 0 metres, except that any portion of the building exceeding three storey shall be set back not less than 2.4 metres from the front lot line.
 - e) That notwithstanding Section 11C.(2)(b), a side yard having a width not less than 2.0 metres, except that a roof top patio shall be setback not less than 6.0 metres from any side lot line.
 - f) That notwithstanding Section 11C.(2)(c), a rear yard having a depth not less than 9.7 metres.
 - g) That notwithstanding Section 11C(5), for every building or structure, there shall be provided and maintained on the lot and within the district at least 17% of the area of the lot on which it is situate, as landscaped area.
 - h) That notwithstanding Section 18(3)(vi)(b), a canopy, cornice, eave or gutter may project 0 metres from a street line.
 - i) That notwithstanding Section 18(3)(vi)(cc), a bay, balcony or dormer may project 0 metres from a street line.

- j) That notwithstanding Section 18(3)(vi)(d), a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project 0 metres from a front lot line.
 - k) That notwithstanding Section 18A(1)(a), a multiple dwelling shall provide 0.75 parking spaces per Class A dwelling unit.
 - l) That notwithstanding Section 18A.(1)(b), for a multiple dwelling, a minimum 0.13 parking spaces per dwelling unit shall be allocated for visitor parking.
 - m) That notwithstanding 18A.(1)(c) no loading space shall be required.
 - n) 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.
 - o) That notwithstanding Section 18A.(8), every parallel parking space shall have dimensions not less than 2.4 metres wide and 6.7 metres long. End spaces which have a clear unobstructed approach shall have a minimum length of 5.5 metres.
 - p) That notwithstanding Section 18A.(11)(a), the boundary of every parking area on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed not less than 0.8 metres from the adjoining residential district boundary.
 - q) That notwithstanding Section 18A.(25), where a multiple dwelling is adjacent to a residential district that does not permit such a use, every access driveway to the multiple dwelling shall be located not less than 0.7 metres from the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.
3. That the "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
- a) That in addition to Section 10.(1), a three family dwelling shall be permitted within the building existing on the date of the passing of this By-law.
 - b) That notwithstanding Section 10.(3)(ii), an easterly side yard width of at least 1.6 shall be required for the building existing on the date of the passing of this By-law.
 - c) That in addition to Section 10.(4), for a three family dwelling a width of at least 10.8 metres and an area of at least 265.0 square metres.

- d) That notwithstanding Section 18A.(1)(a), a three family dwelling shall provide a minimum of 2 parking spaces.
 - e) That notwithstanding Section 18A.(1)(b), for a three family dwelling, no visitor parking is required.
 - 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.(1)(f), A minimum maneuvering space width of 4.5 metres is required for 90 degree parking.
4. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- a) The holding provision "E-3/S-1767-H" (High Density Multiple Dwellings) District Modified, Holding applicable to Block 1 be removed conditional upon:
 - (i) The Owner conduct a Stage 3 Archaeological Assessment, and Stage 4 Archaeological Assessment if required, for the site and receive approval of this / these report(s) from the Ministry of Tourism, Culture and Sport and the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.
 - b) The holding provision "D/S-1767-H" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, Holding applicable to Block 3 be removed conditional upon:
 - (i) The Owner apply for a Building Permit to legalize the existing three family dwelling, to the satisfaction of the City's Chief Building Official.
 - c) The holding provision "D/S-1767-H" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, Holding applicable to Block 4 be removed conditional upon:
 - (i) The Owner conduct a Stage 3 Archaeological Assessment, and Stage 4 Archaeological Assessment if required, for the site and receive approval of this / these report(s) from the Ministry of Tourism, Culture and Sport and the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.

5. 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 “E-3” (High Density Multiple Dwellings) District and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District provisions, subject to the special requirements referred to in Sections 2, 3 and 4.
6. That Sheet No. E5 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as “E-3/S-1767-H”, “E-3/S-1767” and “D/S-1767-H”.
7. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1767.
8. 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 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-18-013



This is Schedule "A" to By-law No. 19-
 Passed the day of, 2019

 Mayor

 Clerk

Schedule "A"

Map Forming Part of
 By-law No. 19- _____
 to Amend By-law No. 6593

Scale: N.T.S.	File Name/Number: ZAC-18-013
Date: May 3, 2019	Planner/Technician: MK/NB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Subject Property
 122 & 126 Augusta Street and 127 & 125 Young Street

Block 1 - Change in Zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to "E-3/S-1767-H" (High Density Multiple Dwellings) District, Modified, Holding

Block 2 - Change in Zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to "E-3/S-1767" (High Density Multiple Dwellings) District, Modified

Block 3 - Change in Zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to "D/S-1767-H" (Urban Protected - One and Two Family Dwellings, Etc.) District, Modified, Holding

Block 4 - Change in Zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to "D/S-1767-H" (Urban Protected - One and Two Family Dwellings, Etc.) District, Modified, Holding

Authority: Item 7, Planning Committee
Report 19-007 (PED16155(b))
CM: May 8, 2019
Ward: City Wide

Bill No. 103

CITY OF HAMILTON
BY-LAW NO. 19-

To Amend By-law No. 05-200, as amended by By-law No. 17-083, Respecting Pilot Project for Entertainment on Outdoor Commercial Patios generally located in the areas of Downtown Hamilton, Hess Village and for certain lands Zoned Open Space (P4) Zone and Settlement Commercial (S2) Zone in the Rural Area

WHEREAS, the City of Hamilton's new comprehensive Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

AND WHEREAS By-law 17-083 added a temporary use allowing for entertainment on outdoor commercial patios on certain lands located in the Downtown area, Hess Village and the rural area;

AND WHEREAS that temporary use expires on May 10, 2019;

AND WHEREAS subsection 39(3) of the *Planning Act* provides that Council may by by-law grant further periods of time that the temporary use is in effect for a period not more than three years; and,

AND WHEREAS this By-law conforms with the Rural and Urban Hamilton Official Plan.

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

1. That the period of time that the temporary use in By-law No. 17-083 is in effect be extended to May 1, 2022.
2. 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*.
3. That this By-law comes into force in accordance with section 34 of the *Planning Act*.

To Amend By-law No. 05-200, as amended by By-law No. 17-083, Respecting Pilot Project for Entertainment on Outdoor Commercial Patios generally located in the areas of Downtown Hamilton, and for certain lands Zoned Open Space (P4) Zone and Settlement Commercial (S2) Zone in the Rural Area

Page 2 of 2

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

CI-17-C

Authority: Item 7, Planning Committee
Report 19-007 (PED16155(b))
CM: May 8, 2019
Ward: City Wide

Bill No. 104

CITY OF HAMILTON

BY-LAW NO. 19-

**To Amend Zoning By-law 05-200, as amended by By-law No. 17-255,
Respecting Pilot Project for Entertainment on Outdoor Commercial Patios
generally located in the areas of Upper James Street between Stone Church Road
and Rymal Road and Downtown Dundas**

WHEREAS the City of Hamilton's new comprehensive Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS By-law 17-255 added a temporary use allowing for entertainment on outdoor commercial patios on certain lands located along Upper James Street between Stone Church Road and Rymal Road and lands generally located in Downtown Dundas;

AND WHEREAS that temporary use expires on June 22, 2019;

AND WHEREAS subsection 39(3) of the *Planning Act* provides that Council may by by-law grant further periods of time that the temporary use is in effect for a period not more than three years; and,

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan.

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

1. That the period of time that the temporary use in By-law No. 17-255 is in effect be extended to May 1, 2022.
2. That Schedule "E" – Temporary Use of By-law 05-200 is amended as follows:
 - (i) renumbering the Temporary Use Number from "3" to "4";
 - (ii) deleting the following text:

"Section 4.20 d) of this By-law shall not apply for a maximum period of nineteen (19) months from the date of passing of the Zoning By-law Amendment, being October 25, 2017 for those lands zoned Downtown Central Business District (D1) Zone, Downtown Prime Retail (D2) Zone, Downtown Prime Retail (D2, 451) Zone, Downtown Mixed Use (D3) Zone, Settlement Commercial (S2) Zone, Open Space (P4) Zone, Open Space (P4, 80) Zone, Open Space (P4, 115) Zone, Open Space (P4, 164) Zone, Neighbourhood Commercial (C2) Zone, Mixed Use Medium (C5, SE 570) Zone, Mixed Use Medium Pedestrian Focus (C5a, SE

570) Zone, Mixed Use Medium (C5) Zone, Mixed Use Medium (C5, SE 318) Zone, and described as:

and replacing it with the following text:

“Section 4.20 d) of this By-law shall not apply for a period running until May 1, 2022 for those lands zoned Neighbourhood Commercial (C2) Zone, Mixed Use Medium Density (C5) Zone, and Mixed Use Medium Density Pedestrian Focus (C5a) Zone, and described as:”.

3. 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*.
4. That this By-law comes into force in accordance with section 34 of the *Planning Act*.

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

CI-17-C

Authority: Item 7, Planning Committee
Report 19-007 (PED16155(b))
CM: May 8, 2019
Ward: City Wide

Bill No. 105

CITY OF HAMILTON

BY-LAW NO. 19-

To Amend Zoning By-law No. 6593, as amended by By-law No. 17-082, for Entertainment on Outdoor Commercial Patios on James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South between Hunter Street East and Young Street

WHEREAS, Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July, 1950, which was approved by the Ontario Municipal Board dated the 7th day of December, 1951 (File No, P.F.C. 3821);

AND WHEREAS By-law 17-082 added a temporary use allowing for entertainment on outdoor commercial patios for certain lands located on James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South between Hunter Street East and Young Street;

AND WHEREAS that temporary use expires on May 10, 2019;

AND WHEREAS subsection 39(3) of the *Planning Act* provides that Council may by by-law grant further periods of time that the temporary use is in effect for a period not more than three years; and,

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan.

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

1. That the period of time that the temporary use in By-law No. 17-082 is in effect be extended to May 1, 2022.
2. That By-law No. 17-082 be amended by:
 - i) modifying Schedule "A2" to include only the lands within Zoning By-law No. 6593, as shown on the attached Schedule "A" to this By-law; and,
 - ii) deleting Schedules "A3" and "A4".
3. 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*.
4. That this By-law comes into force in accordance with section 34 of the *Planning Act*.

To Amend Zoning By-law 6593, as amended by By-law No. 17-085, for Entertainment on Outdoor Commercial Patios on James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South between Hunter Street East and Young Street
(Page 2 of 3)

PASSED this 8th day of May, 2019.

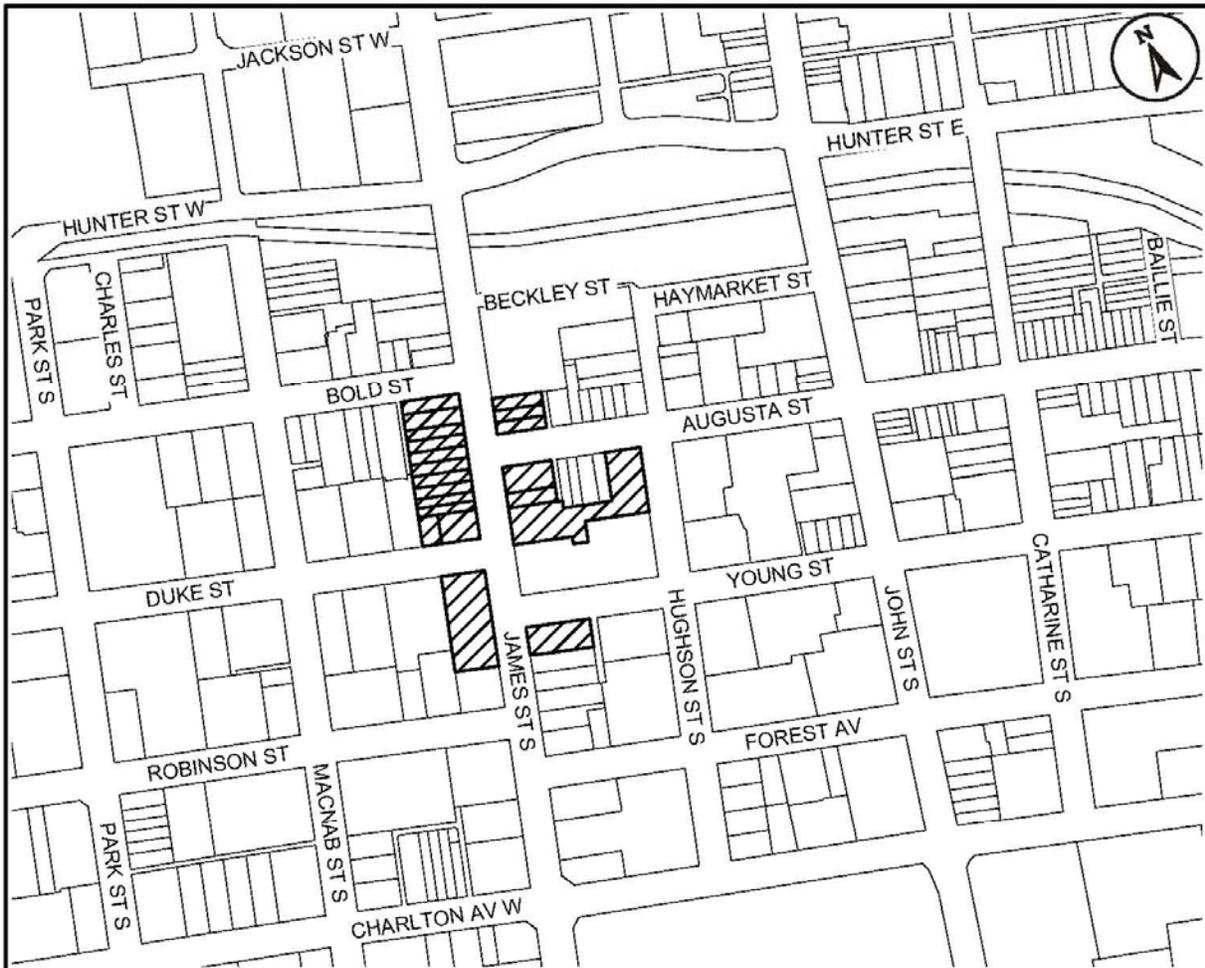
F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

CI-17-C

To Amend Zoning By-law 6593, as amended by By-law No. 17-085, for Entertainment on Outdoor Commercial Patios on James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South between Hunter Street East and Young Street

(Page 3 of 3)



<p>This is Schedule "A2" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p style="text-align: center;">Schedule "A2"</p> <p style="text-align: center;">Map Forming Part of By-law No. 19-_____</p> <p style="text-align: center;">to Amend By-law No. 6593</p>	<p>Subject Property</p> <p>James Street / Augusta Pilot Area</p> <p> Lands subject to the extension of Temporary Use By-law No. 17-082</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: OCP - Pilot Project (Augusta)</p>	
<p>Date: March 27, 2019</p>	<p>Planner/Technician: JHE/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

**CITY OF HAMILTON
BY-LAW NO. 19-**

To Amend Zoning By-law No. 05-200 Respecting a Pilot Project for Entertainment on Outdoor Commercial Patios located along James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South, Augusta Street, Hughson Street, John Street South, and Haymarket Street

WHEREAS the City of Hamilton’s new comprehensive Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS this By-law adds a Temporary Use in Zoning By-law No. 05-200 to allow for entertainment on outdoor commercial patios in By-law 05-200 on certain lands located along James Street North between Cannon Street and Murray Street, and lands generally bounded by James Street South, Haymarket Street, John Street South, Augusta Street, and Hughson Street; and,

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Schedule “A” – Zoning Maps is amended by adding the Temporary Use symbol to Maps 868, 869, 910, 911, 952, 994 attached as Schedules “A” and “A1” of this By-law.
2. That Schedule “E” – Temporary Use By-law is amended by adding the following new Subsection to the existing Temporary Use (T5) Zone:
 - “5. “Section 4.20 d) of this By-law shall not apply for a period running until May 1, 2022 for those lands zoned Downtown Central Business District (D1) Zone, Downtown Prime Retail (D2) Zone, and Mixed Use Medium Density (C5) Zone and as further described as:”.

Property Address	Map Number
13 Augusta Street	994
14 Augusta Street	994
16 Augusta Street	994
17 Augusta Street	994
18 Augusta Street	994
19 Augusta Street	994
20 Augusta Street	994
21 Augusta Street	994
23 Augusta Street	994

To Amend Zoning By-law No. 05-200 Respecting a Pilot Project for Entertainment on Outdoor Commercial Patios located along James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South, Augusta Street, Hughson Street, John Street South, and Haymarket Street

Property Address	Map Number
25 Augusta Street	994
29 Augusta Street	994
45 Augusta Street	994
49 Augusta Street	994
51 Augusta Street	994
53 Augusta Street	994
57 Augusta Street	994
1 Duke Street	994
18, 22 Haymarket Street	994
111 Hughson Street, 2 Haymarket Street	994
112 Hughson Street	994
115 Hughson Street	994
117 Hughson Street	994
120, 122 Hughson Street	994
155, 157 James Street North	910
161 James Street North	910
163, 165 James Street North	910
166 James Street North, 15 Cannon Street West	910, 911
167 James Street North	910
169 James Street North	910
170, 172, 174 James Street North	910, 911
173 James Street North	910
175 James Street North	910
176, 178, 180 James Street North	910, 911
181, 183, 185, 187, 191 James Street North	910
193, 195, 197 James Street North	910, 911
199 James Street North	910, 911
201 James Street North	910, 911
203, 205 James Street North	910, 911
207, 209 James Street North	910, 911
213 James Street North	910, 911
219 James Street North	910, 911
224 James Street North	911
225, 227 James Street North	910, 911
226 James Street North	911
229 James Street North	910, 911
230, 232 James Street North	911
231 James Street North	910, 911
233 James Street North	910, 911
235 James Street North	910, 911
236 James Street North	911
237 James Street North	910, 911

To Amend Zoning By-law No. 05-200 Respecting a Pilot Project for Entertainment on Outdoor Commercial Patios located along James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South, Augusta Street, Hughson Street, John Street South, and Haymarket Street

Property Address	Map Number
238 James Street North	911
241 James Street North	911
243 James Street North	911
244 James Street North	911
245 James Street North	911
246 James Street North	911
249, 253 James Street North	911
255, 257, 259 265 James Street North, 3 Colbourne Street	911
274, 276 James Street North	911
275 James Street North	911
278 James Street North	911
280 James Street North	911
282 James Street North	911
284, 286 James Street North	911
288 James Street North	911
290 James Street North	911
292 James Street North	911
294 James Street North	911
295 James Street North	911
298, 300 James Street North	911
299 James Street North	911
301 James Street North	911
302 James Street North, 4, 6 Barton Street East	911
10 Barton Street East	911
18 Barton Street East	911
306 James Street North	911
308 James Street North	911
309 James Street North	911
310 James Street North	911
314 James Street North	911
316 James Street North	911
318, 320 James Street North	911
322, 324 James Street North	911
325 James Street North	869, 911
326 James Street North	911
328 James Street North	911
329, 331, 333 James Street North	869
330 James Street North	911
332 James Street North	869, 911
334 James Street North	869, 911
337 James Street North	911

To Amend Zoning By-law No. 05-200 Respecting a Pilot Project for Entertainment on Outdoor Commercial Patios located along James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South, Augusta Street, Hughson Street, John Street South, and Haymarket Street

Property Address	Map Number
340 James Street North	869, 911
342 James Street North	869
344 James Street North	869
345 James Street North	869
346 James Street North	869
360 James Street North	869
142 James Street South	994
144 James Street South	994
146 James Street South	994
148 James Street South	994
149 James Street South	994
150 James Street South	994
151 James Street South	994
152 James Street South	994
153 James Street South	994
154 James Street South	994
155 James Street South	994
156 James Street South	994
158 James Street South	994
160 James Street South	994
163 James Street South	994
164, 166 James Street South, 2 Duke Street	994
165 James Street South	994
180 James Street South	994
183 James Street South, 2, 4 Young Street	994
133 John Street South	994
135, 137, 139 John Street South	994
145 John Street South	994
151 John Street South	994
155, 157, 159, 163, 167, 169, 171 John Street South, 69, 75, 77 Augusta Street	994
160 John Street South	994
166 John Street South	994
170 John Street South	994
172 John Street South	994
173 John Street South, 70 August Street	994
174, 176 John Street South, 64 Augusta Street	994
175 John Street South	994
177 John Street South	994
178 John Street South	994
179 John Street South	994
194, 198 John Street South	994

To Amend Zoning By-law No. 05-200 Respecting a Pilot Project for Entertainment on Outdoor Commercial Patios located along James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South, Augusta Street, Hughson Street, John Street South, and Haymarket Street

Page 5 of 7

2. 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*.
3. That this By-law comes into force in accordance with Section 39 of the *Planning Act*.

PASSED this 8th of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

CI-17-C

To Amend Zoning By-law No. 05-200 Respecting a Pilot Project for Entertainment on Outdoor Commercial Patios located along James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South, Augusta Street, Hughson Street, John Street South, and Haymarket Street



<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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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. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 952 & 994</p>	<p>Subject Property Augusta Pilot Area</p> <p> To add Temporary Use No. (T5) to the subject lands</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: OCP - Pilot Project (Augusta)</p>	
<p>Date: March 13, 2019</p>	<p>Planner/Technician: TL/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

To Amend Zoning By-law No. 05-200 Respecting a Pilot Project for Entertainment on Outdoor Commercial Patios located along James Street North between Murray Street and Cannon Street, and certain lands generally located at James Street South, Augusta Street, Hughson Street, John Street South, and Haymarket Street



<p>This is Schedule "A1" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A1"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 868, 869, 910 & 911</p>		<p>Subject Property James North Pilot Area</p> <p> To add Temporary Use No. (T5) to the subject lands</p>
<p>Scale: N.T.S.</p>	<p>File Name/Number: OCP - Pilot Project (James North)</p>	
<p>Date: March 13, 2019</p>	<p>Planner/Technician: TL/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 9

Bill No. 107

CITY OF HAMILTON

BY-LAW NO. 19-

Respecting Removal of Part Lot Control

Part of Lots 2, 3, 5, 7, 10, 15, 17, 20, 21, 23, 25 and 26, Registered Plan No. 62M-1261

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described; and,

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

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating fourteen (14) encroachment and maintenance easements, shown as Parts 1 to 14, inclusive, on deposited Reference Plan 62R-21054, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Part of Lots 2, 3, 5, 7, 10, 15, 17, 20, 21, 23, 25 and 26 on Registered Plan No. 62M-1261, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 8th day of May 2021.

PASSED and ENACTED this 8th day of May, 2019.

Fred Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 10, General Issues Committee
Report 19-002 (PED19015(a))
CM: March 27, 2019
Ward: City Wide

Bill No. 108

CITY OF HAMILTON

BY-LAW NO. 19-

To Amend By-law No. 12-282, Respecting Tariff of Fees

WHEREAS Section 69 of the *Planning Act*, R.S.O 1990, Chapter 13, as amended, authorizes municipalities to enact a by-law to prescribe a Tariff of Fees for the processing of applications made in respect of planning matters;

AND WHEREAS Section 391 of the *Municipal Act*, 2001, S.O.2001, c. 25, as amended, authorizes municipalities to enact by-laws to impose fees on any class of person for services or activities provided or done by or on behalf of the municipality;

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

1. That By-law No. 12-282 be updated to include fees referred to in Schedule "A".
2. The Tariff of Planning and Growth Management fees in Schedule "A" annexed hereto and forming part of this By-law are hereby approved and adopted.
3. The fees shall be paid at the time of and with the making of an application referred to in Schedule "A".
4. No application, service or activity listed in Schedule "A" shall be deemed to have been made, provided or completed, and no application shall be received, unless the appropriate fee is paid in accordance with this By-law.
5. The amounts of the fees in Schedule "A" of this By-law shall be adjusted annually by the percentage change during the preceding year of the Consumer Price Index (CPI) for Toronto, and the resulting figures shall be rounded off to the nearest five (\$5.00) dollar interval.
6. This By-law shall be deemed to have come into force on May 9, 2019.

PASSED this 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

SCHEDULE "A" To By-law No. 19-108
 Planning and Economic Development Department
 2019 Fees (Effective May 9, 2019)

PLANNING FEES	Fees Effective May 9, 2019	Fees Effective January 1, 2020
1 Official Plan Amendment and/or Zoning Bylaw Amendment to establish a New Pit or Quarry <i>(In addition to base fee, the owner/applicant shall bare any and all cost pertaining to Peer Reviews and for an Aggregate Advisor, if required)</i>	\$ 138,330	\$ 138,330
2 Pit or Quarry – Expansion <i>(In addition to base fee, the owner/applicant shall bare any and all cost pertaining to Peer Reviews and for an Aggregate Advisor, if required)</i>	\$ 55,340	\$ 55,340
3 Official Plan Amendment (Rural or Urban)¹ (comprised of Phase 1 and Phase 2 fee)	\$ 28,504	\$ 33,271
a) Phase 1 – Services up to City Council Report	\$ 16,833	\$ 19,647
b) Phase 2 – Services subsequent to Council Resolution approval	\$ 11,671	\$ 13,624
c) Recirculation with no advertising required	\$ 924	\$ 1,139
d) Public Notice recirculation due to cancellation of a Public Meeting by the applicant or agent	\$ 924	\$ 1,139
e) Advertising (<i>minimum charge, if applicable</i>)	\$ 1,360	\$ 1,465
f) Amended application with public consultation	\$ 3,692	\$ 4,051
g) Non-Profit Affordable Housing (Fees waived subject to eligibility as outlined on application form) ⁵	Fees Waived ⁵	Fees Waived ⁵
4 Rezoning Application,^{1,2}		
a) Routine	\$ 19,996	\$ 24,109
b) Secondary Suites	\$ 4,999	\$ 6,027
c) Complex (<i>comprised of Phase 1 and Phase 2 fee</i>) ¹	\$ 31,211	\$ 35,054
i) Complex Phase 1 - Services up to City Council Report	\$ 21,037	\$ 23,627
ii) Complex Phase 2 - Services subsequent to Council Resolution approval	\$ 10,174	\$ 11,427
iii) Plus Residential per unit Fee	\$ 360	\$ 540
iv) Plus Non-Residential per square metre charge	\$ 5	\$ 8
c) Public Notice recirculation due to cancellation of a Public Meeting by the applicant or agent	\$ 924	\$ 1,139
d) Advertising (<i>minimum charge, if applicable</i>)	\$ 1,360	\$ 1,465
e) Severance of Surplus Farm Dwelling	\$ 7,872	\$ 8,868
f) Amended applications with Circulation	\$ 1,847	\$ 2,026
g) Recirculation	\$ 1,847	\$ 2,026
h) Removal of a 'H' Holding Provision	\$ 3,230	\$ 3,868
i) Removal of a 'H' Holding Provision (Downtown)	\$ 3,756	\$ 5,634
j) Supplementary Report Fee	\$ 3,000	\$ 4,500
k) Non-Profit Affordable Housing (Fees waived subject to eligibility as outlined on application form) ⁵	Fees Waived ⁵	Fees Waived ⁵
Note: Fee amounts shall be based on fees that are in effect on the date of final approval.		
5 Site Plan Control		
a) Full Application (plus applicable per unit or per square metre charge)	\$ 19,358	\$ 24,137
i) Agricultural Uses - 1/2 of Applicable Fee ⁶ (plus applicable per unit or per m ² charge) (DAR)	\$ 9,679	\$ 12,069
b) Amendment to an Approved Site Plan (plus applicable per unit or per square metre charge)	\$ 10,188	\$ 14,097
i) Agricultural Uses - 1/2 of Applicable Fee ⁶ (plus applicable per unit or per m ² charge) (SPAR)	\$ 5,094	\$ 7,049
c) Minor Application (plus applicable per unit or per square metre charge)	\$ 9,342	\$ 13,406
i) Agricultural Uses - 1/2 of Applicable Fee ⁶ (plus applicable per unit or per m ² charge) (MDAR)	\$ 4,671	\$ 6,703
d) Preliminary Site Plan Review	\$ 8,286	\$ 11,244
e) Resubmission (<i>on the 4th occasion and thereafter</i>)	\$ 750	\$ 750
f) Site Plan Approval Extension		
i) 3 month	\$ 234	\$ 651
ii) 6 month	\$ 468	\$ 702
iii) 9 month	\$ 699	\$ 1,049
iv) 1 year	\$ 1,605	\$ 1,605

<i>PLANNING FEES continued</i>	<i>Fees Effective May 9, 2019</i>	<i>Fees Effective January 1, 2020</i>
g) 1 & 2 Family Residential on the Hamilton Beach Strip (outside of Heritage Conservation District) (DAB)	\$ 7,036	\$ 9,409
h) 1 & 2 Family Residential within or contiguous to Major Open Space Areas, Environmentally Sensitive Areas or Provincially Significant Areas (as designated in the Official Plan)	50% of Applicable Fee	50% of Applicable Fee
i) Plus per unit Residential charge for first 10 units	\$ 828	\$ 957
j) Plus per unit Residential charge for additional units (11-50 units to a max of 50 units)	\$ 498	\$ 575
k) Plus per square metre charge for new gross floor area for non-residential developments, prior to the Issuance of final site plan approval to a maximum of 5,000 m2 for industrial and 50,000 m2 for commercial approval	\$ 7.10	\$ 8.15
l) 1 & 2 Family Residential, including accessory buildings and structures, decks, and additions on properties within the Existing Residential (ER) Zone in Ancaster (DAER)	\$ 2,320	\$ 2,320
m) Non-Profit Affordable Housing (Fees waived subject to eligibility as outlined on application form) ⁵	Fees Waived ⁵	Fees Waived ⁵
Note: Fee amounts shall be based on fees that are in effect on the date of final approval.		
Note: Vertical Development capped at \$35,000		
6 Plans of Subdivision¹		
a) Subdivision Application	\$ 45,366	\$ 49,119
i) Plus Addition Per Unit charge (0 - 25 units)	\$ 407	\$ 496
ii) Plus Addition Per Unit charge (26 - 100 units)	\$ 180	\$ 270
iii) Plus Addition Per Unit charge (101 units +)	\$ 144	\$ 216
iv) Plus Addition Per Block charge	\$ 782	\$ 841
b) Recirculation of revisions	\$ 1,562	\$ 1,816
c) Revision – Draft Plan approved		
i) Minor Revisions	\$ 1,180	\$ 1,180
ii) Major Revisions	\$ 34,018	\$ 36,832
d) Extension – Draft Plan approved	\$ 510	\$ 510
e) Maintenance (<i>File over 3 years old</i>)	\$ 478	\$ 495
f) Advertising (<i>minimum charge, if applicable</i>)	\$ 1,360	\$ 1,465
g) Amended Application with public consultation	\$ 6,170	\$ 7,768
h) Non-Profit Affordable Housing (Fees reduced by 25%, subject to eligibility as outlined on application form) ⁵	25% Reduction ⁵	25% Reduction ⁵
i) Street Lighting Review and Evaluation	\$ 4,281	\$ 6,422
7 Plan of Condominium¹		
a) Construction – with Public Process	\$ 18,000	\$ 18,000
i) Plus Addition Per Unit charge	\$ 75	\$ 75
b) Construction – without Public Process	\$ 14,993	\$ 14,993
i) Plus Addition Per Unit charge	\$ 75	\$ 75
c) Condominium Conversions	\$ 26,140	\$ 26,140
i) Plus Addition Per Unit charge	\$ 100	\$ 100
d) Recirculation	\$ 1,110	\$ 1,110
e) Revision	\$ 1,195	\$ 1,195
f) Maintenance Fee (<i>File over 3 years old</i>)	\$ 460	\$ 460
g) Exemption	\$ 1,265	\$ 1,265
h) Extension	\$ 870	\$ 870
i) Non-Profit Affordable Housing (Fees reduced by 25%, subject to eligibility as outlined on application form) ⁵	25% Reduction ⁵	25% Reduction ⁵
8 Part Lot Control Application		
i) Plus per Lot/Unit/Part	\$ 230	\$ 230
ii) Plus per Unit Finance Fee (<i>only collected if a new parcel of land is created</i>)	\$ 18	\$ 18
iii) Extension	\$ 1,075	\$ 1,075

<i>PLANNING FEES continued</i>	<i>Fees Effective May 9, 2019</i>	<i>Fees Effective January 1, 2020</i>
9 Consent Application		
a) Land Division Consent Fee		
i) Fully Serviced Lot	\$ 2,801	\$ 2,845
ii) Property serviced by well / cistern	\$ 2,860	\$ 2,860
iii) Additional fee plus Base Fee where no sanitary sewer exists or if services are new to the area and any existing house is still serviced by a septic system.	\$ 371	\$ 374
b) Recirculation	\$ 190	\$ 190
c) Deed Certification	\$ 220	\$ 220
d) Deferral or Extension	\$ 63	\$ 65
e) Validation of Title	\$ 450	\$ 450
f) Plus per Unit Finance Fee <i>(collected if a new parcel of land is created)</i>	\$ 18	\$ 18
10 Minor Variance	\$ 2,738	\$ 3,302
a) Routine Minor Variance (applies to pools, decks, sheds, accessory buildings, porches, eave projections and recognizing legal non-complying situations)	\$ 595	\$ 595
b) Variance(s) required "after the fact"	\$ 3,394	\$ 4,119
c) Recirculation	\$ 260	\$ 275
11 Formal Consultation <i>(Fee will be credited to any required future application)</i>³	\$ 1,200	\$ 1,200
12 Sign Variance	\$ 595	\$ 595
13 Sign Erected, Located and/or Displayed without a Permit	\$ 1,265	\$ 1,265
14 Neighbourhood Plan or Modified Neighbourhood Plan Preparation	\$ 2,290	\$ 2,290
15 Property Reports (respecting Official Plan, Zoning, Rental Housing Protection, Heritage Designation)	\$ 178	\$ 179
16 MECP Environmental Compliance Approval Administration Fee (Plus HST)	\$ 2,290	\$ 2,290
17 Cash in Lieu of Parking Administration Fee (Plus HST)	\$ 520	\$ 520
18 Environmental Sensitive Areas Impact Evaluation Group (ESAIEG)	\$ 388	\$ 390
19 Record of Site Condition Administration Fee (Plus HST)	\$ 398	\$ 400
20 Peer Review of Special Studies Administration Fee (Plus HST)	Consultant Fee	Consultant Fee
21 Tree Protection		
a) General Vegetation Inventory Review	\$ 365	\$ 365
b) Tree Protection Plan Review	\$ 605	\$ 605
22 Other Fees		
a) Records Search ⁴ (Plus HST)	\$ 25	\$ 25
b) Photocopying Fee - per page (Plus HST)	\$ 0.50	\$ 0.50

23 Local Planning Appeals Tribunal

In addition to the fees set out above in sections 1., 2., 3., 4., 6., 7., 9. and 10, the total fees payable shall include all fees associated with supporting an applicant at a hearing where the application was approved by City Council including City legal fees, City staff fees, outside legal counsel and consultant/witness fees where required, but excluding the cost of the Planning and Economic Development Department staff. These additional fees shall be collected through the process set out in a cost acknowledgement agreement which must be signed and submitted as part of the applications identified in sections 1., 2., 3., 4., 6., 7., 9. and 10.

1 Joint Application – Where applications are made for an Official Plan Amendment, Zoning By-law Amendment, Approval of a Draft Plan of Subdivision or Condominium Description, or any combination thereof, the total fees will be reduced by 25%.

2 Rezoning - For the purposes of fees, there are three (3) types of rezoning applications: Routine, Secondary Suites and Complex. When an application is submitted, the following guidelines are used to determine the type of application:

- **Routine**

- Applications to add one specific use (i.e. that does not change the zoning district); or
- Applications to reduce yard requirements or modify other district or zone requirement (i.e. only one requirement); or
- Applications to rezone three (3) single detached dwelling lots or less; or
- Applications to extend a "temporary use".

- **Secondary Suites** - Applications to add a secondary suite (dwelling unit) to an existing residential dwelling.

- **Complex** - All other Applications.

3 Formal Consultation fee is not credited towards Minor Variance or Consent application fee.

4 Records Search fee is charged at a rate of \$25.00 plus HST per 15 minutes with a minimum charge of \$25.00 plus HST.

5 Fees or payments required by any Conditions of Approval remain in effect.

6 Excluding proposed developments related to the Cannabis Industry.

<i>GROWTH MANAGEMENT FEES</i>		<i>Fees Effective May 9, 2019</i>	<i>Fees Effective January 1, 2020</i>
1	Subdivision Agreement Preparation		
a)	Subdivision Agreement Preparation - New Process	\$ 3,380	\$ 3,995
b)	Subdivision Agreement Preparation - Old Process	\$ 3,665	\$ 3,665
c)	Minor Revision to Subdivision Agreement	\$ 392	\$ 473
d)	Major Revision to Subdivision Agreement	\$ 798	\$ 950
e)	Subdivision (or any other type of) Agreement Amendment	\$ 1,050	\$ 1,050
2	Special Agreements		
a)	External Works Agreement Preparation	\$ 4,930	\$ 4,930
b)	Special Sewer Service Agreement	\$ 4,200	\$ 4,200
c)	Special Water Service Agreement	\$ 4,200	\$ 4,200
d)	Joint Sewer/Water Service Agreement	\$ 4,200	\$ 4,200
e)	Consent Agreement	\$ 4,200	\$ 4,200
f)	Consent Agreement with warning clauses only	\$ 2,100	\$ 2,100
h)	Shoring Agreement and Drainage Review	\$ 5,370	\$ 8,055
l)	Pre-Service Agreement	\$ 4,200	\$ 4,200
j)	Pre-Service Agreement Addition Cost per unit	\$ 35	\$ 35
k)	Pre-Grading Agreement	\$ 4,200	\$ 4,200
l)	Pre-Grading Agreement Phased / Staged Construction	\$ 2,200	\$ 2,200
3	Design Review Engineering		
a)	Engineering Review Fee	\$ 3,710	\$ 3,710
b)	Engineering Review Fee - Additional Cost per Unit / Residential	\$ 280	\$ 280
c)	Engineering Review Fee - Additional Cost / Hectare / Non Residential	\$ 270	\$ 270
d)	MOEP Sewer Application Process (ECA Review Fee)	\$ 1,100	\$ 1,100
e)	Amend Water Licence Process	\$ 2,920	\$ 2,920
f)	Resubmission of Engineering Drawings for review and approval (per page)	\$ 395	\$ 395
g)	Review of Special Study Administration Fee (Note: for special studies including but not limited to Karst, Geomorphology, Hydrology, Traffic etc.)	\$ 1,635	\$ 1,635
h)	Construction Management Plan	\$ 3,942	\$ 5,913
1	Engineering Design Review is a fixed cost which includes 3 submissions of Engineering drawings. Fourth and subsequent submissions will be subject to applicable revision		
2	Design review fee shall be applied to each and all phases of servicing of the draft plan of subdivision.		
4	Construction Engineering Supervision		
a)	Engineering Construction Supervision- for the first < \$1,000,000 of construction value, minimum of \$10,000, Plus HST	6.0%	6.0%
b)	Engineering Construction Supervision- for the next \$ 1 Million - \$2 million of construction value, Plus HST	5.0%	5.0%
c)	Engineering Construction Supervision - for the construction value over \$2 million, Plus HST	4.0%	4.0%
d)	Engineering Construction Revision Fee (Resubmission Review Fee, price per page) - As Built Drawings	\$ 395	\$ 395
e)	Subdivision Security Reduction Fee (for fourth and subsequent security reduction request), Plus HST	\$ 325	\$ 325
f)	Review and Inspection for Rehabilitation or Replacement of Existing Sewer Service (Video Inspection), Plus HST	\$ 450	\$ 450
5	Final Approval		
a)	Final Approval and Registration Fee (Subdivision)	\$ 1,505	\$ 1,505
b)	Final Approval and Registration Fee (Condominium)	\$ 1,505	\$ 1,505
6	Advance on Pre-Grading		
a)	Advance on Pre-Grading (2% of Construction cost with a min of \$2,000 to a max of \$5,000)	2.0%	2.0%
7	Lot Grading		
a)	Lot Grading Acceptance inspection per unit (single and semi), Plus HST	\$ 468	\$ 500

b) Lot Grading Acceptance inspection per multi-unit block (3 - 8 units), Plus HST	\$	956	\$	1,019
c) Lot Grading Service Connection Applications	\$	2,484	\$	3,726
d) Lot Grading Re- inspection fees (3rd and subsequent), Plus HST	\$	150	\$	225

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<i>GROWTH MANAGEMENT FEES continued</i>		<i>Fees Effective May 9, 2019</i>	<i>Fees Effective January 1, 2020</i>
8 Sanitary Sewer and Water Drawing Review Fee			
a) Sewer and Water Drawing Review Fee- for Site Plans Major	\$	1,665	\$ 1,665
b) Sewer and Water Drawing Review Fee - for Site Plans Minor	\$	840	\$ 840
9 Small Service Water Permit Inspection Fee (Less than 100mm diam.)			
a) Small Service Permit - Administration Fee (Sewer Water Permits, WTR, SAN, STM, SAN & STM), Plus HST	\$	180	\$ 180
b) Small Service Permit - Water Inspection (Sewer Water Permits, WTR, SAN, STM, SAN & STM), Plus HST	\$	550	\$ 550
c) Small Service Water Permit - Additional Cost per metre of Service(Sewer Water Permits), Plus HST	\$	10	\$ 10
10 Large Service Water & Sewer Permit Inspection Fee (100mm diam. and larger)			
a) Large Service Water & Sewer Permit - Administration Fee (Sewer Water Permits), Plus HST	\$	180	\$ 180
b) Large Service Water & Sewer Permit - Water Inspection & Testing (Sewer Water Permits), Plus HST	\$	685	\$ 685
c) Large Service Water & Sewer Permit - Additional Cost per metre of Service (Sewer Water Permits), Plus HST	\$	10	\$ 10
11 Site Plan			
a) Site Plan Grading Inspection, Plus HST	\$	2,220	\$ 3,330
b) Minor Site Plan Per Inspection (Final Site Plan Inspection = Grading Inspection), Plus HST	\$	315	\$ 315
c) Site Plan Security Reduction Fees (for second and subsequent security reduction request), Plus HST	\$	325	\$ 325
d) After Hours Inspection Fee (Minimum 4 hours), Plus HST	\$	355	\$ 355
12 Site Alteration			
a) Site Alteration Process - review and circulate plans - Residential	\$	696	\$ 924
b) Site Alteration Process - review and circulate plans - Non-residential	\$	2,770	\$ 2,770
c) Site Alteration Process - per plan type on 4th submission and thereafter	\$	450	\$ 675
13 Municipal Service Extension Flat Rate Fees			
a) Sanitary Sewer / Unit	\$	7,745	\$ 7,745
b) Storm Sewer / Unit	\$	9,045	\$ 9,045
c) Watermain / Unit	\$	5,430	\$ 5,430
14 Miscellaneous Fees			
a) Street Lighting Review and Evaluation	\$	4,281	\$ 6,422
b) Municipal Street Number Request	\$	354	\$ 359
c) Street Name Change	\$	2,310	\$ 2,310
d) <i>LPAT Appeal In addition to the fees set out above, the total fees payable shall include all fees associated with supporting an applicant at a hearing where the application was approved by City Council including City legal fees, City staff fees, outside legal counsel and consultant/witness fees where required, but excluding the cost of the Planning and Economic Development Department staff. These additional fees shall be collected through the process set out in a cost acknowledgement agreement which must be signed and submitted as part of the applications identified. Plus HST</i>	\$	1,056	\$ 1,584
e) Pay Assurance Administration Fee, Plus HST	\$	5,000	\$ 5,000
f) Discharge of Agreements	\$	420	\$ 420
g) Compliance Requests, Plus HST	\$	120	\$ 120
h) Record Search (Fee is charged at a rate of \$25 plus HST. per 15 minutes with a minimum charge of 25 plus HST.)	\$	25	\$ 25
i) Photocopying Fee, per page, Plus HST	\$	0.50	\$ 0.50

CITY OF HAMILTON

BY-LAW NO. 19-

To Confirm the Proceedings of City Council at its meeting held on May 8th, 2019.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 8th day of May, 2019, in respect of each recommendation contained in

Public Works Committee Report 19-006 – April 29, 2019,
Planning Committee Report 19-007 – April 30, 2019,
General Issues Committee Report 19-009 – May 1, 2019,
Audit, Finance and Administration Committee Report 19-007 – May 2, 2019,
and
Emergency and Community Services Committee Report 19-004 – May 2, 2019,

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 8th day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk