



City of Hamilton
GENERAL ISSUES COMMITTEE
AGENDA

Meeting #: 20-007
Date: February 19, 2020
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Stephanie Paparella, Legislative Coordinator (905) 546-2424 ext. 3993

1. **CEREMONIAL ACTIVITIES**
2. **APPROVAL OF AGENDA**
(Added Items, if applicable, will be noted with *)
3. **DECLARATIONS OF INTEREST**
4. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
 - 4.1 January 30, 2020 - Special
 - 4.2 February 5, 2020
5. **COMMUNICATIONS**
6. **DELEGATION REQUESTS**
7. **CONSENT ITEMS**
 - 7.1 Hamilton Immigration Partnership Council - Funding Agreement (PED20046) (City Wide)

8. PUBLIC HEARINGS / DELEGATIONS

- 8.1 Brian MacPherson and Rick Powers, Commonwealth Games Canada, to Present Commonwealth Games Canada's 2026 and-or 2030 Commonwealth Games Candidate City Selection Process
- 8.2 P. J. Mercanti and Louis Frapporti, Hamilton100 Commonwealth Games Bid Corporation, to Provide an Update regarding the Hosting Proposal Part 2 for the 2030 Commonwealth Games
- 8.3 Michael Van Pelt, Cardus, respecting Cardus's Balfour - Chedoke Estate Proposal
- 8.4 Vic Djurdjevic, Nikola Tesla Educational, respecting the Tesla Electric City Festival 2020
- 8.5 Jen Baker, Hamilton Naturalists' Club, respecting Item 11.1 - Feasibility of Developing a Hamilton Biodiversity Action Plan
- 8.6 Lee W. Fairbanks and Jim Sweetman, respecting an Option for a Transit Solution

9. STAFF PRESENTATIONS

- 9.1 * 2019 Annual Report on the 2016 - 2020 Economic Development Action Plan Progress (PED20039) (City Wide)

Moved from Item 7.1 to accommodate a staff presentation.

10. DISCUSSION ITEMS

- 10.1 Proposal for the Adaptive Re-Use of Balfour House-Chedoke Estate (PED19168(a)) (Ward 14)

Discussion of Appendix "A" to Report PED19168(a), in Closed Session would be pursuant to Section 8.1, Sub-section (i) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (i) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization. (Refer to Item 14.3 for Confidential Appendix "A").

Due to its size, Appendix "B" to this report will not be included in the printed agenda, but will be available on-line only.

- 10.2 Court Security and Prisoner Transportation Program Agreement for 2020 (FCS20017) (City Wide)

- 10.3 Waiver of Park and Insurance Fees for Easter Egg Hunts and Like Events (HSC20008) (City Wide)
- 10.4 Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs (PED20038) (City Wide)
- 10.5 Advisory Committee for Persons with Disabilities Report 20-001, January 14, 2020
- 10.6 Hamilton Future Fund Board of Governors Report 20001, January 27, 2020
- 10.7 Capital Projects Work-in-Progress Review Sub-Committee Report 20-001, January 27, 2020

11. MOTIONS

- 11.1 Feasibility of Developing a Hamilton Biodiversity Action Plan

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



SPECIAL GENERAL ISSUES COMMITTEE MINUTES 20-003

11:58 a.m.

Thursday, January 30, 2020

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent: Councillor T. Whitehead, J. Farr – Personal
Councillor L. Ferguson – Other City Business

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Procedure for Distribution of Federal and Provincial Orders (CM20001) (City Wide) (Item 9.1)**

(Pearson/VanderBeek)

That Report CM20001, respecting the Procedure for Distribution of Federal and Provincial Orders, be received.

CARRIED

- 2. Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety (HUR20002) (City Wide) (Item 9.2)**

(Pearson/Partridge)

That the Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety Policy, Schedule G of the Code of Code of Conduct for Employees Policy, attached as Appendix "A" to Report HUR20002, be approved for inclusion within the City's Code of Conduct Policy.

Result: Motion **CARRIED** by a vote of 10 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Deputy Mayor - Ward 9 Councillor Brad Clark
 NOT PRESENT - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised that there were no changes to the agenda.

(Pearson/Nann)

That the agenda for the January 30, 2020 Special General Issues Committee meeting, be approved, as presented.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Deputy Mayor - Ward 9 Councillor Brad Clark
 YES - Mayor Fred Eisenberger
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson

NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) ADJOURNMENT (Item 15)

(Pearson/Johnson)

That there being no further business, the General Issues Committee be adjourned at 12:26 p.m.

CARRIED

Respectfully submitted,

Deputy Mayor Brad Clark
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



GENERAL ISSUES COMMITTEE MINUTES 20-004

9:30 a.m.

Wednesday, February 5, 2020

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent: Councillor B. Johnson – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Business Improvement Area Advisory Committee Report 20-001, January 14, 2020 (Item 7.1)

(Eisenberger/Pauls)

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

- (i) That Councillor E. Pauls be appointed as Chair of the Business Improvement Area Advisory Committee; and,
- (ii) That a rotating Vice-Chair, for the Business Improvement Area Advisory Committee, be approved.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
NOT PRESENT - Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

2. Finance, Insurance and Real Estate (FIRE) Sector Feasibility Study: Recommendations and Implementation (PED20047) (City Wide) (Item 7.3)

(Eisenberger/Ferguson)

That Report PED20047, respecting the Finance, Insurance and Real Estate (FIRE) Sector Feasibility Study: Recommendations and Implementation, be received.

CARRIED

3. Downtown Office Vacancy and Employment Survey (PED20006) (Wards 2 and 3) (Item 10.1)

(Farr/Eisenberger)

That Report PED20006, respecting the Downtown Office Vacancy and Employment Survey, be received.

CARRIED

4. Award of Request for Proposals C11-12-19, Operations and Maintenance of the Material Recycling Facility (PW19086(a)) (City Wide) (Item 10.2)

(Eisenberger/Clark)

- (a) That Project B, Request for Proposals Contract C11-12-19 for the Operation and Maintenance of the City of Hamilton's Material Recycling Facility and Transfer, Processing and Marketing of Fibre Materials off-site, be selected as the preferred option for the operation and maintenance of the City of Hamilton's Material Recycling Facility;
- (b) That GFL Environmental Inc. be selected as the successful proponent for Project B, Request for Proposals Contract C11-12-19, for the operation and maintenance of the City of Hamilton's Material Recycling Facility;

- (c) That the one-time transition cost for Project B of approximately \$431,000 be funded from Waste Management Recycling Program Reserve Account #112270;
- (d) That Appendix “A” to Report PW19086(a) remain confidential as it contains proprietary and sensitive competitive financial information of GFL Environmental Inc., which was provided to the City of Hamilton in confidence, to identify potential cost savings within the framework of Project B as well as legal advice subject to solicitor-client privilege;
- (e) That Appendix “B” to Report PW19086(a) remain confidential as it contains advice that is subject to solicitor client privilege on the alternatives outlined in this appendix;
- (f) That the General Manager of Public Works be authorized and directed to finalize the terms and conditions of the contract between the City of Hamilton and GFL Environmental Inc. for the Operation and Maintenance of the City of Hamilton’s Material Recycling Facility and Transfer, Processing and Marketing of Fibre Materials off-site, in accordance with the provisions of Request for Proposals Contract C11-12-19 for Project B; and,
- (g) That the Mayor and City Clerk be authorized and directed to execute the contract with GFL Environmental Inc. for the Operation and Maintenance of the City of Hamilton’s Material Recycling Facility and Transfer, Processing and Marketing of Fibre Materials off-site, and any ancillary documents for Contract C11-12-19 for Project B, with content acceptable to the General Manager of Public Works and in a form acceptable to the City Solicitor.

Result: Motion CARRIED by a vote of 8 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 NO - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson

NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

**5. Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide)
(Item 10.4)**

(Pearson/Wilson)

That Report LS20002, respecting the Comprehensive Legal Services Report 2018/2019, be received.

CARRIED

6. Hamilton Transportation Task Force Update (CM20002) (City Wide) (Item 10.5)

(Eisenberger/VanderBeek)

That Report CM20002, respecting the Hamilton Transportation Task Force Update, be received.

CARRIED

7. Council Comments to the Hamilton Transportation Task Force (Item 10.5)

- (a) That the City Manager be directed to clarify, at an upcoming Hamilton Transportation Task Force meeting, that the municipality would not be paying the provincial portion of the highway improvement costs out of the \$1 billion;

Result: Motion CARRIED by a vote of 12 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 NO - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 NO - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

- (b) That the City Manager be directed to include the following as proposed concepts at an upcoming Hamilton Transportation Task Force meeting:

- (i) The greening of the Transit fleet; and,

Result: Motion CARRIED by a vote of 12 to 2, as follows:

NO - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 NO - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

- (b) That the City Manager be directed to include the following as proposed concepts at an upcoming Hamilton Transportation Task Force meeting:

- (ii) The expansion of EV Parking fixtures.

Result: Motion CARRIED by a vote of 12 to 2, as follows:

NO - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 NO - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

8. Leaving Children Unattended in a Vehicle (Item 11.1)

(Merulla/Collins)

WHEREAS, the Province of Quebec, under section 380 of the *Highway Safety Code* Chapter C-24. 2, prohibits a person from leaving a child under the age of 7 unattended in a vehicle;

WHEREAS, section 218 of the *Criminal Code* and Section 136 of the *Child, Youth and Family Services Act*, S.O. 2017, c. 14. Sched.1 prohibits abandoning a child, there is no explicit provision in Ontario to prohibit a person from leaving a child unattended in a vehicle;

WHEREAS, the Province of Ontario under the *Highway Traffic Act*, RSO 1990, c. H. 8, does not have adequate language that prohibits a person from leaving a child unattended in a vehicle;

WHEREAS, the Province of Quebec is the only province with an age limit for leaving children unattended in a vehicle; and,

WHEREAS, there have been concerns of the health and safety of children being left unattended in vehicles in the City of Hamilton.

THEREFORE, BE IT RESOLVED:

- (a) That the Mayor correspond with the Premier of Ontario, the Minister of Transportation and local Members of Provincial Parliament to request that the Province consider adopting similar provisions to Quebec, specially that a person is prohibited from leaving a child under the age of 7 unattended in a vehicle; and,
- (b) That a copy of the correspondence be forwarded to other Ontario municipalities and the Association of Municipalities of Ontario requesting their endorsement.

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

YES - Ward 1 Councillor Maureen Wilson

YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

9. Protection of Solicitor-Client Privilege by Separating Legal Advice from all Confidential Staff Reports and Recommendations (Item 11.2)

(Clark/Pearson)

WHEREAS, the Solicitor-Client privilege is a legal concept that enables the client to entrust with their lawyers confidential and private information and enables their lawyer to provide unfettered and confidential advice to their client;

WHEREAS, the Supreme Court of Canada has called Solicitor-Client Privilege, “a principal of fundamental justice and civil right of supreme importance in Canadian law.” (Lavallee, Rackel & Heintz v. Canada (Attorney General); White, Ottenheimer & Baker v. Canada (Attorney General); R. v. Fink, [2002] 3 S.C.R. 209, 2002 SCC 61);

WHEREAS, the Solicitor-client privilege is solely the clients’ and as such only the client can voluntarily waive the privilege;

WHEREAS, it has been past practice of Hamilton’s Senior Leadership Team to provide confidential staff reports that are a hybrid of staff information, recommendations and legal advice;

WHEREAS, concerns have been expressed that any public release of such reports could mean a waiver of Solicitor-Client privilege;

THEREFORE, BE IT RESOLVED:

- (a) That the City Manager and City Solicitor be directed to implement report guidelines, by March 31, 2020, requiring the separation of any legal

advice from all confidential staff reports, with any such legal advice to be provided as an appendix to be attached to the corresponding confidential staff report.

- (b) *That should an exception occur, when the legal advice and a staff report are not separated, staff be directed to provide an explanation as to why.***

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

10. Lease Extension Agreement - Ontario Works, 250 Main Street East, Hamilton (PED20019) (Ward 2) (Item 14.3)

(Nann/Pearson)

- (a) That a Lease Extension Agreement between the City of Hamilton (Tenant) and 250 Main Street Holdings Inc. (Landlord) for the continued occupancy by Healthy and Safe Communities Department for the Ontario Works program in the whole of the building located at 250 Main Street East as depicted in Appendix "A" attached to Report PED20019, based substantially on the terms and conditions outlined in Appendix "B" attached to Report PED20019, and on such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department, be approved;
- (b) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as Tenant, be

authorized to provide any consents, approvals, and notices related to the subject Lease Extension Agreement herein outlined;

- (c) That the City Solicitor be authorized to amend and waive such terms and conditions to the Lease Extension Agreement as she considers reasonable;
- (d) That the Base Rent outlined in Appendix "B" attached to Report PED20019 continue to be funded from Account Number 55358-672102 (OW-Operating Costs);
- (e) That the Real Estate and Legal fees of \$41,100 be funded from Account No. 55778-672102 (OW-Operating Costs) and credited to Account No. 45408-812036 (Real Estate – Admin Recovery);
- (f) That the Mayor and Clerk be authorized and directed to execute the Lease Extension Agreement or such other form and all other necessary associated documents, and all such documents to be in a form satisfactory to the City Solicitor; and,
- (g) That Report PED20019, respecting the Lease Extension Agreement - Ontario Works, 250 Main Street East, Hamilton, and its appendices, remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

NOT PRESENT - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 NOT PRESENT - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

**11. Downtown Entertainment Precinct Status Update (PED18168(d)) (City Wide)
(Item 14.5)**

(Whitehead/Partridge)

That Report PED18168(d), respecting the Downtown Entertainment Precinct Status Update, and its appendices, remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

NOT PRESENT - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 NOT PRESENT - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

**12. Update and Instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(a)-PED16248(a)) (City Wide)
(Item 14.6)**

(Whitehead/Jackson)

That Report LS16029(a)/PED16248(a), respecting the Update and Instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion, and its appendices, remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

NOT PRESENT - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins

YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 NOT PRESENT - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.1 Correspondence from P. J. Mercanti, Member of the Hamilton Urban Precinct Arts and Entertainment Group, respecting an Update to the Downtown Entertainment Precinct Plan

Recommendation: Be received and referred to the consideration of Item 14.5.

- 5.2 Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting Public Notice of Vrancor Group Inc.'s Proposal for the City of Hamilton Entertainment and Convention Properties

Recommendation: Be received and referred to the consideration of Item 14.5.

- 5.2(a) Additional Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting the Rendered Intersection of York and Bay and the Interior Bowl for the First Ontario Event Centre

Recommendation: Be received and referred to the consideration of Item 14.5.

- 5.3 Correspondence from Aaron Ciancone, Principal, and Aaron Waxman, Director, of Pearle Hospitality, respecting the Downtown Entertainment District

Recommendation: Be received and referred to the consideration of Item 14.5.

- 5.4 Correspondence from Lachlan Holmes, Chair of the HamiltonForward Board of Directors, respecting the Downtown Entertainment Precinct Status Update

Recommendation: Be received and referred to the consideration of Item 14.5.

6. DELEGATION REQUESTS

- 6.6 Mario Frankovich, Vrancor Group Inc. respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update (For the February 5, 2020 GIC)
- 6.7 P.J Mercanti and Louis Frapporti, Hamilton100 Commonwealth Games Bid Corporation, to provide an Update on the Preparation of the Hosting Proposal Part 2 for the 100th Anniversary 2030 Commonwealth Games (For the February 19, 2020 GIC)
- 6.8 Michael Van Pelt, Cardus, respecting the forthcoming staff report regarding Cardus' Proposal for the Balfour/Chedoke Estate (For the February 19, 2020 GIC)
- 6.9 P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group, respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct (For the February 5, 2020 GIC)
- 6.10 The Pearle Plan/Expression of Interest regarding Item 14.5 - Downtown Entertainment Precinct Status Update (PED18168(d)) (City Wide) - THIS REQUEST WAS WITHDRAWN

10. DISCUSSION ITEMS

10.3 Potential Regulatory Litigation Update (PW19008(f)) (City Wide)

This report was withdrawn from the agenda. Staff will bring forward a new report, accompanied by a consultant's report, to a future General Issues Committee meeting.

10.4 Comprehensive Legal Services Report 2018/2019 (LS20002) (City Wide)

10.5 Hamilton Transportation Task Force Update (CM20002) (City Wide)

14. PRIVATE & CONFIDENTIAL

14.6 Update and Instructions regarding Ontario Municipal Board (now Local Planning Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(a)/PED16248(a)) (City Wide)

(Pearson/VanderBeek)

That the agenda for the February 5, 2020 General Issues Committee meeting, be approved, as amended.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 NOT PRESENT - Ward 5 Councillor Chad Collins
 NOT PRESENT - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 NOT PRESENT - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

- (i) Councillor L. Ferguson declared a potential interest to Item 5.1 – Correspondence from P. J. Mercanti, Member of the Hamilton Urban Precinct Arts and Entertainment Group, respecting an Update to the Downtown Entertainment Precinct Plan, as his nephew is the Principal of Pearle Hospitality.
- (ii) Councillor L. Ferguson declared a potential interest to Item 5.2 – Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting Public Notice of Vrancor Group Inc.'s Proposal for the City of Hamilton Entertainment and Convention Properties, as his nephew is the Principal of Pearle Hospitality.
- (iii) Councillor L. Ferguson declared a potential interest to Item 5.2(a) – Additional Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting the Rendered Intersection of York and Bay and the Interior Bowl for the First Ontario Event Centre, as his nephew is the Principal of Pearle Hospitality.
- (iv) Councillor L. Ferguson declared a potential interest to Item 5.3 – Correspondence from Aaron Ciancone, Principal, and Aaron Waxman, Director of Pearle Hospitality, respecting the Downtown Entertainment District, as his nephew is the Principal of Pearle Hospitality.
- (v) Councillor L. Ferguson declared a potential interest to Item 5.4 – Correspondence from Lachlan Holmes, Chair of the Hamilton Forward Board of Directors, respecting the Downtown Entertainment Precinct Status Update, as his nephew is the Principal of Pearle Hospitality.
- (vi) Councillor L. Ferguson declared a potential interest to Item 6.6 – Mario Frankovich, Vrancor Group Inc. respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update, as his nephew is the Principal of Pearle Hospitality.
- (vii) Councillor L. Ferguson declared a potential interest to Item 6.9 – P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group, respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct, as his nephew is the Principal of Pearle Hospitality.
- (viii) Councillor L. Ferguson declared a potential interest to Item 14.5 – Downtown Entertainment Precinct Status Update (PED18168(d)), as his nephew is the Principal of Pearle Hospitality.

- (ix) Councillor M. Wilson declared a potential interest to Item 5.1 – Correspondence from P. J. Mercanti, Member of the Hamilton Urban Precinct Arts and Entertainment Group, respecting an Update to the Downtown Entertainment Precinct Plan, due to her spouse’s relationship with downtown interests.
- (x) Councillor M. Wilson declared a potential interest to Item 5.2 – Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting Public Notice of Vrancor Group Inc.’s Proposal for the City of Hamilton Entertainment and Convention Properties, due to her spouse’s relationship with downtown interests.
- (xi) Councillor M. Wilson declared a potential interest to Item 5.2(a) – Additional Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting the Rendered Intersection of York and Bay and the Interior Bowl for the First Ontario Event Centre, due to her spouse’s relationship with downtown interests.
- (xiii) Councillor M. Wilson declared a potential interest to Item 5.3 – Correspondence from Aaron Ciancone, Principal, and Aaron Waxman, Director of Pearle Hospitality, respecting the Downtown Entertainment District, due to her spouse’s relationship with downtown interests.
- (xiv) Councillor M. Wilson declared a potential interest to Item 5.4 – Correspondence from Lachlan Holmes, Chair of the HamiltonForward Board of Directors, respecting the Downtown Entertainment Precinct Status Update, due to her spouse’s relationship with downtown interests.
- (xv) Councillor M. Wilson declared a potential interest to Item 6.6 – Mario Frankovich, Vrancor Group Inc. respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update, due to her spouse’s relationship with downtown interests.
- (xvi) Councillor M. Wilson declared a potential interest to Item 6.9 – P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group, respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct, due to her spouse’s relationship with downtown interests.
- (xvii) Councillor M. Wilson declared a potential interest to Item 14.5 – Downtown Entertainment Precinct Status Update (PED18168(d)), due to her spouse’s relationship with downtown interests.
- (xviii) Councillor M. Wilson declared a potential interest to Item 14.6 – Update and Instructions regarding Ontario Municipal Board (now Local Planning

Appeal Tribunal) Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion, due to her spouse’s employment activity and one of the interests identified in the confidential report.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 4)

(i) January 15, 2020 (Item 4.1)

(Nann/Pauls)

That the January 15, 2020 minutes of the General Issues Committee meeting be approved, as presented.

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 NOT PRESENT - Ward 5 Councillor Chad Collins
 NOT PRESENT - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 NOT PRESENT - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

(d) COMMUNICATIONS (Item 5)

(Partridge/VanderBeek)

That Communication Items 5.1 to 5.4, be approved, as follows:

- (i) Correspondence from P. J. Mercanti, Member of the Hamilton Urban Precinct Arts and Entertainment Group, respecting an Update to the Downtown Entertainment Precinct Plan (Item 5.1)

Recommendation: Be received and referred to the consideration of Item 14.5.

- (ii) Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting Public Notice of Vrancor Group Inc.'s Proposal for the City of Hamilton Entertainment and Convention Properties (Item 5.2)

Recommendation: Be received and referred to the consideration of Item 14.5.

- (iii) Additional Correspondence from Darko Vranich, President and CEO, Vrancor Group Inc., respecting the Rendered Intersection of York and Bay and the Interior Bowl for the First Ontario Event Centre (Item 5.2(a))

Recommendation: Be received and referred to the consideration of Item 14.5.

- (iv) Correspondence from Aaron Ciancone, Principal, and Aaron Waxman, Director, of Pearle Hospitality, respecting the Downtown Entertainment District (Item 5.3)

Recommendation: Be received and referred to the consideration of Item 14.5.

- (v) Correspondence from Lachlan Holmes, Chair of the HamiltonForward Board of Directors, respecting the Downtown Entertainment Precinct Status Update (Item 5.4)

Recommendation: Be received and referred to the consideration of Item 14.5.

(e) DELEGATION REQUESTS (Item 6)

(Nann/Merulla)

That the delegation requests, Items 6.1 to 6.9, be approved, as follows:

- (i) Nicole Smith, Kumon Hamilton West End, respecting Enbridge Fracked Gas Line (For the February 7, 2020 Special GIC) (Item 6.1)
- (ii) Vic Djurdjevic, Nikola Tesla Educational, respecting an Update on the Tesla 2019 Electric City Festival and the 2020 Tesla Electric City Festival (For a future GIC) (Item 6.2)

- (iii) Jen Baker, Hamilton Naturalists' Club, respecting Item 11.3 - a Motion regarding a Biodiversity Action Plan (For the February 19, 2020 GIC) (Item 6.3)
 - (iv) Lee W. Fairbanks & Jim Sweetman, Residents, to Propose an Option for a Transit Solution to Replace the Cancelled LRT (Electric Buses) (For a future GIC) (Item 6.4)
 - (v) Brian MacPherson and Rick Powers, Commonwealth Games Canada, to Present Commonwealth Games Canada's 2026 and/or 2030 Commonwealth Games Candidate City Selection Process (For the February 19, 2020 GIC) (Item 6.5)
 - (vi) Mario Frankovich, Vrancor Group Inc. respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update (For the February 5, 2020 GIC) (Item 6.6)
 - (vii) P.J Mercanti and Louis Frapporti, Hamilton100 Commonwealth Games Bid Corporation, to provide an Update on the Preparation of the Hosting Proposal Part 2 for the 100th Anniversary 2030 Commonwealth Games (For the February 19, 2020 GIC) (Item 6.7)
 - (viii) Michael Van Pelt, Cardus, respecting the forthcoming staff report regarding Cardus' Proposal for the Balfour/Chedoke Estate (For the February 19, 2020 GIC) (Item 6.8)
 - (ix) P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group, respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct (For the February 5, 2020 GIC) (Item 6.9)
- (f) CONSENT ITEMS (Item 7)**
- (i) Arts Advisory Committee Meeting Minutes (Items 7.2(a) to 7.2(d))**
(Eisenberger/Ferguson)
That the following Arts Advisory Committee meeting minutes, be received:
 - (1) March 26, 2019 (Item 7.2(a))
 - (2) May 28, 2019 (Item 7.2(b))
 - (3) July 23, 2019 (Item 7.3(c))

(4) September 24, 2019 (Item 7.3(d))

CARRIED

(g) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Paven R. Bratch, MetroPartners Inc., respecting an Opportunity for a Downtown Technology Centre (Item 8.12)

Paven R. Bratch, MetroPartners Inc., addressed Committee and provided a PowerPoint presentation respecting an Opportunity for a Downtown Technology Centre.

(Farr/Pearson)

That the presentation provided by Paven R. Bratch, MetroPartners Inc., respecting an Opportunity for a Downtown Technology Centre, be received.

CARRIED

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

(Farr/Merulla)

WHEREAS, in 2016, a motion of Council (Merulla/Farr) directed staff to pursue requests for interest with respect to development of the back portion of City Hall; and,

WHEREAS, the resolution remains in Council's hands;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to report back to the General Issues Committee, by September 2020, on the feasibility of creating a Technology Hub, that may include the sale or lease of the City Hall precinct lands (south facing, adjacent to Hunter Street as well as the former Football Hall of Fame lands) for future office space development, all at fair market value, conditional on: ensuring complementarity with City Hall, parking, greenspace, accessibility, green building design, and amenity requirements are achieved; and,
- (b) That, as part of that report to the General Issues Committee, staff be directed to provide a defined process respecting options to pursue the development of the south facing lands of the City Hall

precinct to include the lands adjacent to Hunter Street and including the former Football Hall of Fame lands.

Result: Motion CARRIED by a vote of 12 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 NO - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 NO - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

(ii) Don McLean, Hamilton 350 Committee, respecting the City's Climate Emergency (Item 8.2)

Don McLean, Hamilton 350 Committee, addressed Committee and provided a PowerPoint presentation respecting the City's Climate Emergency.

(Partridge/Ferguson)

That the presentation provided by Don McLean, Hamilton 350 Committee, respecting the City's Climate Emergency, be received.

CARRIED

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

(iii) Mario Frankovich, Vrancor Group Inc. respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update (Item 8.3)

Mario Frankovich, Vrancor Group Inc.; Matthew Delean, Architecture 49; and, Jason Ball, Ball Construction, addressed Committee respecting Item

14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update.

(Clark/VanderBeek)

That the presentation provided by Mario Frankovich, Vrancor Group Inc.; Matthew Delean, Architecture 49; and, Jason Ball, Ball Construction, respecting Item 14.5 - Report PED18168(d) - Downtown Entertainment Precinct Status Update, be received.

CARRIED

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 disposition of this matter, please refer to Item 11.

(iv) P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group, respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct (Item 8.4)

P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group; and, Petra Matar, DPAI Architecture Inc., addressed Committee respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct.

(Eisenberger/Pearson)

That the presentation provided by P. J. Mercanti and Jasper Kujavsky, Hamilton Urban Precinct Arts and Entertainment Group; and, Petra Matar, DPAI Architecture Inc., respecting the Group's Proposal for an Urban Hamilton Sports, Art, Entertainment, Convention and Hospitality Precinct, be received.

CARRIED

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 disposition of this matter, please refer to Item 11.

(h) DISCUSSION ITEMS (Item 10)**(i) Hamilton Transportation Task Force Update (CM20002) (City Wide)
(Item 10.5)****(Clark/Pearson)**

- (a) That the City Manager be directed to clarify, at an upcoming Hamilton Transportation Task Force meeting, that the municipality would not be paying the provincial portion of the highway improvement costs out of the \$1 billion; and,
- (b) That the City Manager be directed to include the following as proposed concepts at an upcoming Hamilton Transportation Task Force meeting:
 - (i) The greening of the Transit fleet; and,
 - (i) The expansion of EV Parking fixtures.

(Ferguson/Pauls)

That sub-section (a) to the Motion respecting the Hamilton Transportation Task Force Update, be amended by adding the words “with the exception of the 403 westbound ramp at Mohawk Road, to read as follows:

- (a) That the City Manager be directed to clarify, at an upcoming Hamilton Transportation Task Force meeting, that the municipality would not be paying the provincial portion of the highway improvement costs out of the \$1 billion, ***with the exception of the 403 westbound ramp at Mohawk Road;*** and,

Result: Amendment DEFEATED by a vote of 8 to 6, as follows:

NO - Ward 1 Councillor Maureen Wilson
 NO - Ward 2 Councillor Jason Farr
 NO - Ward 3 Councillor Nrinder Nann
 NO - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 NO - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 NO - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek

YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

(i) MOTIONS (Item 11)

(i) Protection of Solicitor-Client Privilege by Separating Legal Advice from all Confidential Staff Reports and Recommendations (Item 11.2)

(Eisenberger/Ferguson)

That the Motion respecting the Protection of Solicitor-Client Privilege by Separating Legal Advice from all Confidential Staff Reports and Recommendations, be amended by adding a new sub-section (b), to read as follows:

(b) *That should an exception occur, when the legal advice and a staff report are not separated, staff be directed to provide an explanation as to why.*

Result: Amendment CARRIED by a vote of 8 to 6, as follows:

YES - Ward 1 Councillor Maureen Wilson
NO - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
NO - Ward 5 Councillor Chad Collins
NO - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

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

(ii) Feasibility of Developing a Hamilton Biodiversity Action Plan (Item 11.3)

(Clark/Partridge)

That the Motion, respecting the Feasibility of Developing a Hamilton Biodiversity Action Plan, be DEFERRED to the February 19, 2020 General Issues Committee meeting to allow the approved delegation, Jen Baker, of the Hamilton Naturalist Club, to attend.

CARRIED

(j) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – January 15, 2020 (Item 14.1)

(Ferguson/VanderBeek)

- (a) That the Closed Session Minutes of the January 15, 2020 General Issues Committee meeting, be approved, as presented; and,
- (b) That the Closed Session Minutes of the January 15, 2020 General Issues Committee meeting remain confidential.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 NOT PRESENT - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

(Pauls/Jackson)

That Committee move into Closed Session respecting Items 14.2, 14.3 14.5 and 14.6, pursuant to Section 8.1, Sub-sections (b), (c), (e), (f) and (k) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (b), (c), (e), (f) and

(k) of the *Ontario Municipal Act*, 2001; as amended, as the subject matters pertains to personal matters about an identifiable individual, including municipal or local board employees; a proposed or pending acquisition or disposition of land by the municipality or local board; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; 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 municipality or local board. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

Result: Motion CARRIED by a vote of 12 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 NOT PRESENT - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 NOT PRESENT - Ward 9 Councillor Brad Clark

(ii) Personnel Matter (Item 14.2)

There was nothing to report in Open Session respecting this matter.

(k) ADJOURNMENT (Item 15)

(Pearson/VanderBeek)

That there being no further business, the General Issues Committee be adjourned at 9:24 p.m.

CARRIED

Respectfully submitted,

Deputy Mayor J. P. Danko
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 19, 2020
SUBJECT/REPORT NO:	Hamilton Immigration Partnership Council - Funding Agreement (PED20046) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Sarah Wayland (905) 546-2424 Ext. 7565
SUBMITTED BY:	Glen Norton Director, Economic Development Department Planning and Economic Development
SIGNATURE:	

RECOMMENDATION

- (a) That the City of Hamilton accept \$1,769,034 from Immigration, Refugees and Citizenship Canada for the purpose of supporting the Hamilton Immigration Partnership Council (HIPC) and continued implementation of HIPC's strategic plan and annual work plans over the next five fiscal years, from April 1, 2020 to March 31, 2025;
- (b) That the General Manager of the Planning and Economic Development Department be authorized to execute a new Grant Agreement between the City of Hamilton and Immigration, Refugees and Citizenship Canada, subject to any amendments approved by the General Manager of Community Services and in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

This report seeks approval to receive \$1,769,034 from Immigration, Refugees and Citizenship Canada (IRCC) as part of a new Grant Agreement for the period April 1, 2020 to March 31, 2025. This new funding arrangement will succeed a series of Contribution Agreements that funded the Hamilton Immigration Partnership Council (HIPC) from 2009 to March 31, 2020.

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

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

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

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Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Program funding will be provided by the Federal Government through IRCC totalling \$1,769,034. The funds will be paid by IRCC in five one-year grants beginning with \$328 K for the period April 1, 2020 to March 31, 2021. Grants for the subsequent four years are \$346,682, \$359,521, \$364,901, and \$369,930. The Agreement stipulates that the City of Hamilton receive funding subject to an annual appropriation from Parliament for the purpose in which the grant is contemplated, and that IRCC may cancel or reduce the grant if IRCC funding levels are changed by Parliament.

As the contract holder with the Government of Canada, the City of Hamilton also provides in-kind support in the form of financial administration and supervision.

Staffing: The existing staffing complement of 3.0 FTEs (Senior Project Manager, Program and Policy Advisor, and Communications Associate) will be fully funded by the federal government, in accordance with the Grant Agreement.

Legal: Legal Services will review the final version of the new Grant Agreement.

HISTORICAL BACKGROUND

HIPC was established in January 2009 as a planning and advisory body dedicated to forging community partnerships to coordinate and enhance the delivery of local settlement services and support the integration of newcomers. The vision of the HIPC is “Hamilton that welcomes newcomers, celebrates diversity and is a place for everyone to call home”.

In its role of catalyst, convenor and collaborator, HIPC leads community-based planning to address the needs of immigrants. The multi-sector stakeholder Council of HIPC includes community leaders from settlement services, government, education, research, business, employment, housing, health and the Francophone community. HIPC consistently enjoys a high-level of attendance, participation and in-kind support from members.

The partnership is funded by the federal government through IRCC. The federal government has provided funding to HIPC in a series of annual or multi-year contribution agreements, most recently for the period April 1, 2017 to March 31, 2020. Hamilton City Council, at its meeting of April 25, 2018, approved Item 12.1 of Healthy and Safe Communities Committee, Report 18-004, (Report HSC18018) to transfer the

**SUBJECT: Hamilton Immigration Partnership Council - Funding Agreement
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resources of HIPC to the Economic Development Division of the Planning and Economic Development Department. This realignment provides for efficiencies to be gained from better integrating HIPC and Global Hamilton, and, incorporating other aspects of the City's global economic portfolio, under the Global Hamilton umbrella. Improved integration will help ensure that Hamilton benefits from the social, political, cultural and economic contributions of newcomers.

Since moving to Economic Development in 2018, HIPC has:

1. Released timely reports such as A Demographic Profile of Immigrants in Hamilton, Migration and Mobility in Hamilton (secondary migration data), and Exploring Informal Settlement Services in Hamilton;
2. Organized numerous community-focused events such as Newcomer Day, workshops for front-line service providers, and CommuniTea sessions that bring members of the public together to share immigration stories and learn about immigration;
3. Delivered presentations to community partners, potential investors, and local businesses about immigration trends in Hamilton and the local service landscape;
4. Promoted opportunities for City of Hamilton to mentor internationally-trained professionals, resulting in more than 50 city staff volunteering to be mentors across all city departments; and
5. Communicated the benefits of immigration to Hamilton through a growing social media presence and launch of its biweekly ImmPress newsletter. HIPC's social media presence continues to grow, with more than 1700 followers on Twitter and close to 300 Instagram followers. The HIPC website (www.hamiltonimmigration.ca) features HIPC research and local settlement and integration resources.

An overview of funding received by the City of Hamilton from the Federal Government to carry out the work of HIPC is as follows:

Fiscal Year	Funding Period	Amount Received
1	July 15, 2009-March 31, 2010	\$285,195
2	April 1, 2011-March 31, 2011	\$393,145
3	April 1, 2011-March 31, 2012	\$297,168
4	April 1, 2012-March 31, 2013	\$260,311
5	April 1, 2013-March 31, 2014	\$261,266
6	April 1, 2014-March 31, 2015	\$246,818

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7	April 1, 2015-March 31, 2016	\$237,500
8	April 1, 2016-March 31, 2017	\$237,500
9	April 1, 2017-March 31, 2018	\$294,699
10	April 1, 2018-March 31, 2019	\$320,315
11	April 1, 2019-March 31, 2020	\$320,000
12	April 1, 2020-March 31, 2021	\$328,000
13	April 1, 2021-March 31, 2022	\$346,682
14	April 1, 2022-March 31, 2023	\$359,521
15	April 1, 2023-March 31, 2024	\$364,901
16	April 1, 2024-March 31, 2025	\$369,930
	Total Federal Government Funding	\$4,922,951

The new Agreement with IRCC totals \$1,769,034 and will cover the period April 1, 2020 to March 31, 2025. The Agreement is unprecedented in being the longest agreement entered into for HIPC and also that it will take the form of a Grant rather than a Contribution Agreement. Graduation to a Grant Agreement shows confidence by the Federal Government in HIPC and the City of Hamilton and is based on a track record of quality projects and responsible fiscal stewardship. Implementation of activities for 2020-2025 will be guided by HIPC's current and future strategic plans and laid out in annual work plans.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Acceptance of this funding from IRCC will have no direct effect on corporate policies.

RELEVANT CONSULTATION

The Grant Agreement will be reviewed by the Corporate Services Department, Legal Services Division and Finance and Administration.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Immigration to Hamilton continues across all immigration categories (economic class, family class, and refugees), with migration of newcomers from other parts of the province now outpacing direct immigration to Hamilton. Approximately 3,000 to 4,000 newcomers arrive in Hamilton each year, not including international students and temporary workers. As newcomers seek to settle in their new country, they above all look for economic opportunities, availability of services and welcoming communities.

Hamilton has a long history of welcoming immigrants, but our City has been challenged by its high incidence of hate crimes. There is also evidence of continued polarization of views across Canada on immigration and diversity, some of which is being fuelled by the current political climate outside of Canada.

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Employment is a top priority for most newcomers and families, yet finding work continues to be a challenge for many. Newcomers often lack the social and professional networks that can help connect them to employment opportunities. Finding adequate and affordable housing is a growing challenge in Hamilton. Through its own responsibilities as a major employer, housing provider, and as a significant influencer of public opinion, the Municipal government has a distinct leadership and managerial role to play in making Hamilton a more welcoming community.

As with the rest of Canada, immigration is key to Hamilton's future growth and prosperity. How that growth occurs, how immigrants and new Canadians are received into the community, and how these individuals and family integrate and adapt, will have a direct influence on Hamilton's trajectory.

As a community table supported by the City of Hamilton and the Federal Government, HIPC that brings together key stakeholders who share information about immigration and settlement on the ground and take action to directly affect newcomers. For example, HIPC launched an Employment and Language Task Force in 2019 that is working to better connect employers to newcomer talent and to fill local labour market needs. HIPC has worked with multiple community partners to create timely, publicly accessible research to inform local programming and service delivery. HIPC has initiated public education campaigns such as "Hamilton For All" and launched an annual Newcomer Day to celebrate newcomers, showcase services and promote citizenship. Over the past year, HIPC has been an active member of the "No Hate in the Hammer" coalition.

Over the years, HIPC's partners have leveraged millions of dollars in in-kind and financial resources to carry out the work of HIPC. HIPC is a champion and facilitator in connecting community partners and institutions throughout the city and supporting them in working together to ensure the successful settlement and integration of Hamilton's newcomers. Much progress has been made, but needs are great and continued efforts along these lines are necessary components of a prosperous, safe, and growing city.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

**SUBJECT: Hamilton Immigration Partnership Council - Funding Agreement
(20046) (City Wide) - Page 6 of 6**

Culture and Diversity

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

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

N/A

SW:dt



Process & Timeline Summary to Select Canada's Candidate City for the 2026 and/or 2030 Commonwealth Games

Objective: To conduct an open, transparent & fair process to select Canada's Candidate City for the 2026 and/or 2030 Commonwealth Games.

Engagement Phase

- Invite selected Municipalities and Regional Municipalities Done
- Stage a General Bid Briefing Done
- Facilitate consultations between Interested Cities and CGC/CGF, governments Done
- Interested Cities submit Hosting Proposal (Part 1) Done

Feasibility Phase

- Interested Cities Shortlisted Done
- Facilitate consultations between Shortlisted Cities and CGC/CGF, Provincial & Federal governments In Process

Bid Phase

- Shortlisted Cities submit Hosting Proposal (Part 2) March 9, 2020
- CGC Announces Canada's Preferred 2026 and/or 2030 Candidate City(s) March 31, 2020
- Negotiations of a Multi-party Agreement (MPA) between the Preferred Candidate City(s), CGC and 3 orders of Governments TBD
- Upon successful negotiation of an MPA, CGC submits Canada's 2026 and/or 2030 CWGs Candidate City(s) to CGF TBD

The 2026 and 2030 Commonwealth Games Host City will be awarded at the 2020 and 2021 Commonwealth Games Federation (CGF) General Assembly, respectively.



***STAFF PRESENTATION
COMMONWEALTH GAMES 2030
HOSTING PROPOSAL 2
GENERAL ISSUES COMMITTEE – FEB 19, 2020***

- Clarify the role of City Staff in bid process
- Highlights of the Hamilton100 Hosting Proposal Part 2
- Reminder - Bidding Process and Critical Timelines
- Next Steps

Role of City Staff

- Facilitate Hamilton100's access to City staff across the corporation
- Provide accurate and timely information to Hamilton100 to assist in its bid development
- Gather information from Commonwealth Games Canada and Sport Canada to inform the City on bid process
- Facilitate flow of info to GIC from Hamilton100 to support Council's decision making

City Staff Involvement with Bid

CITY MANAGERS OFFICE

Janette Smith City Manager

John Hertel Director Strategic Partnerships &
Communications

John Ariyo Manager Community Initiatives

FINANCE AND CORPORATE SERVICES

Mike Zegarac General Manager

Michael Kyne Deputy City Solicitor

Joe Spiler Manager Capital Budgets and Development

James Dowling Senior Financial Analyst, Corporate
Services

PLANNING AND ECONOMIC DEVELOPMENT

Jason Thorne General Manager

Carrie Brooks-Joiner Director Tourism and Culture

Brian Hollingsworth Director Transportation Planning &
Parking

Sharon Murphy A/Manager Tourism and Events

Alanna Henderson Sport Tourism Product
Development Specialist

HEALTHY AND SAFE COMMUNITIES

Chris Herstek Director Recreation Division

Edward Johns Director Housing Services

Steve Sevor Manager Sport Services, Recreation
Division

PUBLIC WORKS

Rom D'Angelo Director Energy, Fleet and Facilities
Management Division

Debbie Dalle Vedove Director of Transit

Edward Soldo Director Transportation, Operations &
Maintenance

Timeline of Bid Process

<p>MARCH 2019</p> <ul style="list-style-type: none"> -Hamilton100 created and delegates to GIC -direction to staff 	<p>APRIL</p>	<p>MAY</p>	<p>JUNE</p> <ul style="list-style-type: none"> -Report to GIC
<p>JULY</p> <ul style="list-style-type: none"> -site visit from CGC and CGF 	<p>AUG</p> <ul style="list-style-type: none"> -Report to GIC -MOU signed 	<p>SEPT</p> <ul style="list-style-type: none"> -Hosting Proposal 1 submitted to the City 	<p>OCT</p>
<p>NOV</p> <ul style="list-style-type: none"> -Report to GIC -Hosting Proposal 1 submitted to CGC -Joint City/H100 Facilitated meeting #1 	<p>DEC</p> <ul style="list-style-type: none"> -Hamilton invited to continue in bid process by CGC -Revised MOU signed -Joint City/H100 Facilitated meeting #2 	<p>JAN 2020</p> <ul style="list-style-type: none"> -Joint City/H100 Facilitated meeting #3 - Report to GIC 	<p>FEB</p> <ul style="list-style-type: none"> -Hosting Proposal 2 submitted to City -Report to Feb 19 GIC for Feb 26 Council by March 9th Deadline <p><i>(Expected decision by March 31)</i></p>

Financials

INCOME	\$ Local
Public Sector Contribution	1,175,000,000
OC Generated Income	250,000,000
Total Income	1,425,000,000

EXPENDITURE	\$ Local
CEO Office	10,500,000
Commercial	21,650,000
Marketing and Communications	77,350,000
Ceremonies and QBR	32,500,000
Finance and Corporate Services	49,500,000
Human Resources	105,500,000
Games Workforce	8,000,000
Games Family Services	16,250,000
Games Services	28,000,000
Logistics	20,000,000
Transport	50,000,000
Sport	28,000,000
Venue Development and Overlay	619,000,000
Venue Management and Event Services	30,000,000
Village Operations	20,000,000
Security (OC Budget)	140,000,000
Technology and Broadcast	98,750,000
CGF / CGA Payments	30,000,000
Contingency	40,000,000
Total Expenditure	1,425,000,000

Income

- **Public Sector Contribution** **\$1.175 B**
 - City of Hamilton Contribution
 - City estimate **\$200-\$300 M**
 - Hamilton100 assumption **\$100 M**

Venue Development & Overlay \$619 M

21 Sports Venues

- 18 within the City of Hamilton
- 3 within neighbouring municipalities

5 Non-Sport Venues

- Officials Accommodations
- Athletes Accommodations (funded under a separate stream)
- Communications (Press/Broadcast)
- Opening/Closing Ceremonies

- There are points of alignment between City's 10 year capital recreation plan and the Games concept

Entertainment District Implications

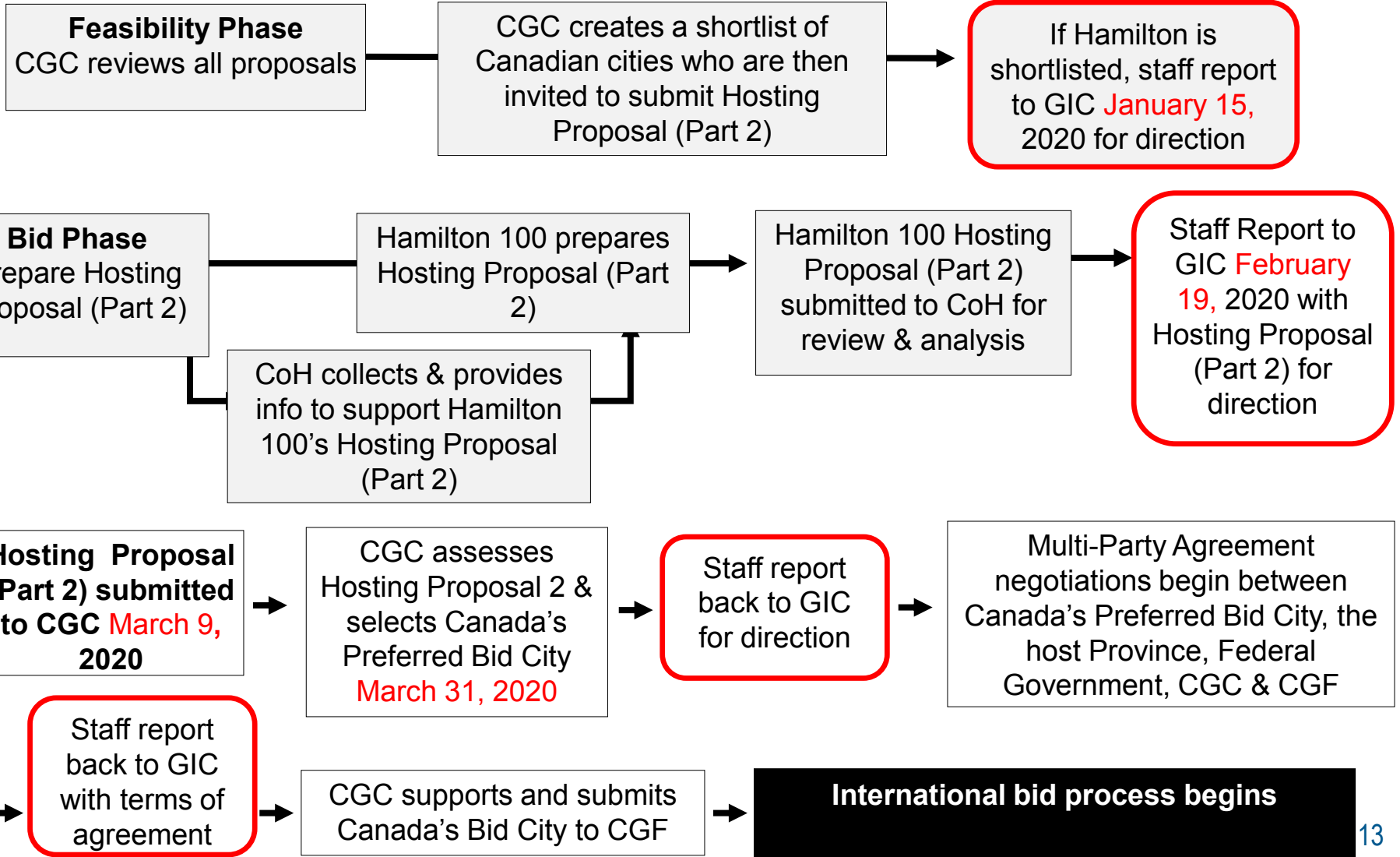
- Downtown arena, convention centre and performance hall are included in Games concept
- Renovated or new venues
- Consideration required for potential entertainment facility sale agreements

- Security is a significant commitment and cost (\$140 M)
- The City has not participated in any direct conversations with Hamilton Police Services about the Games

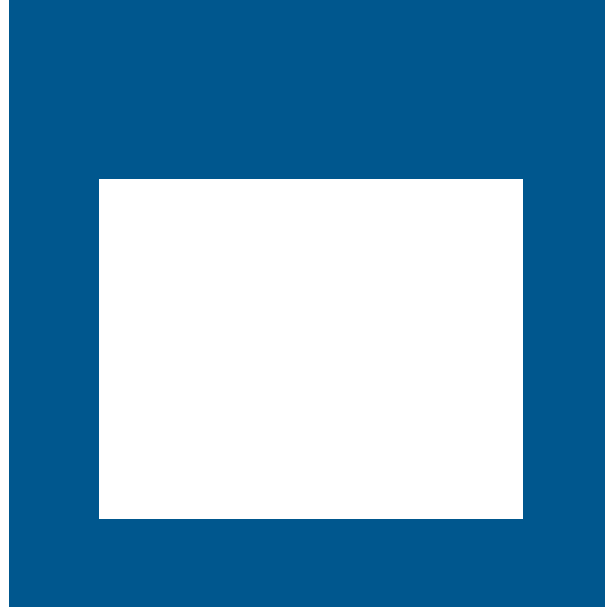
Cultural Program

- Cultural programming is a significant part of the Games experience
- Significant coordination of existing festivals and cultural programming will be required

Domestic Process – Step 2- Feasibility Phase



- Staff are seeking Council direction to:
 - Receive; or
 - Endorse
- Hamilton100 is seeking endorsement of Hosting Proposal 2
 - Letter of endorsement



QUESTIONS?



Moving Forward



Where we are



**Misunderstandings
easily rectified**

Cardus Architect and Heritage Consultant qualified



A stylized, light green outline of a building with multiple windows and a gabled roof, positioned on the left side of the slide.

**Building use is
limited intensity**



Ontario Heritage Trust

A stylized, light green outline of a house with a gabled roof and several windows, positioned on the left side of the page.

Time to go to work



Hamilton

NIKOLA TESLA
EDUCATIONAL

*INSPIRING THE NEXT
GENERATION*

IN HAMILTON SINCE 2015

VIC DJURDJEVIC, PRESIDENT, NTEC



NTEC OVER THE YEARS

- 2014 – Proposal for Nikola Tesla Blvd
- 2015 – Nikola Tesla Blvd Approved
- 2016 – Tesla is on the Map
 - Ribbon cutting
 - Tesla Electric Festival
 - Enhanced awards at BASEF
- 2017 – Tesla Electric City Festival
 - Added McMaster University Scholarship - \$10K/yr.

NTEC OVER THE YEARS

2018

- Tesla Electric City Festival - Celebrated Hamilton 120th Anniversary of Arrival of Power to Hamilton
- Festivities moved to Hamilton Museum of Steam & Technology
- One of largest, if not largest, event at HMST
- Introduced elementary school awards

• 2019

- Tesla Electric City Festival returns growing by 30%
- Introduced Tesla Science Fair at TECF
- Records attendance at HMST – 2,300

For the years – Raised over ¼ Million



Michael Wolfe

- BASEF
- 2015
- 2016
- 2017
- 2018



McMaster University



Malcom
Hodgins



Samuel
Cymbaluk



Theodor
Aoki

Nikola Tesla Scholarship Winner

SUNDAY SEPT. 29 2019 - 11AM TO 5PM

INVITATION TO HAMILTON'S



TESLA ELECTRIC CITY FESTIVAL



FEATURE:
TESLA SCIENCE FAIR

HAMILTON MUSEUM OF
STEAM & TECHNOLOGY



900 WOODWARD AVE

HISTORY • INVENTION • INNOVATION • FUN • FOOD • LIVE ENTERTAINMENT • MARKET PLACE • MAKERS • DEMONSTRATORS

FOLLOW US ON SOCIAL MEDIA

- @teslaeducational
- @ntec_hamilton
- teslaelectricfestival.ca
- teslaeducational.ca

FREE ADMISSION

Courtesy of Nikola Tesla Educational Corporation and The Hamilton Museum of Steam & Technology

BACK TO SCHOOL SUPPLIES FOR KIDS! WHILE QUANTITIES LAST!*

*MUST PRE-REGISTER AT TINYURL.COM/TECF-PRE-REGISTER





NTEC 2020

- Tesla Gala Weekend – 02/29/2020 followed by the Hydro Power Tour – 03/1/2020
- Tesla Electric City Festival September 20, 2020

NTEC Key Initiative

- Raising Money for Public Art Project
- Raising Money for school awards
 - Want to expand to Mohawk college & all elementary & secondary school with awards

School curriculum

School name

Site of Future Public Art Project

Hamilton- the Electric City, Nikola Tesla,



Hamilton

and the 5 Johns

A joint project
funded by:

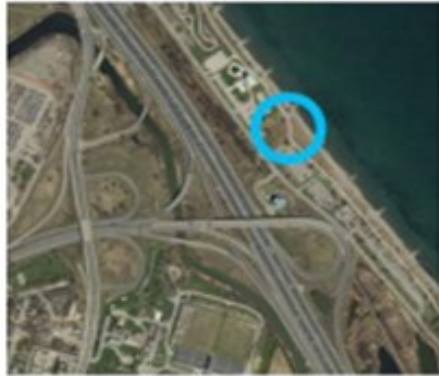


The project is a major project, part of the 2017-2023 Public Art Master Plan. The City has committed \$100,000.00, as a matching for the funds provided by Nikola Tesla Educational Corporation (NTEC). The project will proceed as soon as NTEC raises the necessary funds. The design of the Public Art Project will be subject to an open completion. Donations for the project can be made to

<https://www.teslaeducational.ca/donations/>

5.3.9 Hamilton the Electric City, Nikola Tesla and the Five Johns

VAN WANGERS BEACH



Nikola Tesla Blvd

Q.E.W.



Site: 180 Van Wagner's Beach Road

The Five Johns took advantage of Nikola Tesla's invention of AC power to bring cheap hydro-electric power to Hamilton in the early 1900s, fueling an industrial boom that remade the city and its harbour front. To this day Hamilton is known for the industry that came to Hamilton at that time as it was at the heart of the city's success for a century. This project, to be located near the newly named Nikola Tesla Boulevard and under the Hydro towers that bring power from Niagara to the city, offers an opportunity for artists to celebrate the city's rich industrial heritage.

Scale: Major – Budget \$200,000 (funding partnership with the Nikola Tesla Educational Foundation)



Tesla Electric City Gala

& Hydro Pour Tour

Inspiring the Next Generation

*Welcome to the
Burlington Convention Centre
& Courtyard by Marriott*



February 29, 2020

GALA – INVITATION

- Mayor & all Councillors have been invited to join in the celebration
- Thank you to Councillor Pearson for accepting & who will be representing City of Hamilton & Councillor Collins who is sending two constituents
- **Tickets available until Friday Feb 21st**

Hamilton Innovation 2020

Featuring:

The 160th Anniversary of Opening Hamilton

Waterworks Pumping Station

&

The Tesla Electric City Festival



FREE ADMISSION

HAMILTON

TESLA ELECTRIC CITY FESTIVAL

FOR MORE DETAILS VISIT: www.teslaelectricfestival.ca

SUNDAY

20 SEPT. 2020

11AM - 5PM

Courtesy of Nikola Tesla Educational Corporation and The Hamilton Museum of Steam & Technology



Hamilton Museum of Steam and Technology
900 WOODARD AVE.



Hamilton Innovation 2020

Why together?

TECF established a major draw

TECF – only 1 week later will be the major draw

HMST – will be impacted significantly

Solution - Win-Win

Joint Festival/Celebration

TECF moved up a week

REQUEST TO COUNCIL

- Endorsement of council of concept
- Approval to waive fees for the join festival
- Council members to join the celebration of the 160th Anniversary of Hamilton Water Works by attending the HAMILTON

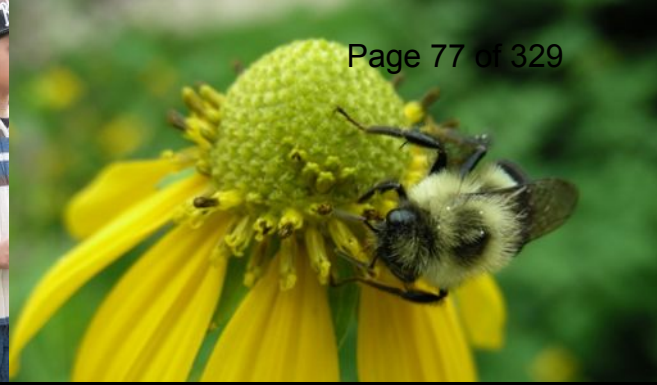
INNOVATION 2020

Gala Weekend info at

www.TeslaElectricFestival.ca

A Biodiversity Action Plan

*to collectively protect nature in
Hamilton and to promote
Nature-based Solutions to the
Climate Emergency.*



Biodiversity is the diversity of all life on earth





1,000+
plant
species



396
bird
species



43
mammal
species



100
butterfly
species



350
bee
species



87
fish
species

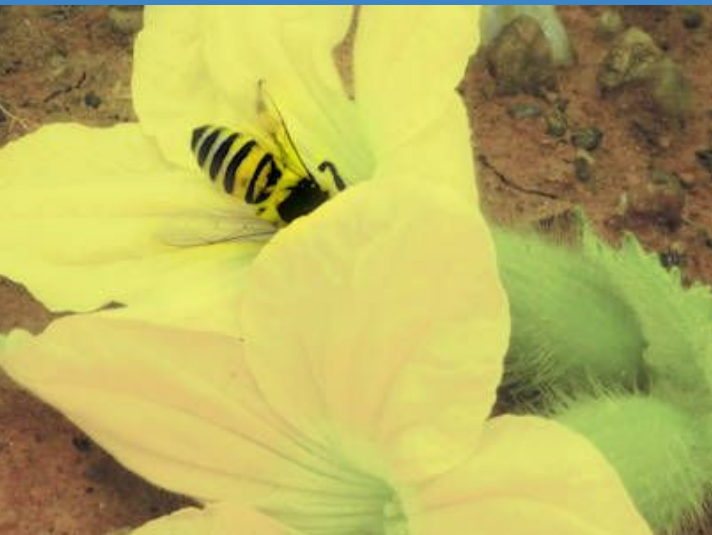
Nature Benefits



Annual Ecosystem Services

= US\$33,000,000,000,000 globally
\$577 billion in pollinating services

Every \$1 invested in nature-based solutions = \$7-30 ROI



Pollination



Fresh Air &
Cooling Effects



Stormwater
Management







Flooding Dundas 2017

Hamilton is the
best place to raise
a child and age
successfully

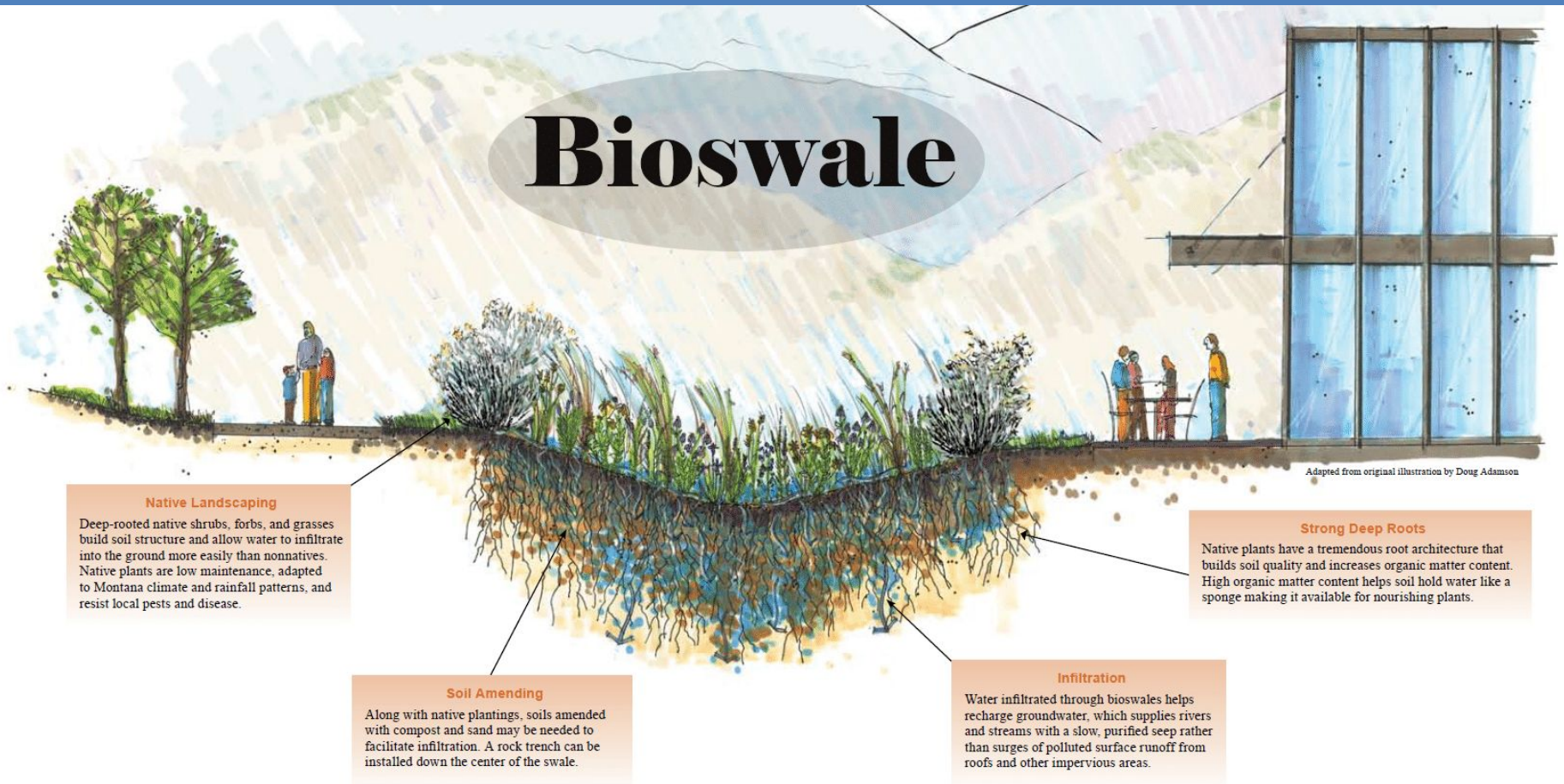
WHAT IS A BIODIVERSITY ACTION PLAN?

Examples of measurable actions

- managing invasive species and planting native species
- education events
- green roof guidelines
- **nature-based solutions** for managing water like bioswales, rain gardens

WHAT IS ALREADY HAPPENING?

Bioswale



WHAT CAN HAPPEN AT LOW COST?



Downspout connected to the sewer pipe. Most homes in the Pocket had downspouts installed in this way.



Downspout disconnected from the sewer pipe so the rainwater flows to the grass or garden.

HCA land acquisition for wetland creation



Smaller projects add up to big impacts

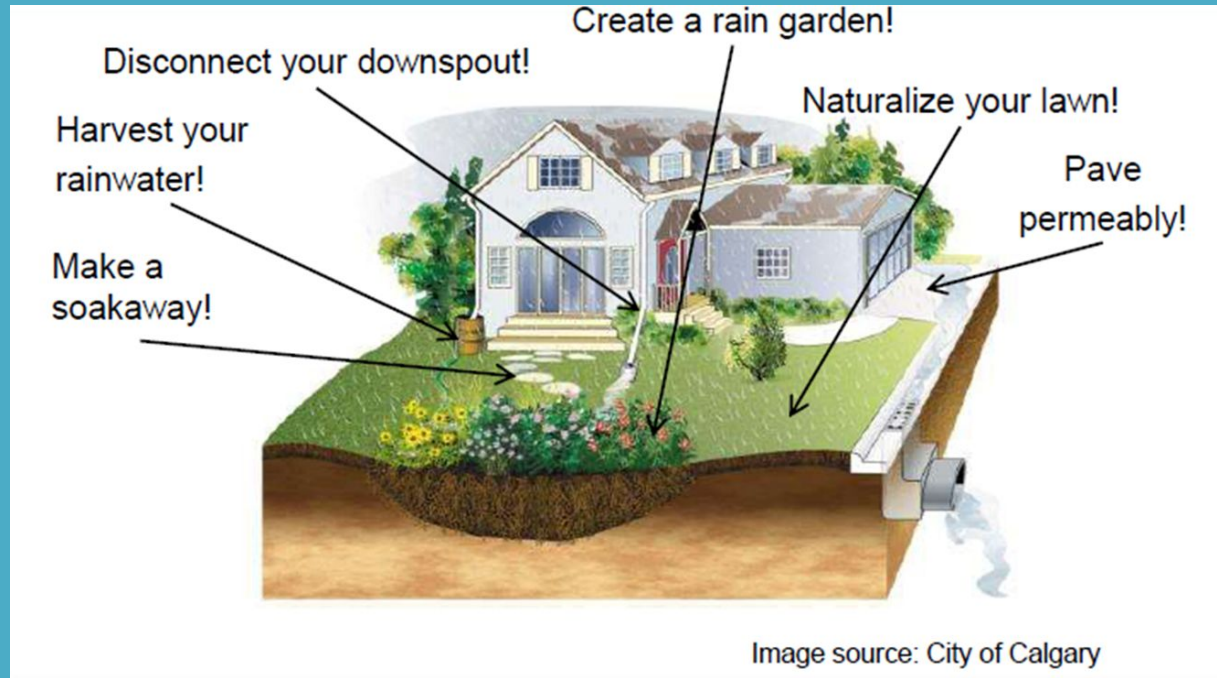


Image source: City of Calgary

We cannot solve the threats of human-induced climate change and loss of biodiversity in isolation.

We either solve both or we solve neither.

Benefits of Nature



2020 Year for Nature

Ecosystem Service examples



\$8.2 Million
ENERGY SAVINGS



\$4.0 Million
GROSS CARBON SEQUESTRATION



\$37.6 Million
POLLUTION REMOVAL



\$4.8 Million
AVOIDED RUNOFF



\$55.0 Million
TOTAL ANNUAL BENEFITS

Urban Forest Ecosystem Services



\$55.0 Million
TOTAL ANNUAL BENEFITS



\$8.2 Million
ENERGY SAVINGS



\$37.6 Million
POLLUTION REMOVAL



\$4.0 Million
GROSS CARBON SEQUESTRATION



\$4.8 Million
AVOIDED RUNOFF

BY THE NUMBERS

Shoppers claim they are
willing to spend

9-12%

MORE

for goods and services in
central business districts that
have high-quality tree canopy.

Nature helps business

In short, nearby nature makes for healthy employees, and healthy employees make for better business.

Hamilton Needs A Win \$1 Billion Transit Project?

Key Pillars

Leadership on Climate Urgency

Reduce Green House Gases

Provide Equity

City-Wide Benefits

A Golden Opportunity to Electrify Transit

**Every Major City in Canada is
Switching to Electric Buses**

**Hamilton Can Afford to
DO IT NOW**

Fully Funded & Manageable Risks

260 buses - \$260 million

100 additional buses - \$100 million

New garage - \$240 million

BLAST System Upgrades - \$400 million

**Immediate Implementation - Run on existing
roads - Immediate Impact**

Operating Savings

15-year lifespan of buses

\$120 million fuel savings

\$95 Million maintenance savings

Figures provided by BYD Bus Company

Climate Benefits

**33% of the Corp. of Hamilton
Green House Gas Emissions
Comes from HSR buses**

16,700,000 km driven per year

Equity

Benefits All Transit Users

Downtown, Mountain, Suburbs

More Equitable Intensification

Attract Development around

Community Hubs

Benefits

- 1. Immediate Elimination of Green House Gases**
- 2. Spread Intensification Throughout City**
- 3. Health Benefits from Reduced Air Pollution**
- 4. Reduced Noise Pollution**
- 5. Operating Savings**
- 6. Image Boost for City - 1st Major City in Canada to go All-Electric**



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 19, 2020
SUBJECT/REPORT NO:	2019 Annual Report on the 2016 - 2020 Economic Development Action Plan Progress (PED20039) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Graeme Brown (905) 546-2424 Ext. 2363
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

To report back on the progress of implementing the 2016 - 2020 Economic Development Action Plan (EDAP) on an annual basis, providing a regular and consistent overview on the status of the 11 Stretch Targets and 61 Actions identified within the Action Plan.

INFORMATION

On December 7, 2016, the 2016 – 2020 EDAP was presented to and approved by City Council. The EDAP communicated six high level goals identified by stakeholders as priorities, and further identified the nine areas of focus that staff would concentrate efforts and resources on to realize those goals.

The EDAP identified 11 measurable stretch targets and 61 specific actions that staff would pursue over the next five years and committed to having staff provide annual updates on the status of each one. The EDAP has been approved for over three years, and the Planning and Economic Development Department (PEDD) has delivered updates on progress made during the past three years in reports to Council in the first half of 2017, 2018, and 2019 (PED17041, PED18066, and PED19036), providing a

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

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

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

SUBJECT: 2019 Annual Report on the 2016-2020 Economic Development Action Plan Progress (PED20039) (City Wide) - Page 2 of 7

baseline for future progress reporting. This Information Report is the fourth annual update, covering progress made during the 2019 calendar year.

Update on the 11 Stretch Targets

The EDAP identified 11 Stretch Targets, which were expected to be ambitious, multi-year objectives that have a quantitatively measurable state of completion, and that City staff could provide a regular status update on. Each of the 11 Stretch Targets have been connected to a relevant City Division, and information relating to the prior year's activities on each Stretch Target have been collected and documented. The information can be found in the attached Appendix "A" to Report PED20039 – 2019 Stretch Target Report Card and summarized in the chart below.

Chart 1: High Level Overview of Stretch Targets Status

Stretch Targets	Current Status of Stretch Goal
Increase Hamilton's shovel-ready land supply 500 acres	On Target
Add seven million square feet of new Industrial/Commercial space	In Progress
Generate a total of \$2 B in Industrial and Commercial construction value	In Progress
Triple the municipal tax assessment from Stelco lands	Behind Target
Extend regular HSR service (connected to the broader BLAST network) to the interior of the Red Hill, Flamborough, and Stoney Creek Business Parks and offer 24/7 service to John C. Munro Hamilton International Airport	In Progress
Reduce Hamilton's office vacancy rate to 7%	In Progress
Add the following new Major economic development assets	
A major film studio	On Target
A data centre	ACHIEVED
An 800-1200 seat multi-use performance centre	On Target
A manufacturing incubation space	ACHIEVED
Have ten local companies on the PROFIT Magazine "Fastest Growing Businesses" list	ACHIEVED
Attract five major events (like the JUNOs) that generate a total combined economic impact of at least \$50 M	ACHIEVED
Achieve Intelligent Communities Forum Top 7 Ranking	ACHIEVED
Enhance Hamilton's Image as a Digital City by enabling access to broadband internet speeds of:	
250 megabit/second to all rural Hamilton	In Progress
1 gigabit/second to all urban Hamilton	In Progress
10 gigabit/second to all of our business parks and major commercial areas	In Progress

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SUBJECT: 2019 Annual Report on the 2016-2020 Economic Development Action Plan Progress (PED20039) (City Wide) - Page 3 of 7

There has been significant progress made on the 11 Stretch Targets established in the EDAP, with three Stretch Targets and parts of a fourth being achieved in in the prior three years. The 2019 calendar year saw a larger than usual (in both quantity and scale) number of commercial and industrial developments announced across the city, which contributed positively towards the Stretch Target goals, as well as notable announcements related to broadband infrastructure and economic development assets.

Two of the 11 Stretch Targets are currently assessed as being “On Target” to be achieved by the end of 2020, with five Stretch Targets being identified as being “In Progress”. Similar to last year, the Stelco lands related stretch target of tripling the 2016 municipal tax assessment for those lands by 2020 has been a challenge to make progress on. In light of the Municipal Property Assessment Corporation (MPAC) reassessment in 2018, and the City’s limited ability to affect the redevelopment of the surplus lands, the status of that Stretch Target has been flagged as “Behind Target”.

Update on the 61 Actions

The 2016 - 2020 EDAP also identified 61 Actions that City staff would pursue completion of over the five-year duration of the EDAP, in addition to their existing work plan responsibilities, with the assistance and partnership of external stakeholders. An overview of the status of all 61 Actions as of the end of 2018 can be seen in the chart below.

Chart 2: High Level Overview of the Status of the 61 Identified Actions

Completed in 2019	5
Total Actions Complete (including those Completed in 2019)	27
In Progress - Expected Completion in 2020	6
In Progress - Ongoing multi-year Actions in 2020	22
Deferred and/or Delayed Actions	6

All of the 61 identified Actions have been started in some capacity, with staff reporting that five actions were completed in 2019, with an additional six actions expected to be completed by the end of 2020. In Report PED19036, staff provided an overview of the 2018 EDAP Work Plan, which forecasted that 13 Actions would be completed.

The following chart provides visibility into the status (as of the end of 2019) of those previously identified Actions and provides an update to that list to include additions to the work plan that took place over the course of the 2019 calendar year.

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Chart 3: Overview of 2019 EDAP Work Plan Progress

2019 Workplan - Actions Completed or Deferred in 2019	Status
Create an international business "Soft-Landing" space in Hamilton	Completed
Create and implement a Life Science Sector Strategy	Completed
Pursue extension in scope and funding for programs delivered by the Hamilton Business Centre	Completed
Redevelopment of the Tourism website	Completed
Design a targeted multi-year marketing campaign related to Hamilton's commercial office opportunities	Added and Completed
Obtain official designation for lands around the Hamilton International Airport as a Foreign Trade Zone Point	Significant Progress in 2019 - Completion in 2020
Complete a comprehensive asset mapping exercise of all ICT sector companies and infrastructure	Significant Progress in 2019 - Completion in 2020
Develop and implement an ICT and Digital Media Sector Strategy	Significant Progress in 2019 - Completion in 2020
Create an updated Global Hamilton Strategy (formerly known as the Immigration Attraction Strategy)	Significant Progress in 2019 - Completion in 2020
Complete a feasibility study on a food business incubator to provide space, training, resources and distribution assets for entrepreneurs to access wholesale or retail markets	Deferred until 2020+
Update the Goods Movement Sector Strategy	Deferred until 2020+
Create and implement a Digital Strategy for the City of Hamilton that identifies strategies to improve the ICT infrastructure (broadband internet) in the City	Deferred until 2020+
Conduct analysis on the viability of operating the Hamilton Business Centre across multiple sites in the City	Deferred until 2020+
Create and implement a comprehensive Business Succession Program	Deferred until 2020+

Of the 13 Actions originally scheduled to be complete in 2019, only four were completed during the calendar year, but an additional Action that was not originally identified was started and completed, bringing the annual total of completed actions to five. Four Actions are close to completion and are expected to be complete in early 2020, and the remaining five Actions were deferred until 2020 or later based on feedback from stakeholders and partners, the identification of new partners or champions helping to

SUBJECT: 2019 Annual Report on the 2016-2020 Economic Development Action Plan Progress (PED20039) (City Wide) - Page 5 of 7

deliver those Actions, or a changing landscape that has impacted the importance or need of the Action as originally identified in 2016.

As done in the previous annual updates, this information report includes a list of Actions that are forecasted to be completed during the final calendar year of the 2016 - 2020 EDAP. The following charts lists the six Actions that are expected to be complete during 2020 (Chart 4), the six Actions that are likely deferred or delayed past 2020, as well as the list of the 22 ongoing multi-year Actions that will see further progress in 2020 (Chart 5).

Chart 4: Actions Expected to be Complete in 2019

Actions to be Complete in 2019	Area of Focus
Complete a feasibility study on a food business incubator to provide space, training, resources and distribution assets for entrepreneurs to access wholesale or retail markets	Agriculture/Food Processing Key Sector
Obtain official designation for lands around the Hamilton International Airport as a Foreign Trade Zone Point	Goods Movement - Key Sector
Complete a comprehensive asset mapping exercise of all ICT sector companies and infrastructure	ICT/Digital Media - Key Sector
Develop and implement an ICT and Digital Media Sector Strategy	ICT/Digital Media - Key Sector
Create an updated Global Hamilton Strategy (formerly known as the Immigration Attraction Strategy)	International Connectivity
Create and implement a comprehensive Business Succession Program	Workforce Development

Chart 5: Deferred and/or Delayed Actions as of 2020

Deferred and/or Delayed Actions	Status
Establish a food terminal or hub for food producers to distribute their products	Deferred until 2020+
Update the Goods Movement Sector Strategy	Deferred until 2020+
Create and implement a Digital Strategy for the City of Hamilton that identifies strategies to improve the ICT infrastructure (broadband internet) in the City	Deferred until 2020+
Conduct analysis on the viability of operating the Hamilton Business Centre across multiple sites in the City	Deferred until 2020+
Create strategy to maximize future economic uplift and actions resulting from the LRT project	Deferred until 2020+
Implement the council-approved LRT project	Deferred until 2020+

SUBJECT: 2019 Annual Report on the 2016-2020 Economic Development Action Plan Progress (PED20039) (City Wide) - Page 6 of 7

Chart 6: Ongoing multi-year Actions in 2020

Ongoing multi-year Actions in 2020	Area of Focus
Implement the State of Manufacturing in Hamilton (Advanced Manufacturing) Strategy	Advanced Manufacturing - Key Sector
Implement the Food and Farming Action Plan 2021 to support the agricultural sector	Agriculture / Food Processing - Key Sector
Implement the Music Strategy and launch the City of Music marketing efforts	Creative Cultural Industries - Key Sector
Implement the Cultural Plan	Creative Cultural Industries - Key Sector
Create a City of Animation Strategy targeting the improvement of public space animation	Creative Cultural Industries - Key Sector
Promote the Airport Employment Growth District as a North American Gateway hub for logistics, distribution and goods movement	Goods Movement - Key Sector
Create and implement a Digital Strategy for the City of Hamilton that identifies strategies to improve the ICT infrastructure (broadband internet) in the city	ICT / Digital Media - Key Sector
Implement the City of Hamilton's 2015 FDI Strategy	International Connectivity
Implement the Invest in Hamilton/Niagara Partnership Work Plan	International Connectivity
Acquire lands in industrial parks for business attraction	Leveraging City Real Estate Interests
Strategically sell surplus City properties	Leveraging City Real Estate Interests
Implement the West Harbour Redevelopment plans	Leveraging City Real Estate Interests
Implement the Bayfront Strategy	Leveraging City Real Estate Interests
Implement process for the prioritization of non-residential applications and permits	Open for Business
Complete a comprehensive review of the City's Business Licensing By-law	Open for Business
Conduct analysis on the viability of operating the SBEC across multiple sites in the city	Small Business Development
Leverage Regional Innovation Centre and the ONE Network to enhance the reach, scope and impact on the Hamilton community	Small Business Development
Implement the 2015-2020 Tourism Strategy	Tourism - Key Sector
Enhance and animate the Visitor Centre to include opportunities to support Creative Industries and Culture & Diversity	Tourism - Key Sector
Provide regular, reliable, and frequent transit access to all business parks	Transportation Infrastructure
Complete the BLAST network to link workers to employment areas across all parts of the City	Transportation Infrastructure
Implement the recommendations provided by the Mayor's Blue Ribbon Task Force for Workforce Development	Workforce Development

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

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

**SUBJECT: 2019 Annual Report on the 2016-2020 Economic Development Action
Plan Progress (PED20039) (City Wide) - Page 7 of 7**

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED20039 – 2019 Stretch Target Report Card

GB:dt

2019 Stretch Target Report Card

Stretch Targets	Lead Area(s)	Prior Year Performance (2019)	Cumulative Performance (2016-2019)	Current Year Trend (2020)	Current Status of Stretch Goal
Increase Hamilton's shovel-ready land supply 500 acres	Growth Management	Not Yet Available	459.5 acres (395.5 acres industrial, 64 acres commercial)	Not Yet Available	On Target
Add seven million square feet of new Industrial/Commercial space	Economic Development	1,306,000 square feet added 615,000 square feet of commercial 691,000 square feet of industrial	4,576,000 square feet added 1,924,000 square feet of commercial 2,652,000 square feet of industrial	A number of known projects expected to be realized in 2019 and 2020 should significantly contribute to the target.	In Progress
Generate a total of \$2 B in Industrial and Commercial construction value	Economic Development	\$363 M in estimated value \$138 M commercial \$225 M industrial	\$1,346 M in estimated value \$710 M commercial \$636 M industrial	There are a number of known projects expected to be realized in 2020 which should significantly contribute to the target.	In Progress
Triple the municipal tax assessment from Stelco lands	Economic Development	\$44.6 M total assessment CTN - \$5.6 M LTN - \$28.7 M LUN - \$10.3 M	(\$65.8 M) total assessment CTN - (\$1.5 M) LTN - (\$64.7 M) LUN - \$400 K	Stelco has purchased all of the lands from the Receiver and is working to put an industrial subdivision plan in place. The City is working with them to field enquiries.	Behind Target
Extend regular HSR service (connected to the broader BLAST network) to the interior of the Red Hill, Flamborough, and Stoney Creek Business Parks and offer 24/7 service to John C. Munro Hamilton International Airport	Transit	Small improvements made by HSR.	Small improvements made by HSR.	Major change is on hold until Area Rating is discussed during current term of council or other funding sources are identified.	In Progress
Reduce Hamilton's office vacancy rate to 7%	Economic Development	Downtown Urban Growth Centre Vacancy Rate of 11.9% in 2019.	A total reduction of 1.92% based on the reported vacancy rate of 13.82% in 2016.	Continue to promote Hamilton as a premier place to locate and grow a business.	In Progress
Add the following new Major economic development assets					
A major film studio	Tourism and Culture	In 2019, Aeon Studio Group announced a proposal to bring a 15-acre film, TV and digital media production campus with residential and retail space to Hamilton's Barton-Tiffany lands, and is completing due-diligence on the project, with plans to provide an update in early 2020.	Discussions and new enquiries with various developers/businesses wanting to build/open a full-service film studio in Hamilton who have filmed in the City within the last two years.	Continue to respond to an increase in number of business enquiries. Indications are reasonable strong for reaching this stretch target.	On Target
A data centre	Economic Development	Supported efforts of partners and interested external parties to build a business case for a large data centre in Hamilton.	One data centre has been established (Cryptoglobal). Have received a number of investment inquiries; Met with Hamilton's public CTO's to assess co-location interest; Partnered with CIRC to conduct a feasibility study.	Pursuing new data centre leads.	ACHIEVED
An 800-1200 seat multi-use performance centre	Economic Development	Mohawk College continues to market and upgrade the MacIntyre Centre to meet the identified needs for a multi-use space. The New Vision Music Hall project is another opportunity being pursued to meet this market need.	Participated in discussions, assisted with feasibility study and responded to enquiries about locations for potential new venue.	Continue to support efforts and enquiries.	On Target
A manufacturing incubation space	Economic Development	Innovation Factory, The Forge and the Centre for Integrated Transportation and Mobility expanded into a 10,000 square foot collaborative space at McMaster Innovation Park.	A large expansion project to enhance the size, scale and scope of company incubation programs and amenities in Hamilton was announced and completed.	Continued growth of activity and company incubation at the new space.	ACHIEVED
Have ten local companies on the PROFIT Magazine "Fastest Growing Businesses" list	Economic Development	Hamilton had 7 companies on the list in 2019 - Six companies on the Growth 500 list - One company on the Start-up 50 list	The number of Hamilton companies featured on "Fastest Growing Businesses" lists have consistently been higher than the 2015 year total of four.	The "Hamilton Fast 40" program will be run again in 2020 to identify candidates for national recognition.	ACHIEVED
Attract five major events (like the JUNOs) that generate a total combined economic impact of at least \$50 M	Tourism and Culture	Secured the 2021 Grey Cup.	Secured North American Indigenous Games 2017 (selected sports/cultural festival), Canadian Country Music Week (2018 and 2020), the RBC Canadian Open (2019 and 2023) and the 2021 Grey Cup.	Continuing to pursue additional major meetings and conventions, events and sports tournaments.	ACHIEVED
Achieve Intelligent Communities Forum Top 7 Ranking	City Wide	The City of Hamilton was announced a SMART 21 Intelligent Community in October 2019 and submitted its application to be considered at TOP & Intelligent Community in December 2019..	Hamilton did not submit an application in 2016 or 2018. Hamilton submitted an application in 2017 and 2019 and was successful in being designated a Top 7 (2018) and SMART 21 (2019) City based on those applications.	Continue to pursue TOP 7, TOP 3 and 2020 Intelligent Community recognition.	ACHIEVED
Enhance Hamilton's Image as a Digital City by enabling access to broadband internet speeds of: 250 megabit/second to all rural Hamilton 1 gigabit/second to all urban Hamilton 10 gigabit/second to all of our business parks and major commercial areas	Chief Digital Officer	The City of Hamilton continued to participate in discussions with various internet infrastructure organizations and associated stakeholders to advocate for additional or expedited investments in infrastructure.	The City of Hamilton and the other Digital City partners are working on a collective strategy to advance the state of broadband and other internet infrastructure in Hamilton. Telecommunications companies continue to build infrastructure to support their customer base.	Continue to participate in discussions with various internet infrastructure organizations and associated stakeholders to advocate for additional or expedited investments in infrastructure.	In Progress

EC DEV ACTION PLAN

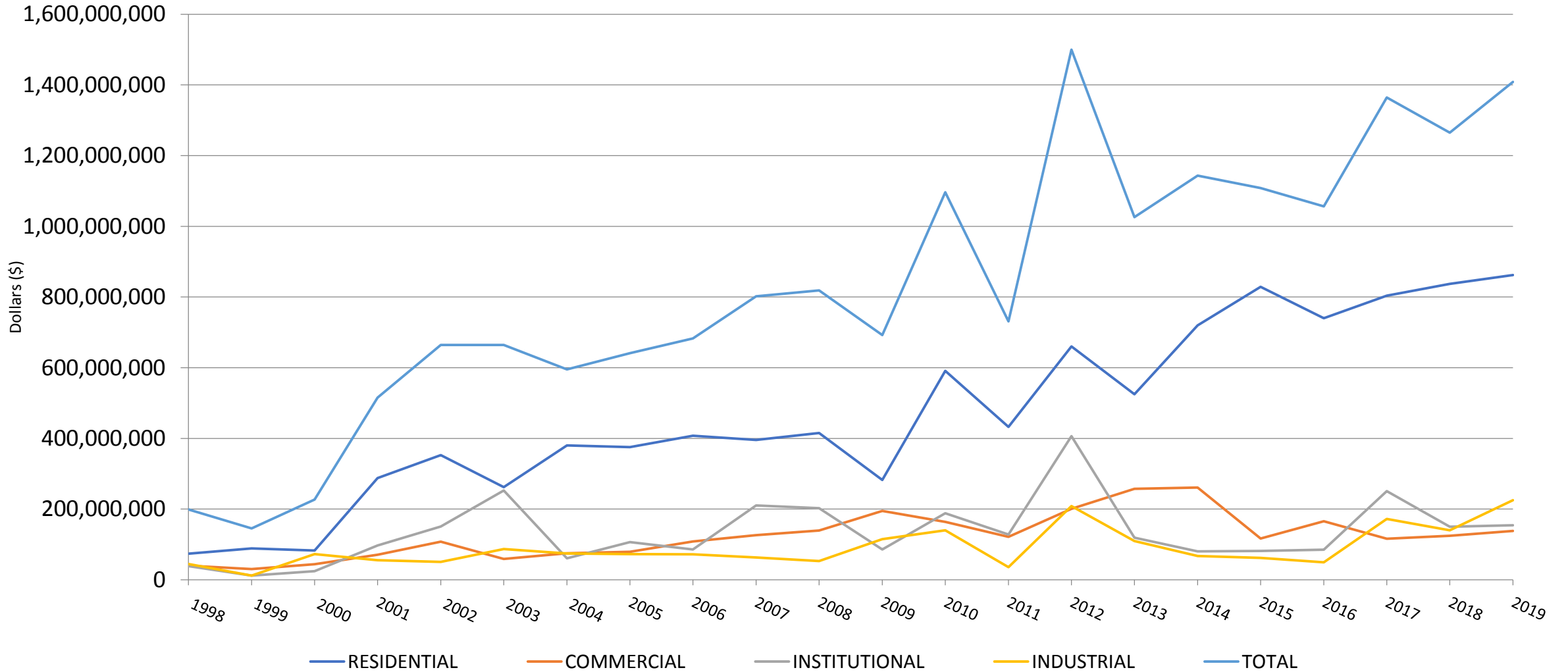
2019 Annual Update

End of Year Four



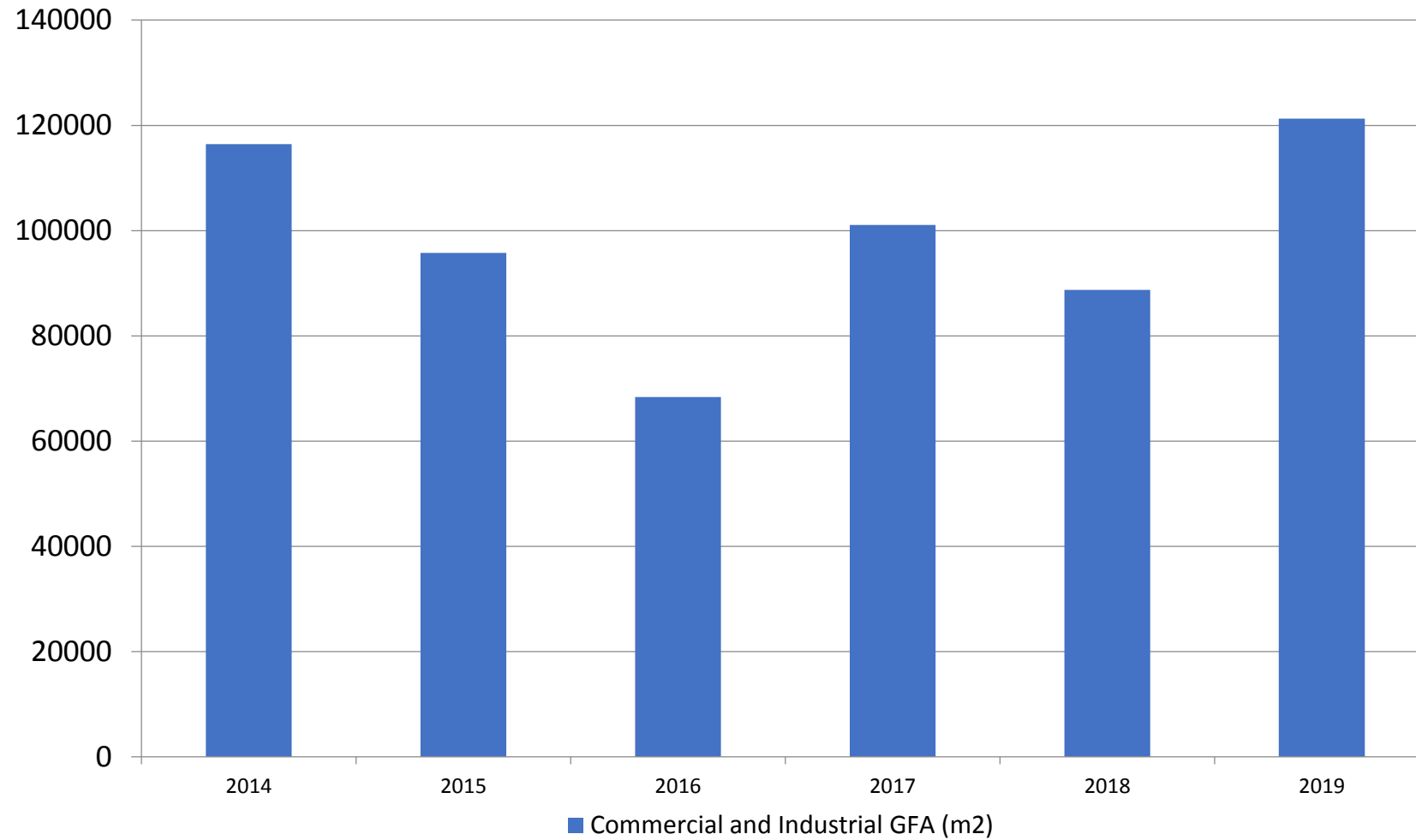
2019 Highlights

City of Hamilton - Annual Building Permit Values



2019 Highlights

Total Commercial and Industrial GFA (m²)



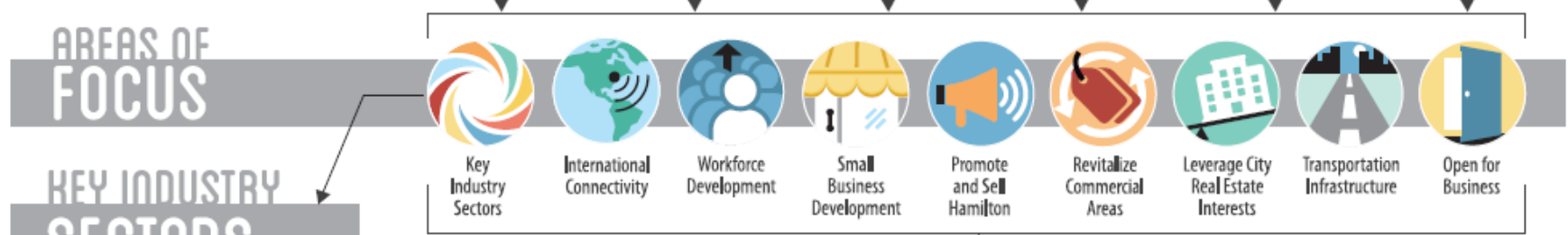
2019 Highlights

Total Construction Value (incl. airport)	<i>Record Year</i>
Housing Units	<i>Record Year</i>
Industrial Construction	<i>Record Year</i>
Non-Residential GFA (incl. airport)	<i>Record Year</i>

CITY OF HAMILTON
STRATEGIC PLAN PRIORITIES
 2016-2025



ECONOMIC DEVELOPMENT ACTION PLAN 2016-2020



ACTIONS & STRETCH TARGETS

ACTIVITIES

Hamilton, Canada



2nd

Tech Cities of “Opportunity”
in North America
(2019 Scoring Tech Talent Report)

3rd

Growth in Value of Building
Permits in Canada
(2019)



Top7 Intelligent Communities of
the Year (2020)

3rd

Canada’s BEST Communities –
Large Cities (2019)

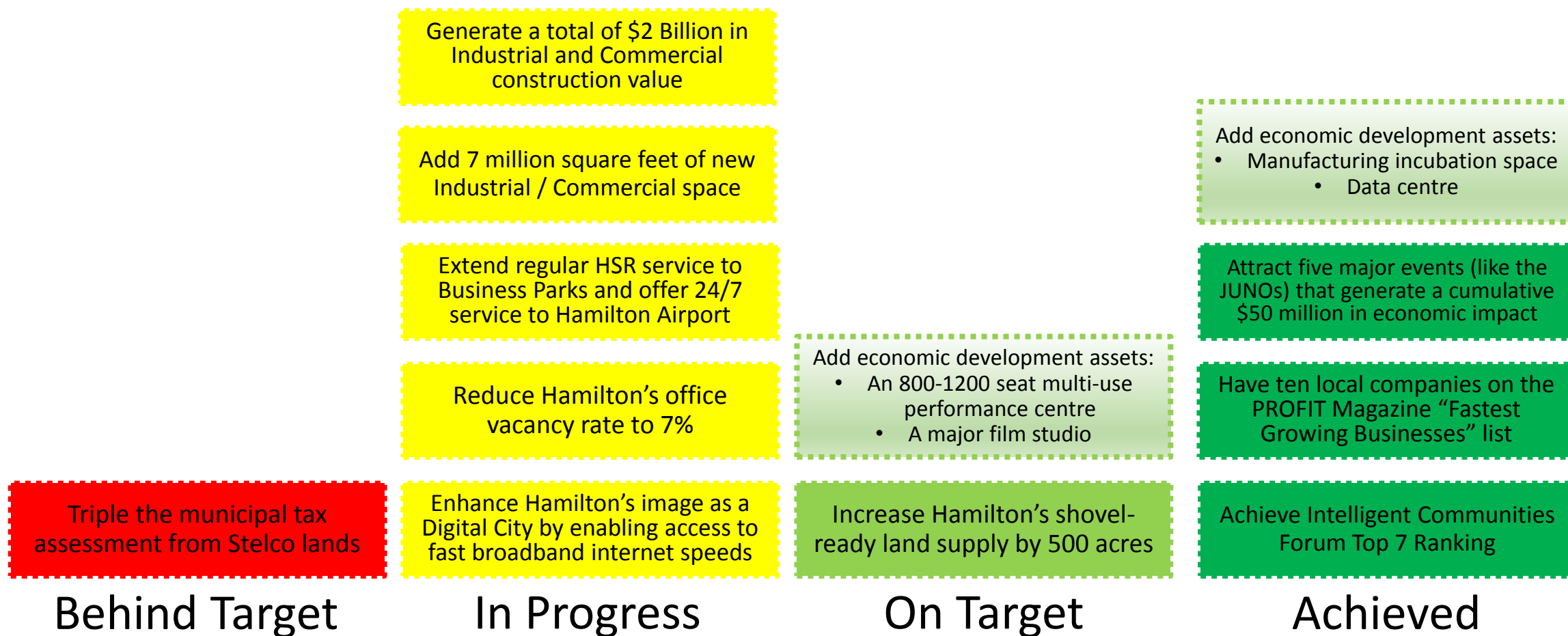
What is a *Stretch Target*?

- Specific and aggressive objectives that cannot be realized by increments or small improvements.
- They are ambitious targets that will help focus and direct our work.
- Our current Action Plan has 11 Stretch Targets.

What is an *Action*?

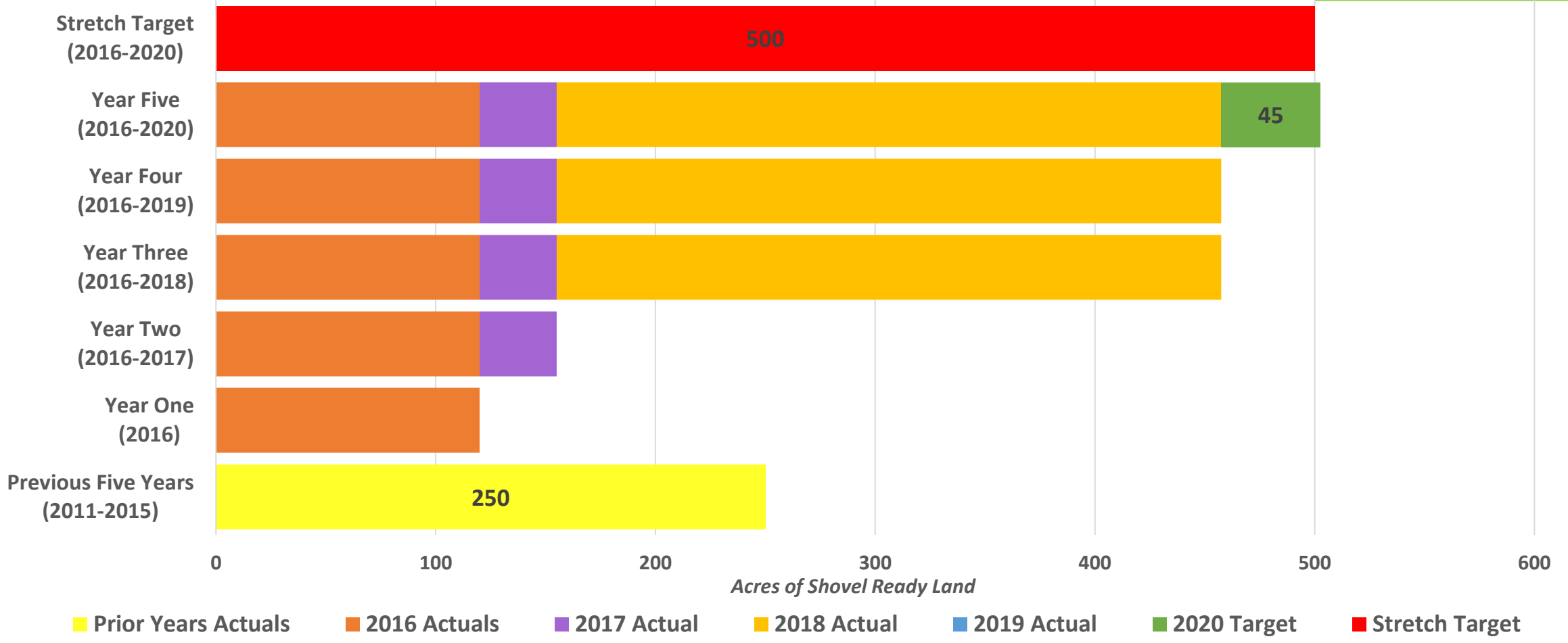
- A major initiative that requires dedicated financial resources and staff time, and is supported by a number of staff led activities and activities led by our external partners.
- Our current Action Plan has 61 Actions.

Stretch Target Overview (End of 2019)



Increase Hamilton's shovel-ready land supply by 500 acres

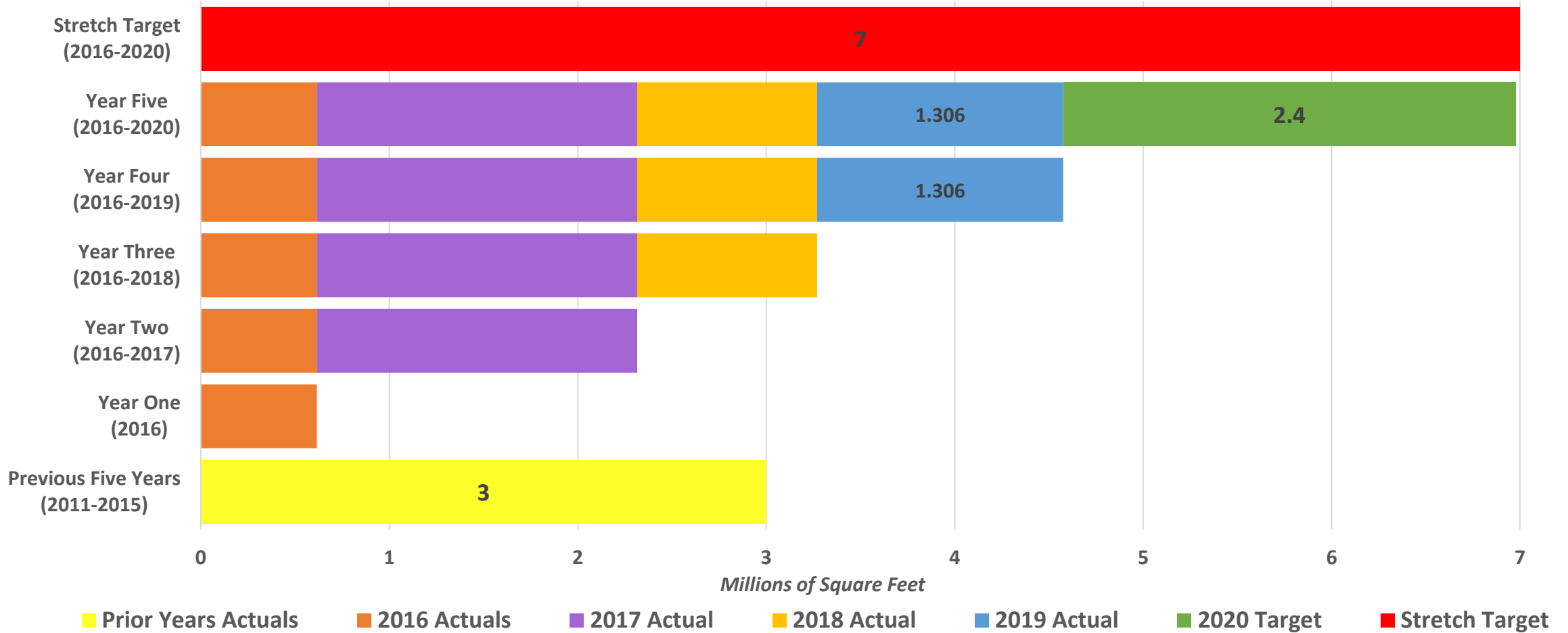
ON TARGET



Based on information provided by the Growth Management Division.

Add 7 million square feet of new Industrial and Commercial space

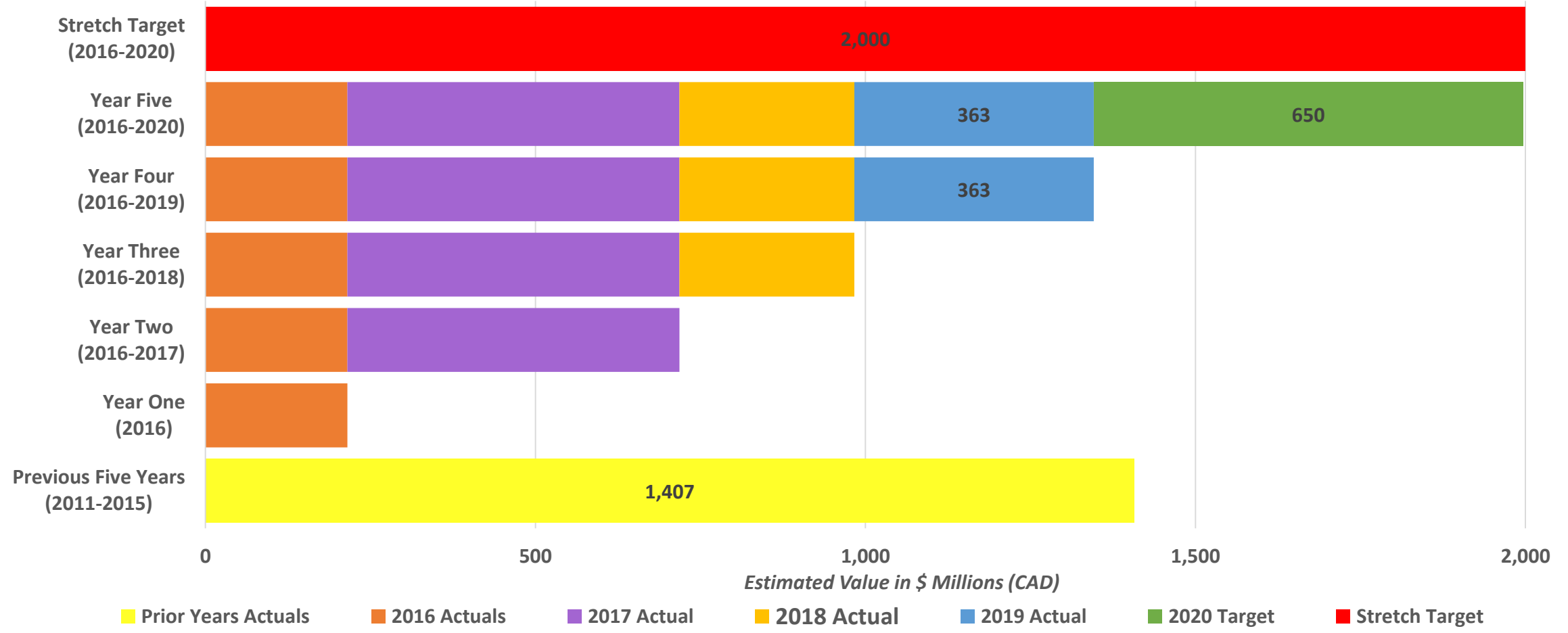
**IN
PROGRESS**



Based on information provided in building permits, obtained from the Building Division.

Generate a total of \$2 Billion in Industrial and Commercial construction value

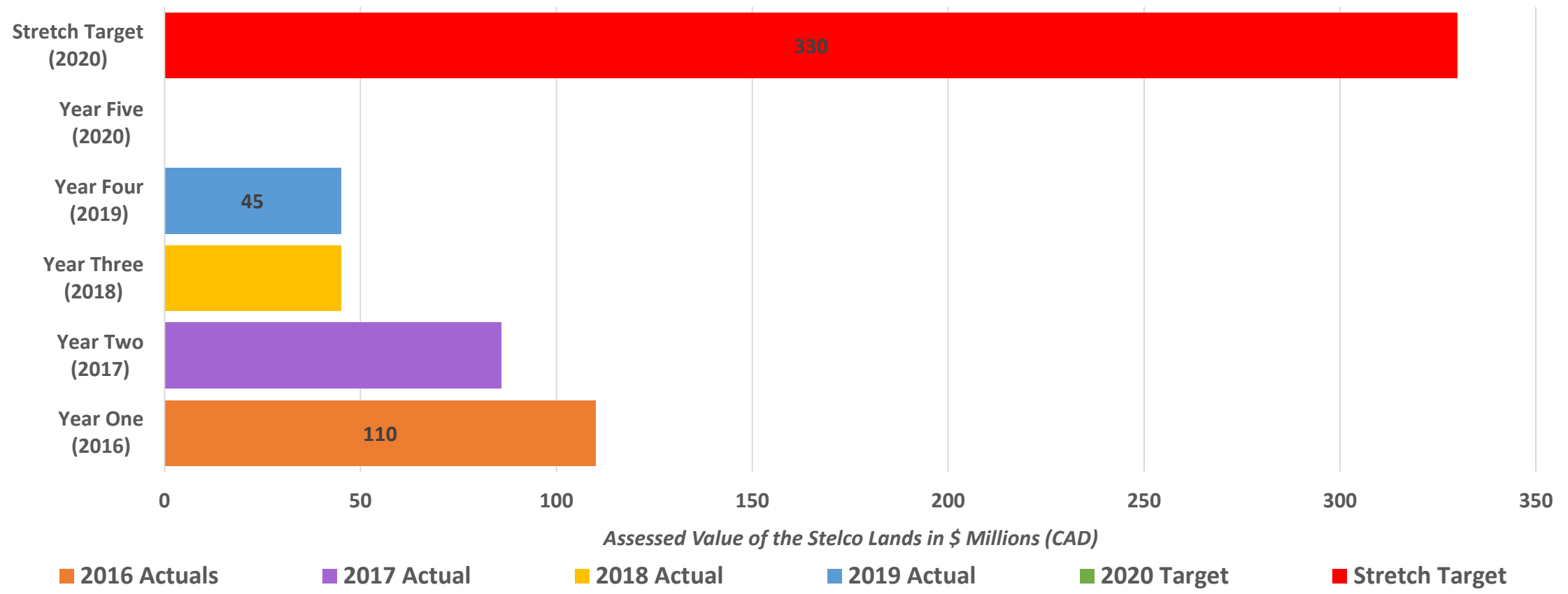
**IN
PROGRESS**



Based on information provided in building permits, obtained from the Building Division.

Triple the municipal tax assessment generated from Stelco lands

BEHIND TARGET



Based on assessments conducted by MPAC. Information provided by the Corporate Services Department.

Extend regular HSR service to the interior of the Red Hill, Flamborough, and Stoney Creek Business Parks and offer 24/7 service to the Airport

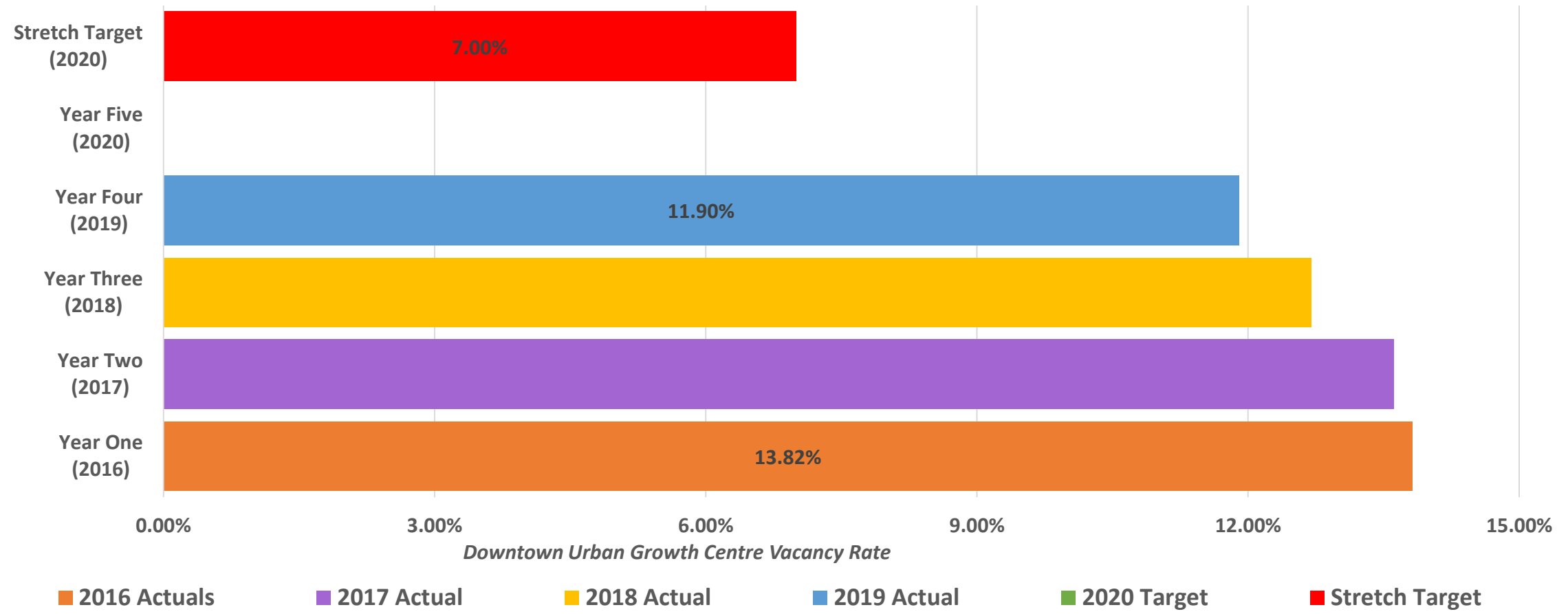
**IN
PROGRESS**



Major change is on hold until Area Rating is discussed during the current term of council or other funding sources are identified.

Reduce Hamilton's office vacancy rate to 7%

**IN
PROGRESS**



Based on information provided semi-annually by property owners in the Downtown Urban Growth Centre.

Add the following new major economic development assets

ON TARGET

Major film studio



Multiple Inquiries Discussions Ongoing

Data centre - ACHIEVED



Operation established in Hamilton

An 800-1200 seat multi-use performance centre



Multiple Inquiries Discussions Ongoing

Manufacturing incubation space - ACHIEVED



Have ten local companies on Canadian Business Magazine's "Fastest Growing Businesses" list

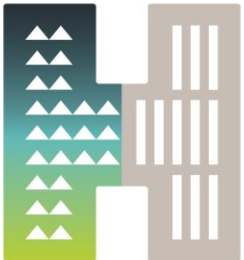
ACHIEVED

FAST40
HAMILTON



Attract five major events (like the Junos) that generate a total combined economic impact of at least \$50 million

ACHIEVED



TOURISM HAMILTON
It's in our character



2021



2018 and 2020



2017

* Selected sports and cultural festival held in Hamilton



2019 and 2023

Achieve Intelligent Communities Top 7 ranking



TOP7
INTELLIGENT
COMMUNITIES
OF 2018

TOP7
INTELLIGENT
COMMUNITIES
OF THE YEAR

*Hamilton was announced as a Top 7
Community again for 2020 on February 10th.*

Enhance Hamilton's image as a Digital City by enabling access to broadband internet speeds of:



250 megabit / second
to all rural Hamilton

1 gigabit / second
to all urban Hamilton

10 gigabit / second
to all business parks and
commercial areas



\$400M broadband internet infrastructure investment announced in January 2020.

Update on the 61 Actions

The status of all 61 Actions as of the end of 2019 can be seen in the chart below.

Completed in 2019	5
Total Actions Complete	27
In Progress - Expected Completion in 2020	6
In Progress - Expected Completion after 2020	22
Deferred and/or Delayed Actions	6

Update on the 61 Actions

Actions to be Complete in 2020	Area of Focus
Complete a feasibility study on a food business incubator to provide space, training, resources and distribution assets for entrepreneurs to access wholesale or retail markets	Agriculture/Food Processing - Key Sector
Obtain official designation for lands around the Hamilton International Airport as a Foreign Trade Zone Point	Goods Movement - Key Sector
Complete a comprehensive asset mapping exercise of all ICT sector companies and infrastructure	ICT/Digital Media - Key Sector
Develop and implement an ICT and Digital Media Sector Strategy	ICT/Digital Media - Key Sector
Create an updated Global Hamilton Strategy (formerly known as the Immigration Attraction Strategy)	International Connectivity
Create and implement a comprehensive Business Succession Program	Workforce Development

Update on the 61 Actions

Deferred and/or Delayed Actions	Status
Establish a food terminal or hub for food producers to distribute their products	Deferred until 2020+
Update the Goods Movement Sector Strategy	Deferred until 2020+
Create and implement a Digital Strategy for the City of Hamilton that identifies strategies to improve the ICT infrastructure (broadband internet) in the City	Deferred until 2020+
Conduct analysis on the viability of operating the Hamilton Business Centre across multiple sites in the City	Deferred until 2020+
Create strategy to maximize future economic uplift and actions resulting from the LRT project	Deferred until 2020+
Implement the council-approved LRT project	Deferred until 2020+

2021-2026 Economic Development Action Plan



The next five year Economic Development Action Plan is in the early stages of completion.

Expected Arrival in Q4 2020

Questions



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Tourism and Culture Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 19, 2020
SUBJECT/REPORT NO:	Proposal for the Adaptive Re-Use of Balfour House/Chedoke Estate (PED19168(a)) (Ward 14) (Outstanding Business List Item)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	John Summers (905) 546-2424 Ext. 1747
SUBMITTED BY:	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
SIGNATURE:	

Discussion of Appendix "A" to Report PED19168(a), in Closed Session would be pursuant to Section 8.1, Sub-section (i) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (i) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

RECOMMENDATION

- (a) That the City of Hamilton support, in principle, the use of the Balfour House/Chedoke Estate (Balfour) for office, meeting and retreat use, subject to meeting all necessary planning and building approvals, and conditional upon The Cardus Institute(Cardus) satisfying the Ontario Heritage Trust (OHT) with respect to the intensity of the use and potential impacts on the heritage attributes of the building and site;
- (b) That the City request that the Ontario Heritage Trust and The Cardus Institute work together directly to discuss and resolve the issues raised in the

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SUBJECT: Proposal for the Adaptive Re-Use of Balfour House/Chedoke Estate (PED19168(a)) (Ward 14) - Page 2 of 9

correspondence from the Ontario Heritage Trust to the City of Hamilton dated August 1, 2019 and December 19, 2019;

- (c) That, until the Ontario Heritage Trust approves an adaptive reuse project at the Balfour House/Chedoke Estate, the role of City staff be limited to providing any necessary inputs to either The Cardus Institute or the Ontario Heritage Trust to support their discussions;
- (d) That, should the Ontario Heritage Trust approve an adaptive reuse project at Balfour House/Chedoke Estate by The Cardus Institute, staff report back to the General Issues Committee(GIC) and identify the required resources to fulfil an enhanced role as Project Manager as required by the Ontario Heritage Trust;
- (e) That, should The Cardus Institute be successful in obtaining, in writing, the support of the Ontario Heritage Trust for their proposed adaptive reuse of Balfour House/Chedoke Estate, City staff be directed to negotiate a Memorandum of Understanding (MOU) with The Cardus Institute for a sub-leasing agreement, and report back to Council, and that the MOU include terms and conditions that, at minimum, achieve the following:
 - (i) The City will not be responsible for any capital costs;
 - (ii) The sub-lease would generate net positive revenues to the City, inclusive of any City costs associated with administering the sub-lease;
 - (iii) Any uses would not require any amendments to the City's applicable zoning by-law or Official Plan;
 - (iv) All applicable planning and building approvals are met, including a review and approval of any traffic and parking impacts;
 - (v) Frequent opportunities for free public access to Balfour House itself, and ongoing free public access to the grounds.

EXECUTIVE SUMMARY

Balfour House/Chedoke Estate is located at 1 Balfour Drive in Hamilton. The heritage property is owned by the Ontario Heritage Trust and managed by the City of Hamilton. The house and outbuilding are in a state of good repair and the OHT is satisfied with the current oversight provided by the City.

The Cardus Institute has expressed interest in leasing Balfour and modifying the building for its own office, meeting and retreat uses. Cardus has provided the City of Hamilton with a Functional Plan outlining the proposed uses and adaptive reuse of the heritage house. The OHT has provided preliminary comments on the submitted documents. The OHT characterizes the proposed use to be a "significant intensification" and notes that the proposal is missing "fundamental information" and

SUBJECT: Proposal for the Adaptive Re-Use of Balfour House/Chedoke Estate (PED19168(a)) (Ward 14) - Page 3 of 9

requires additional detail and analysis prior to the OHT “undertaking further review and before approving any sub-lease arrangement between the City and the proponent”.

Staff is seeking Council’s direction on the City’s role with respect to the ongoing review of this proposal and communication with the involved parties.

Alternatives for Consideration - See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications unless and until the City of Hamilton has approval to negotiate a sub-lease. The annual operating expense for Balfour is approximately \$20 K. With revenue from commercial filming, the average annual net impact on the municipal levy since 2015 has been \$8,000. There are currently no planned capital works for the property within the Division’s capital plan.

The Cardus Institute has provided their consolidated statement of financial position dated December 31, 2018. This confidential document is attached as Appendix “A” to Report PED19168(a).

Staffing: Tourism and Culture staff will continue to perform their present role on behalf of the OHT as per the terms of the current agreement. Should any additional staff work be required, staff will report back to the General Issues Committee on the implications of change in role.

Legal: At such time as staff report back with the draft terms of an MOU with Cardus for a sub-lease, Legal Services will provide support and advice regarding the terms and conditions and assist in preparation of a sub-lease, if approved.

HISTORICAL BACKGROUND

The Ontario Heritage Trust is the owner of Balfour House/Chedoke Estate. The property includes significant heritage buildings, in-situ archaeological resources and a historic picturesque landscape.

The City of Hamilton is responsible for stewardship and all capital and maintenance costs under a 1979 agreement between the City and the OHT. This agreement expires in 2039.

At the September 18, 2013 General Issues Committee meeting, staff was directed to work with the OHT to investigate potential adaptive re-uses for Balfour. At the March

SUBJECT: Proposal for the Adaptive Re-Use of Balfour House/Chedoke Estate (PED19168(a)) (Ward 14) - Page 4 of 9

19, 2014 GIC meeting, staff was directed to work with the OHT to adapt the property for use as a limited tenancy/film location. This direction has been implemented.

In February 2019, The Cardus Institute, a non-partisan, faith-based think tank and registered charity, contacted staff from the Planning and Economic Development Department to inquire about the possibility of adaptively-reusing Balfour and assuming tenancy of the property. This was an unsolicited proposal. Staff has not previously completed any testing of the market for interest in this property, and to date no Request for Proposal or Expression of Interest has been undertaken for this property.

On March 27, 2019 a preliminary proposal was received by staff from Cardus. In this document, Cardus proposed the development and operation of a facility at Balfour which would include offices, small meeting spaces and short-term accommodations for visiting scholars.

On August 1, 2019, staff received a response to the Cardus proposal from the OHT. The position of the OHT as outlined in their correspondence is that they are satisfied with the current condition of Balfour and the City's stewardship and are not presently contemplating any changes to the property's ownership or the agreement with the City. The OHT's response also identified the following conditions that must be met before a leasing proposal could be considered:

- The City will continue to be the OHT's operating partner and shall retain control of the property for the duration of the agreement;
- Planning, design and construction associated with the adaptive re-use must conform with Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada;
- Pursuant to the current operating agreement between the Ontario Heritage Trust and the City, the City must be the Project Manager for any work undertaken, with the OHT as the approval authority;
- The prime consultant for the project must be an architect with demonstrated experience in conservation work at National Historic Sites, managing an interdisciplinary team of sub-consultants having similar experience.

On September 18, 2019, staff presented the Cardus proposal to GIC (PED19168). Note in the following direction, the address of Balfour House/Chedoke Estate is incorrectly listed as 1 Scenic Drive and should read 1 Balfour Drive. Council subsequently directed:

SUBJECT: Proposal for the Adaptive Re-Use of Balfour House/Chedoke Estate (PED19168(a)) (Ward 14) - Page 5 of 9

- (a) That staff be directed to request, from the Cardus Institute, a detailed proposal to be submitted to the General Manager of the Planning & Economic Development Department within a two-month period, for the adaptive re-use and lease of the Balfour/Chedoke Estate, located at 1 Scenic Drive, Hamilton, with that submission to include the following, and report back to the General Issues Committee:
- (i) A functional plan including, but not limited to, the types of uses that would be provided on the site, the nature of any physical changes to the site (buildings and land) that would be required to accommodate those uses, and anticipated use capacity and related requirements;
 - (ii) The opportunities for public access to the site; and,
 - (iii) Demonstration of the viability and sustainability of their business model, and their financial capacity to undertake all necessary improvements to the site, with no financial contribution from the City;
- (b) That staff be directed to include in their forthcoming report, respecting the proposal from the Cardus Institute regarding the adaptive re-use and lease of the Balfour/Chedoke Estate, located at 1 Scenic Drive, Hamilton, any proposed uses that would require changes to the in-force-and-effect zoning or Official Plan policies on the site;
- (c) That staff be directed to seek a preliminary opinion from the Ontario Heritage Trust (OHT) on the proposal received for the Adaptive Re-Use and Lease of the Balfour House/Chedoke Estate, located at 1 Scenic Drive, Hamilton in order to identify any preliminary or potential concerns the OHT may have with the proposed use(s), and include this preliminary opinion in the staff report for Committee's information; and,
- (d) That the Cardus Institute (Cardus) be advised that any information it provides, in accordance with Cardus' forthcoming, detailed proposal for the adaptive re-use and lease of the Balfour/Chedoke Estate, is being provided voluntarily as part of its unsolicited proposal, and by requesting and reviewing this information, the City is not making any commitments to pursue or enter into any leasing arrangement for Balfour/Chedoke House.

On November 15, 2019, Cardus submitted the document "Functional Plan: Chedoke House", attached as Appendix "B" to Report PED19168(a), which City staff forwarded to the OHT. On November 27, 2019, City and OHT staff met at Balfour to review the proposal onsite. As a follow-up to the questions raised by OHT at the meeting, staff retained EVOQ Architecture, from C12-06-18: Professional and Consultant Services

SUBJECT: Proposal for the Adaptive Re-Use of Balfour House/Chedoke Estate (PED19168(a)) (Ward 14) - Page 6 of 9

Roster for 2019-2020, who specialize in heritage conservation work particularly on buildings with Provincial and Federal designations, to undertake a brief peer review of the Cardus proposal. Areas of focus requested were the Building Code, Fire Code and structural implications of the proposal. EVOQ Architecture submitted their peer review on December 23, 2019 attached as Appendix "C" to Report PED19168(a).

On December 16, 2019, a response was received from the OHT, attached as Appendix "D" to Report PED19168(a). The letter noted that, "fundamental information is missing from the Functional Plan related to the Ontario Building Code compliance, including fire safety and accessibility. These are not details that can be addressed at a later date. The Trust (OHT) requires this information and the written concurrence of the Chief Building Official before undertaking further review and before approving any sub-lease arrangement between the City and the proponent."

The OHT response reiterated the requirements in the August 1, 2019 letter and listed additional items:

- Significant architectural/archaeological/natural heritage and cultural landscape features of the property shall be conserved/including the picturesque landscape that depends on the deliberate placement of landscape features, groupings of trees and vegetation/and open lawn;
- Alterations to heritage features must take into consideration the integrated nature of these components and respect and protect their heritage values;
- Opportunities for revenue generation and new operating models will be considered, but not at the expense of the site's heritage value;
- A range of public education and interpretative opportunities that meet the highest standards are inclusive and respect all periods of the site's history should be provided;
- Public access to the property should be encouraged and provided where it is appropriate;
- Indigenous engagement shall be incorporated into any planning and decision-making for the property;
- Collections associated with the property shall be protected and housed on-site with opportunities for interpretation and access;

SUBJECT: Proposal for the Adaptive Re-Use of Balfour House/Chedoke Estate (PED19168(a)) (Ward 14) - Page 7 of 9

- Decisions regarding use and any changes to the property shall be undertaken in a collaborative and inclusive manner that takes into consideration the objectives and goals of the parties and stakeholders involved.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

With respect to Resolution (b) in the General Issues Committee Minutes 19-017 “That staff be directed to include in their forthcoming report, respecting the proposal from The Cardus Institute regarding the adaptive re-use and lease of the Balfour/Chedoke Estate, located at 1 Scenic Drive, Hamilton, any proposed uses that would require changes to the in-force-and-effect zoning or Official Plan policies on the site,” the Certificate of Zoning Verification and Property Report dated April 30, 2019 is included on page 56 of Appendix “B” to Report PED19168(a) - Functional Plan: Chedoke House and concludes the use is permitted.

RELEVANT CONSULTATION

Internal

Director, Tourism and Culture Division, Planning and Economic Development Department

Senior Project Manager, Heritage Resource Management, Tourism and Culture Division, Planning and Economic Development Department

Heritage Planner, Development Planning, Heritage and Design, Planning Division, Planning and Economic Development Department

Supervisor of Zoning, Building Engineering and Zoning, Building Division, Planning and Economic Development Department

External

CEO, Ontario Heritage Trust

Manager of Operations, Ontario Heritage Trust

Director, EVOQ Architecture

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

The proposed use of the property is for office, meeting and retreat use by Cardus.

SUBJECT: Proposal for the Adaptive Re-Use of Balfour House/Chedoke Estate (PED19168(a)) (Ward 14) - Page 8 of 9

There are merits and potential benefits arising from this use, including that it could result in significant capital investment and a financially-sustainable use of the property for the term of the sub-lease. The proposal suggests an increase in public access to the site relative to the current use. The property is currently tax exempt and there are no tax implications from the proposed use.

There are also negative impacts from this use including concern regarding intensity of the proposed use on the heritage site and the required physical changes; adverse traffic and parking impacts in the neighbourhood; and compatibility with the site's significant heritage attributes.

All these points require further consideration. Based on the information submitted by Cardus to date, the subsequent responses from the OHT and the Code and Structural Review by EVOQ Architecture, Cardus will be required to complete significant additional planning work and will incur the associated costs. There is no assurance that approval to proceed with the project will be secured.

Appendix "E" to Report PED19168(a) Summary of Ontario Heritage Trust Feedback provides a comparison of the OHT's requirements and the status of the information provided to date by Cardus.

ALTERNATIVES FOR CONSIDERATION

- (a) That the City not support the proposal by Cardus and that City staff take no further action with respect to Cardus' unsolicited proposal.
- (b) That Recommendations (b) and (c) be modified to direct City staff to take a lead role in facilitating and negotiating an agreement between The Cardus Institute and the Ontario Heritage Trust, and that staff report back to the General Issues Committee and identify the required resources to fulfil a negotiating role for a sub-lease as required by the Ontario Heritage Trust.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Clean and Green

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

**SUBJECT: Proposal for the Adaptive Re-Use of Balfour House/Chedoke Estate
(PED19168(a)) (Ward 14) - Page 9 of 9**

Built Environment and Infrastructure

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

Culture and Diversity

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED19168(a) - Consolidated Statement of Financial Position

Appendix "B" to Report PED19168(a) - Functional Plan: Chedoke House

Appendix "C" to Report PED19168(a) - EVOQ Architecture Peer Review

Appendix "D" to Report PED19168(a) - Response from the Ontario Heritage Trust

Appendix "E" to Report PED19168(a) - Summary of Ontario Heritage Trust Feedback

JS:ac

FUNCTIONAL PLAN: CHEDOKE HOUSE



CARDUS



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EXECUTIVE SUMMARY

Dear Mayor Eisenberger and Council,

2020 will see Chedoke House re-open as a prime example of Hamilton's commitment to successful adaptive reuse of irreplaceable cultural heritage.

The restoration of Chedoke House will proceed on four principles, for the benefit of Hamiltonians and Canadians:

1. HONOURING HERITAGE

- Preserve priceless elements
- Annual public tours

2. SHOWING RESPECT

- Signage and commemoration of 700 years of known history

3. LOW IMPACT

- No zoning change required
- Light use, negligible traffic

4. LONG-TERM SUSTAINABILITY

- Twenty-year private sector investment plan
- Removing millions of dollars of taxpayer burden

In the following pages we are pleased to detail our high-level plans for the beautiful renewal of Chedoke House.

We look forward to Council's approval of this win-win venture in early 2020.

Respectfully submitted,



Michael Van Pelt
President and CEO, Cardus
November 15, 2019

THEREFORE, BE IT RESOLVED:

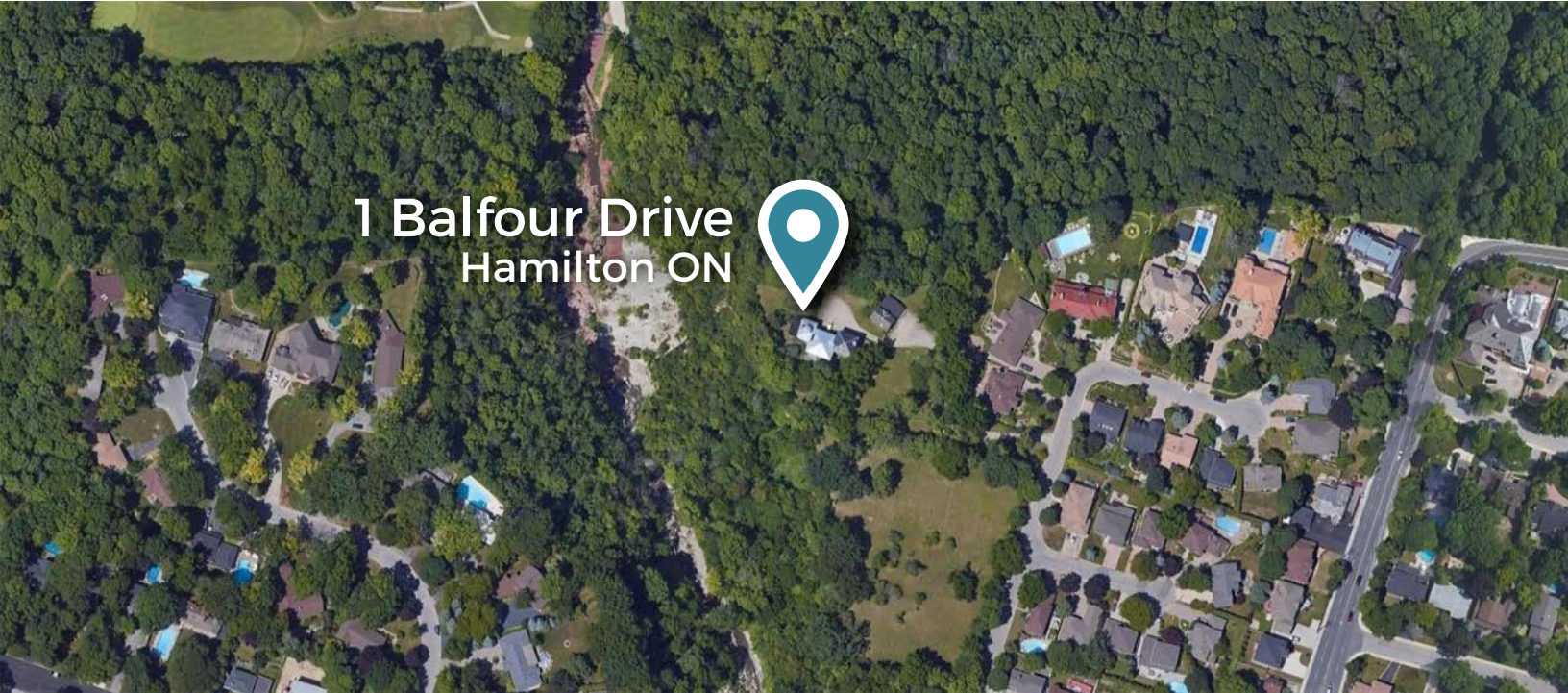
(a) That staff be directed to request, from the Cardus Institute, a detailed proposal to be submitted to the General Manager of the Planning & Economic Development Department within a two-month period, for the adaptive re-use and lease of the Balfour/Chedoke Estate, located at 1 Scenic Drive, Hamilton, with that submission to include the following, and report back to the General Issues Committee:

(i) A functional plan including, but not limited to, the types of uses that would be provided on the site, the nature of any physical changes to the site (buildings and land) that would be required to accommodate those uses, and anticipated use capacity and related requirements;

(ii) The opportunities for public access to the site; and,

(iii) Demonstration of the viability and sustainability of their business model, and their financial capacity to undertake all necessary improvements to the site, with no financial contribution from the City;

General Issues Committee September 18, 2019



1 Balfour Drive
Hamilton ON



PHILOSOPHICAL COMMITMENTS

Our adaptive re-use restoration planning for Chedoke House followed precise steps. We began from significant data and information, including past City-commissioned documents and our own detailed architectural, structural, mechanical, and electrical commissioned studies. We have identified certain causes of deterioration of some elements of the property. And, in accordance with our proposed uses, we have proposed modest remedial interventions.

The final step in our restoration plan will include architectural drawings and Ontario Heritage Trust accordance. This step would follow Council's approval of this high-level functional plan.

Throughout the restoration process, Cardus and its community partners are committed to:

RECALLING/RETELLING the Chedoke House stories, from the Iroquois to the Southams to the Balfours

PRESERVING the Chedoke House beauty and period character

PROTECTING the Chedoke House unspoiled landscape

RESPECTING the Chedoke House neighbours

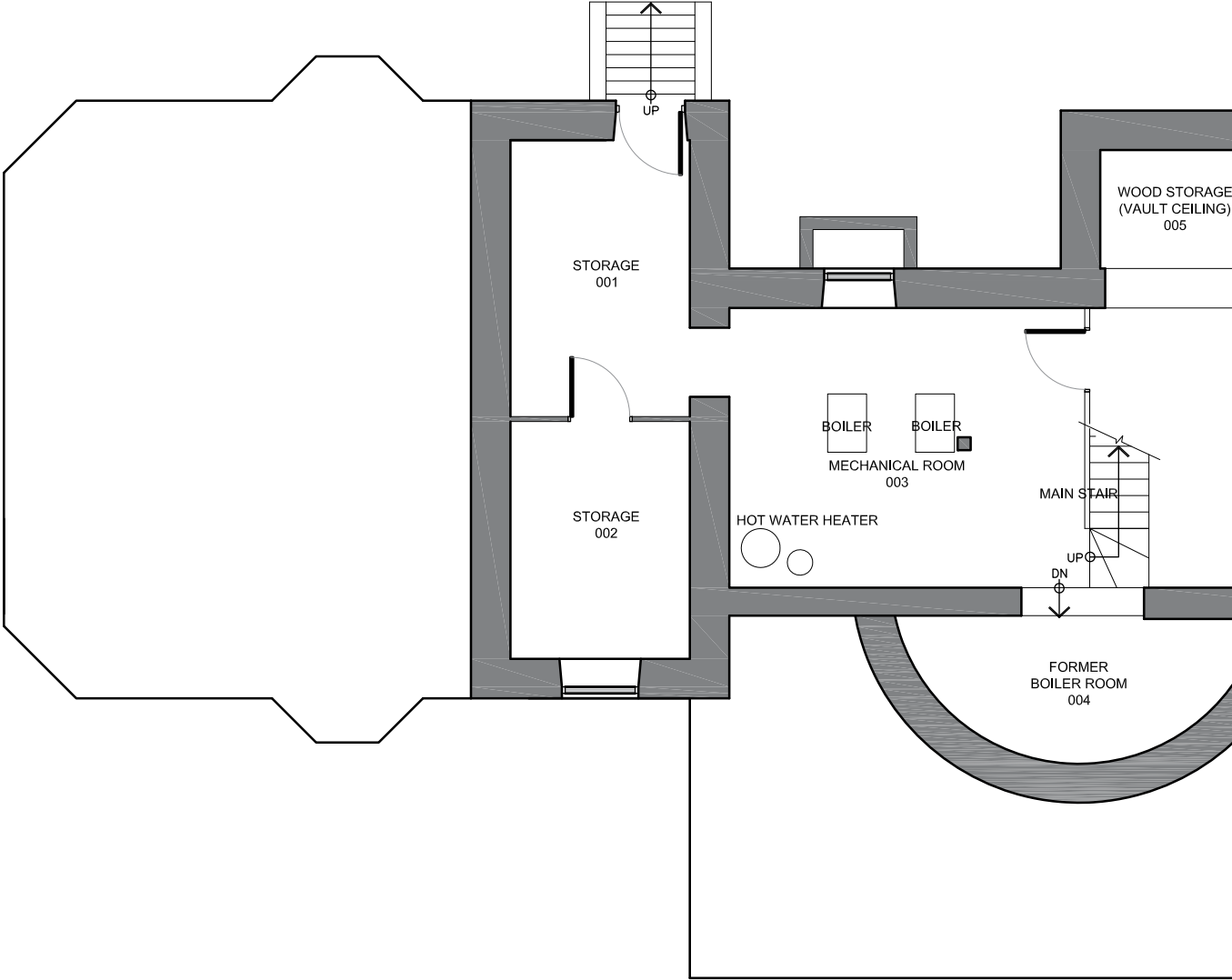
We make these commitments:

1. We will conserve, reinforce, and restore Chedoke House respecting the architectural value, the archaeological value, and the character-defining elements of the property, as described in the Statement of Heritage Significance by the Ontario Heritage Trust.
2. Restoration of Chedoke House is not an end in itself, but a means to an end: the improvement of Hamilton's heritage fabric.
3. Our restoration will privilege techniques that are "least invasive and most compatible with heritage values, bearing in mind safety and durability requirements" (ICOMOS, 2003).
4. Our restoration will include detailing and preserving the history of the property's owners and uses.
5. The exterior landscape of Chedoke House will be entirely untouched, save some pruning and new shrubs.
6. Until 2039, the citizens of Hamilton and all Canadians will be able to enjoy and appreciate the past glory and future potential of the Chedoke House property, through annual tours.
7. Until 2039, the neighbours of Chedoke House will realize both the security and aesthetic benefits of restoration, along with extremely low negative impacts on traffic and noise. This follows Cardus's pattern of many years at current heritage property: The Old Cooperage in Corktown.
8. In 2039, the Ontario Heritage Trust will receive back into its care a property that is well-preserved, well-restored, and much-enjoyed.

DRAWINGS



FLOORPLANS

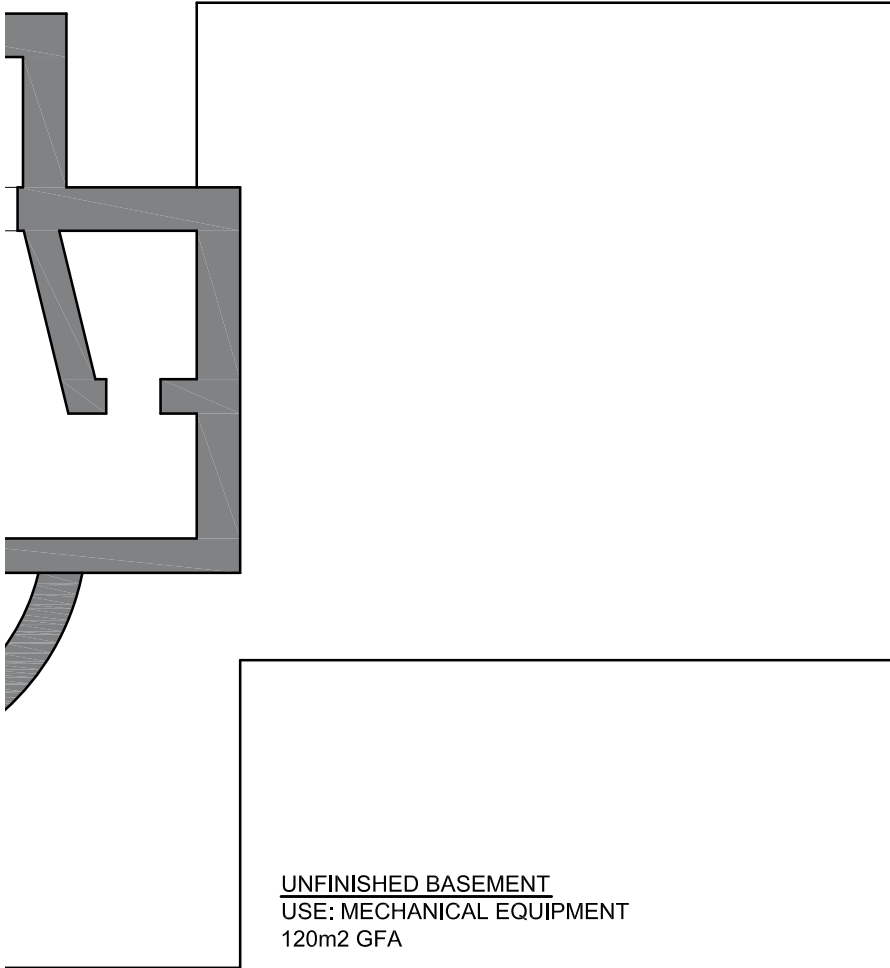


BASEMENT PLAN
SCALE



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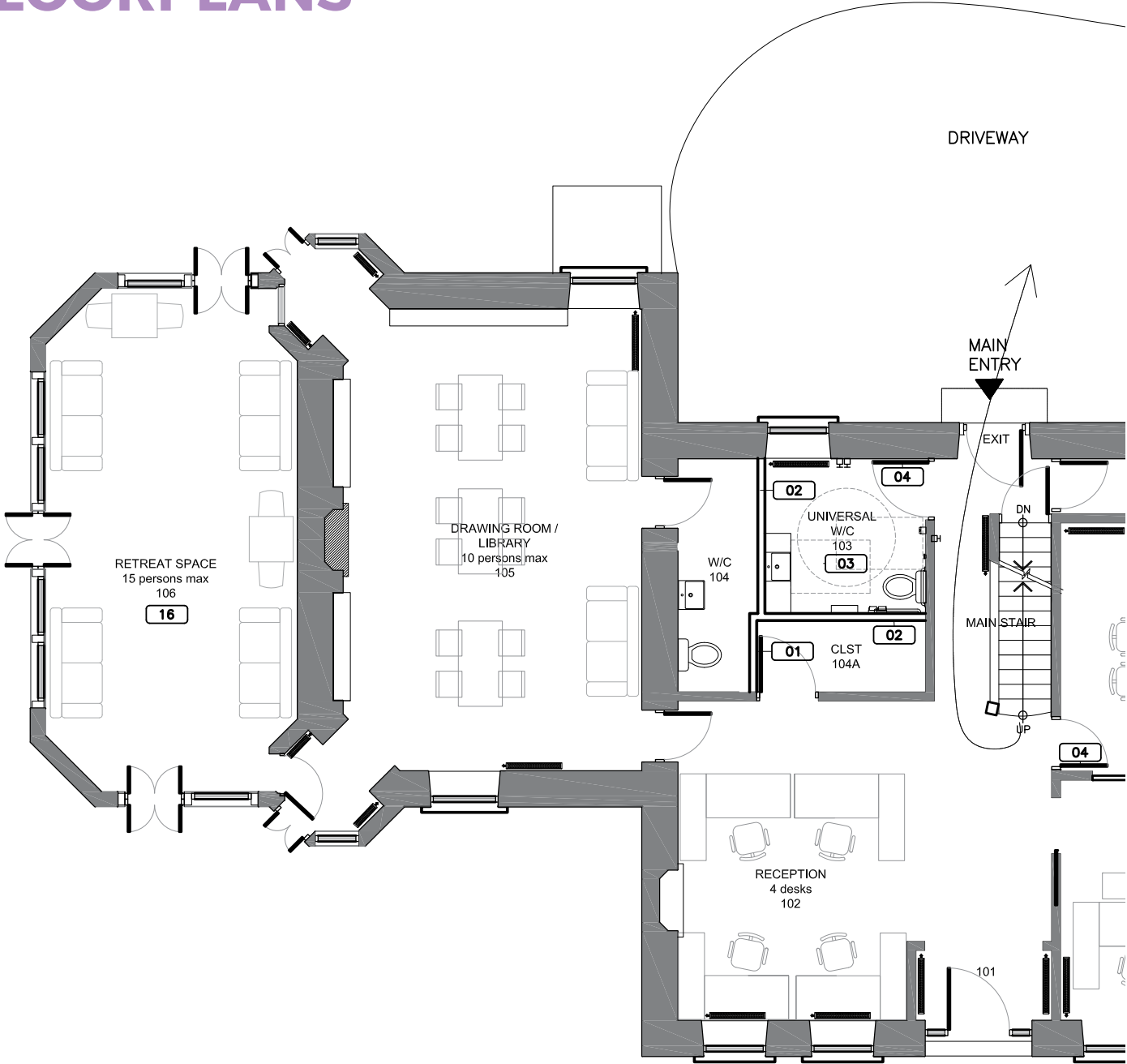
- 01** FLIP (E) DOOR
- 02** NEW WALL
- 03** NEW TOILET & LAVATORY IN NEW UNIVERSAL WASHROOM
- 04** MODIFY (E) DOOR
- 05** DEMO (E) WALL
- 06** MODIFY (E) LAUNDRY ROOM, REMOVE EQUIPMENT
- 07** REPLACE (E) MARBLE SHOWER ENCLOSURE WITH NEW SHOWER
- 08** POTENTIAL SERVER LOCATION
- 09** CAREFULLY REMOVE (E) MARBLE SHOWER SURROUND, TANK TOILET, & STORE, RELOCATE LAV
- 10** RELOCATED LAVATORY
- 11** POTENTIAL FIRE SEPARATION – TBD
- 12** REMOVE EXISTING BUILT IN MILLWORK
- 13** STORE ALL EXISTING ARTIFACTS/FURNITURE IN THIS ROOM IN AN ALTERNATE LOCATION
- 14** REPLACE MISSING RADIATOR
- 15** REPAIR WALLS AND WALL BASE WHERE FINISHES HAVE BEEN REMOVED
- 16** NEW HEATING SYSTEM REQUIRED FOR THIS ROOM

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BALFOUR HOUSE - HAMILTON ONTARIO
 PROPOSED CARDUS LAYOUTS
 NOVEMBER 3, 2019

FLOORPLANS

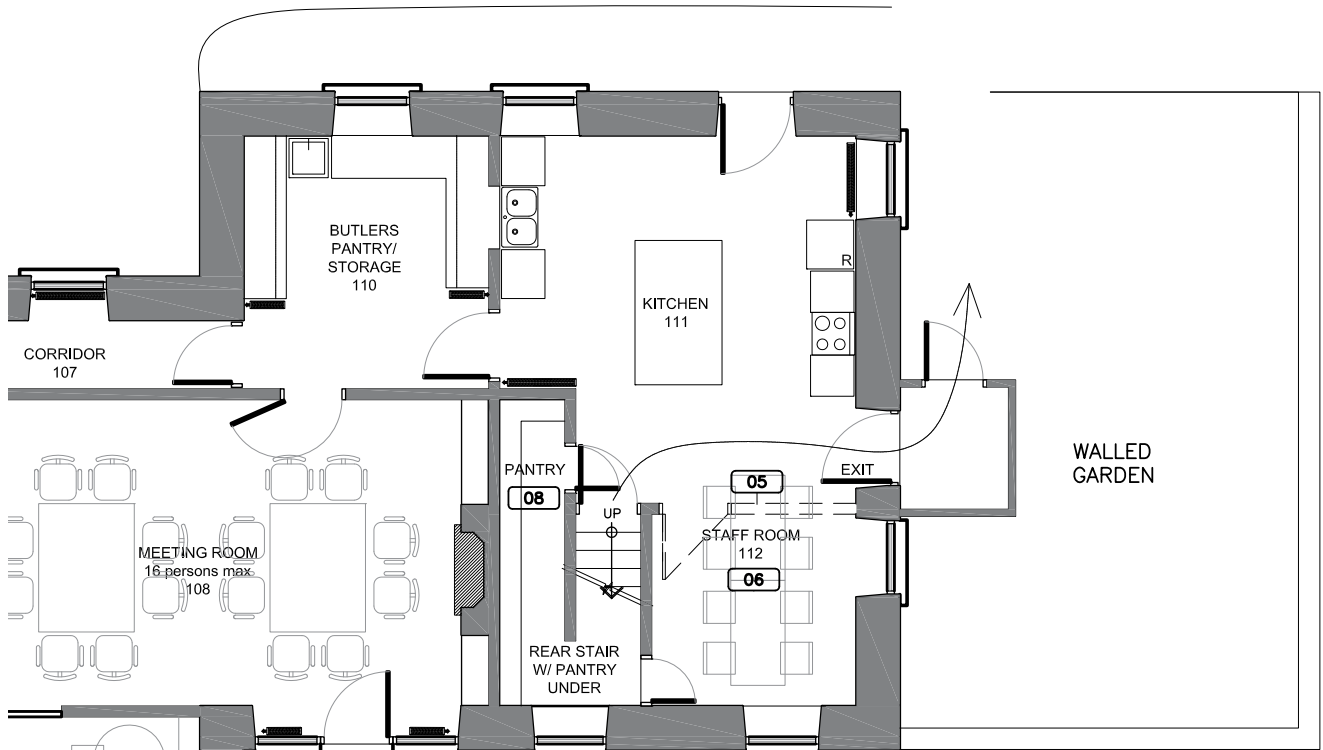


GROUND FLOOR PLAN
SCALE



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GROUND FLOOR
 46 persons MAX OCCUPANCY
 2 WCs
 315m2 GFA

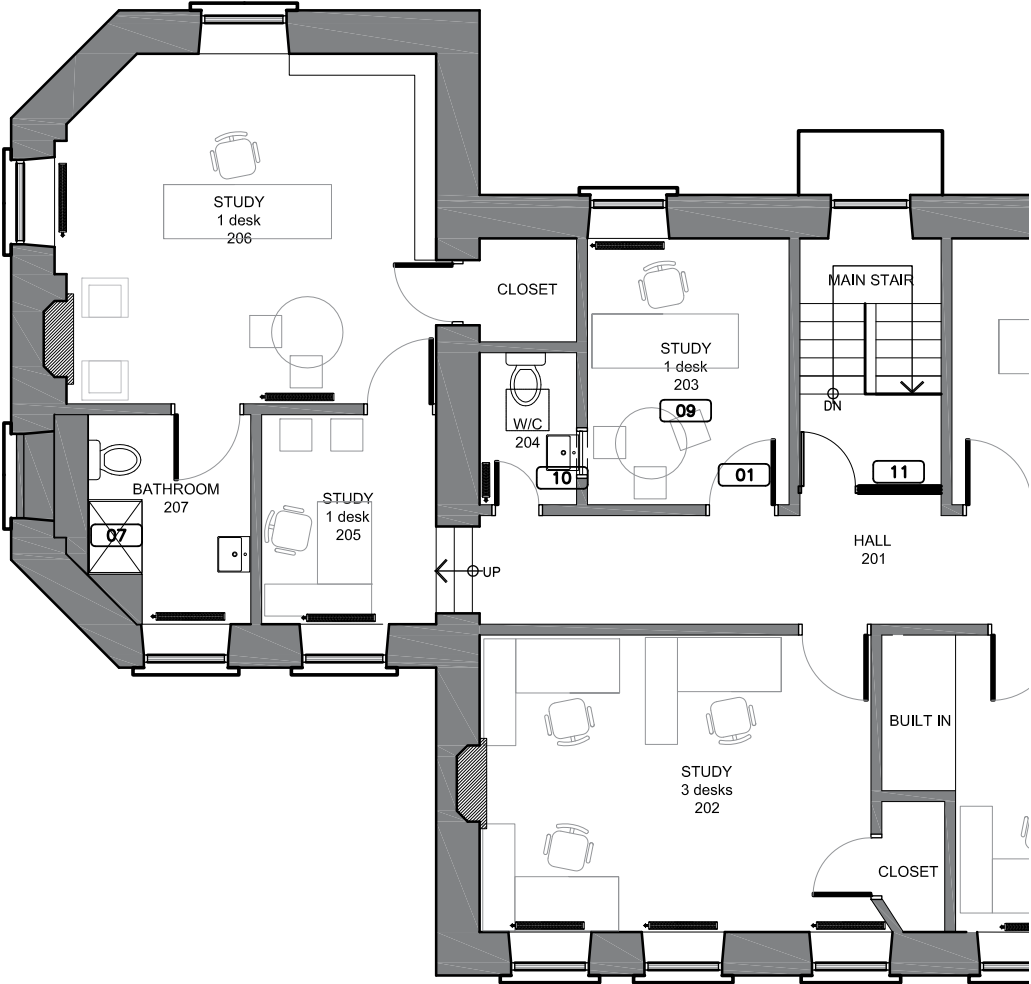
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BALFOUR HOUSE - HAMILTON ONTARIO
 PROPOSED CARDUS LAYOUT
 NOVEMBER 3, 2019

FLOORPLANS

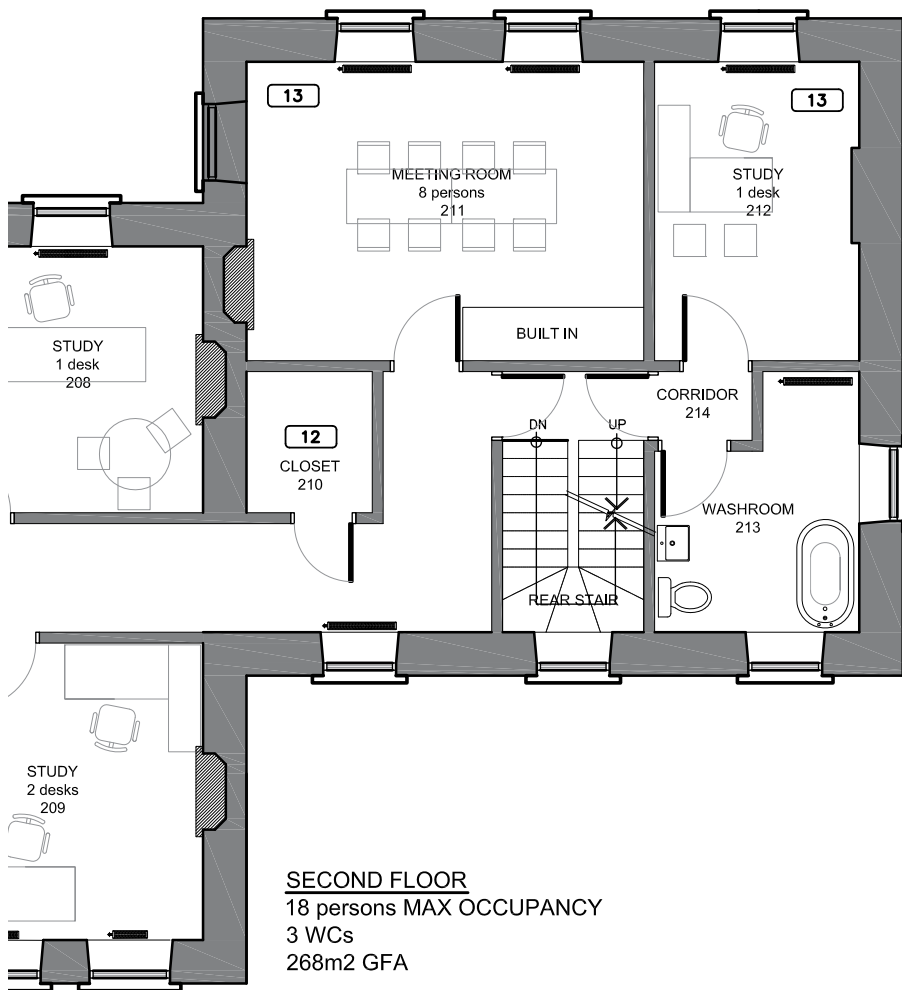


SECOND FLOOR PLAN
SCALE



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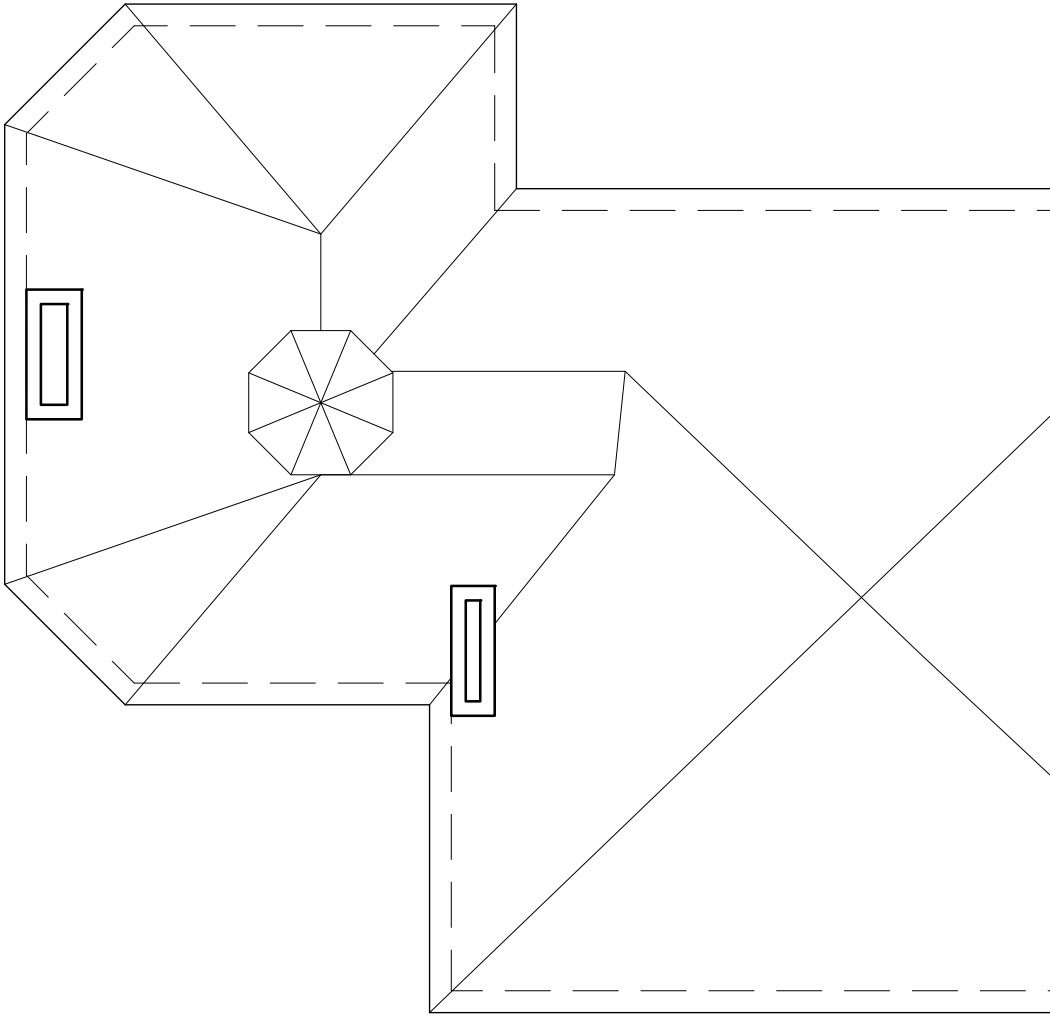
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BALFOUR HOUSE - HAMILTON ONTARIO
 PROPOSED CARDUS LAYOUTS
 NOVEMBER 3, 2019

FLOORPLANS

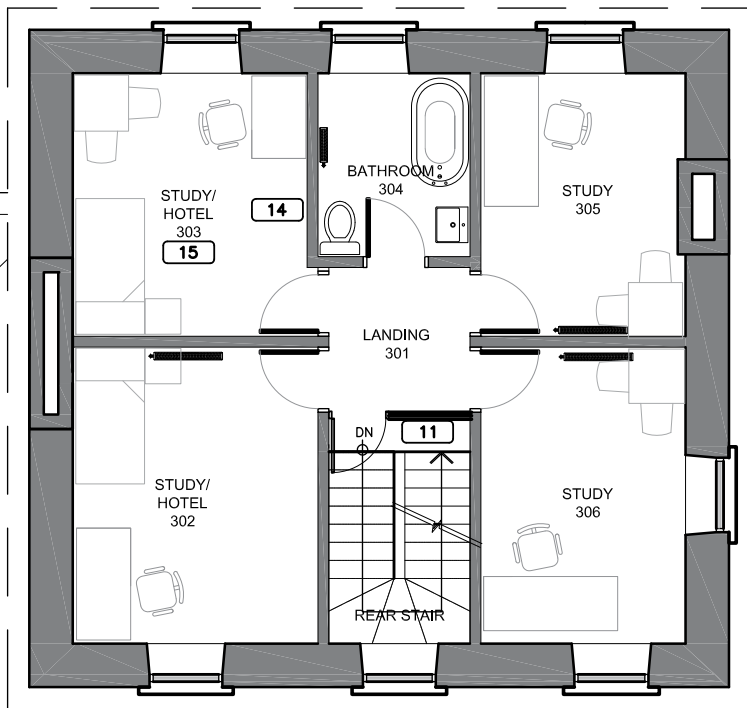


THIRD FLOOR PLAN
SCALE



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THIRD FLOOR
 8 persons MAX OCCUPANCY
 1 WC
 90m2 GFA

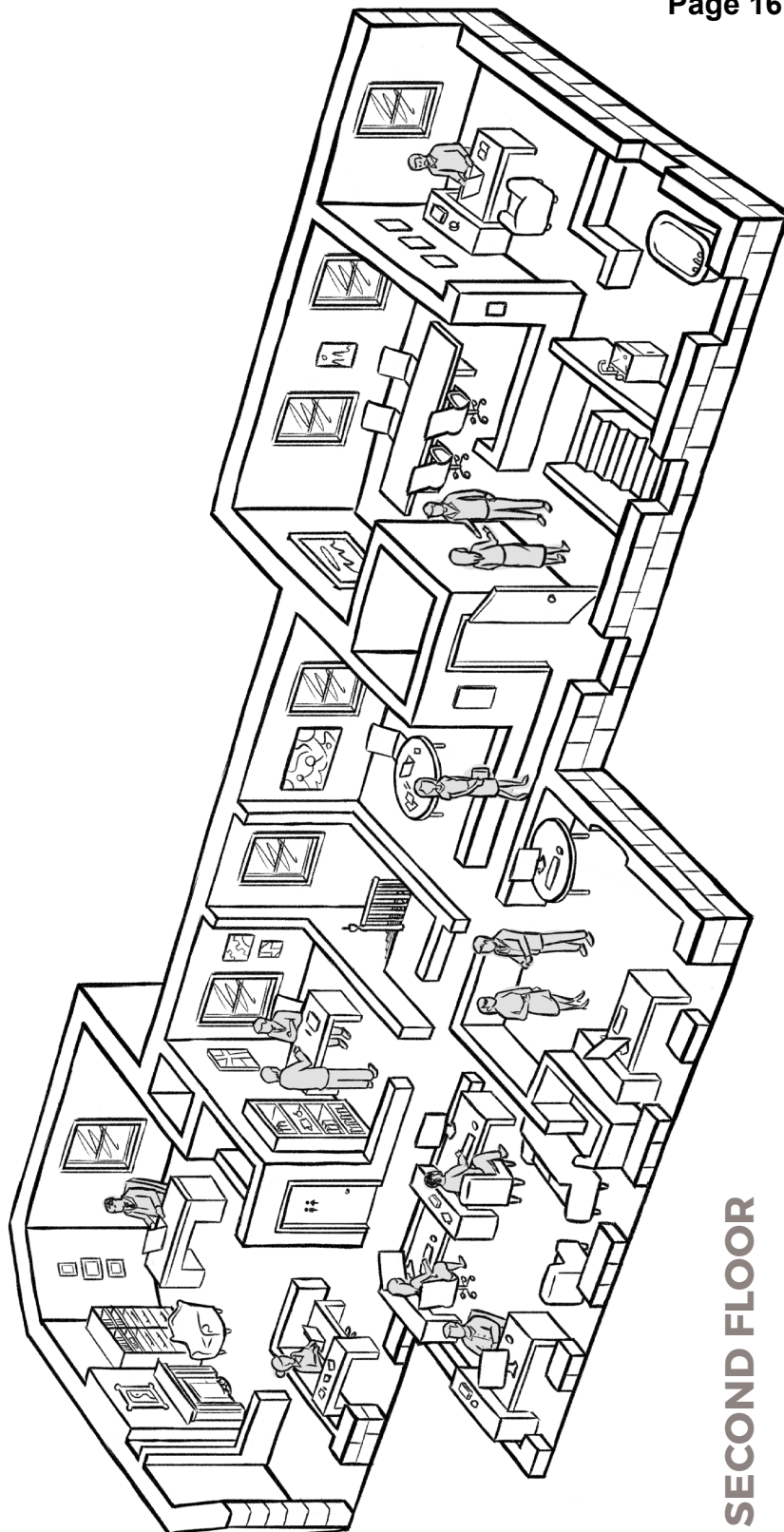
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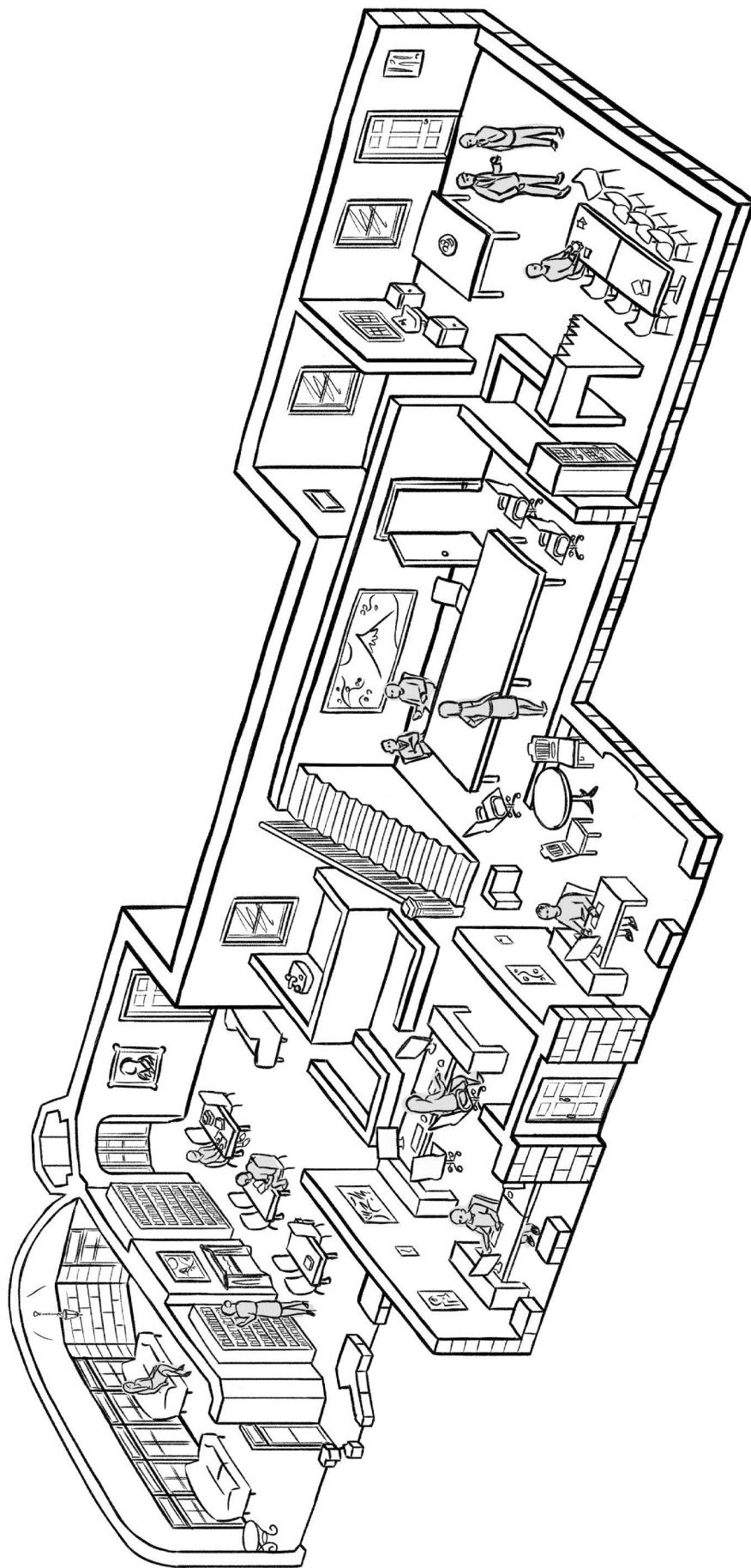


BALFOUR HOUSE - HAMILTON ONTARIO
 PROPOSED CARDUS LAYOUTS
 NOVEMBER 3, 2019

CONCEPT SKETCHES



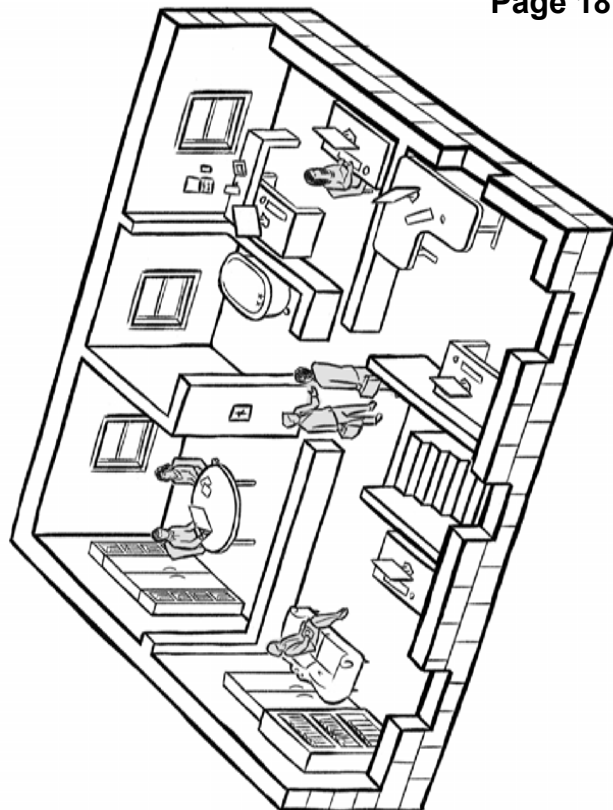
SECOND FLOOR



GROUND FLOOR

Illustrations and plan design: Simon Harchun

DRAWINGS



THIRD FLOOR

CONCEPT SKETCHES

PROPOSED USES



PROPOSED ROOM USES

ROOM ID	EXISTING USE	LEVEL	NSF (FT ²)	PROPOSED USE	NUMBER OCCUPANTS	PROPOSED ELECTRICAL WORK (ALL NEW WIRING TO BE SURFACE MOUNTED IN WIRE MOLD)
001	Storage	Basement	127.1	Storage	-	New lighting, wiring for basement. Remove all existing knob & tube wiring, new wiring to all floors.
002	Storage	Basement	109.1	Storage	-	
003	Mechanical	Basement	255.7	Mechanical	-	
004	Mechanical	Basement	103.4	Mechanical	-	
005	Vault	Basement	45.0	Vault	-	
006	Storage	Basement		Storage	-	
007	Storage	Basement		Storage	-	
101	Hall	First	252.3	Entry	-	
101A	Hall	First		Main Entry	-	New lighting, wiring
102	Living Hall	First	178.3	Reception	-	New lighting, wiring
103	Boot Room	First	80.5	Universal Washroom	-	New lighting, wiring, emergency response system, automatic door opener and push button lock
103A	Boot Room	First		Closet	-	New lighting, wiring
104	Water Closet	First	58.4	Water Closet	-	New wiring
105	Drawing Room	First	509.2	Library	10	New wiring
106	Sunroom	First	392.4	Retreat space	15	New lighting, wiring

PROPOSED MECHANICAL WORK	PROPOSED ARCHITECTURAL WORK	HERITAGE ELEMENTS TO REMAIN (INCLUDES WINDOWS, RADIATORS, AND DOORS IN ALL LOCATIONS)	HERITAGE IMPACTS OF RENOVATIONS
-	Clean up, potential structural modifications, 2 layers drywall at ceiling		
-			
New plumbing?			
-			
-			
-			
-		Maintain coved ceiling, Ceiling light, & all millwork, wallpaper, flooring	
-		Maintain coved ceiling, all millwork, wallpaper, flooring	
Air conditioning		Maintain coved ceiling, all millwork, wallpaper, flooring, original push button lighting controls	Cut register in floor for ductwork
Plumbing & fixtures for new toilet and lavatory, provide exhaust fan ducted to exterior	Remove all carpet, remove wallpaper and washroom fixtures. New walls for washroom, new flooring on top of existing subfloor	Maintain all millwork	Exhaust fan grille on exterior wall, hidden from view
-	New walls for closet, flip door	Maintain all millwork	
Provide exhaust fan ducted to exterior	Modify ex. modern partition, relocate door, new flooring	Maintain toilet and lavatory, casework	Exhaust fan grille on exterior wall, hidden from view
Air conditioning		Maintain all millwork, chandelier, flooring, wallpaper, fireplace and surround, flooring	Cut register in floor for ductwork
Heating, air conditioning?		Maintain coved ceiling, all stone walls and ceiling, glazed walls & doors, flooring	Remove ex. ceiling mounted light, cut hole for ductwork register (if applicable).

PROPOSED USES

ROOM ID	EXISTING USE	LEVEL	NSF (FT2)	PROPOSED USE	NUMBER OCCUPANTS	PROPOSED ELECTRICAL WORK (ALL NEW WIRING TO BE SURFACE MOUNTED IN WIRE MOLD)
107	Corridor	First	44.2		-	New lighting
108	Dining Room	First	373.4	Meeting Room	16	New lighting, wiring
109	Study Room	First	185.6	Study	1	New lighting, wiring
110	Butler's Pantry	First	133.5	Storage	-	New wiring
111	Kitchen	First	207.7	Kitchen	3	New wiring (if required)
112	Laundry	First	150.5	Staff Room	8	New ceiling light (if required)
112A	Pantry (under stair)	First		Pantry	-	-
	Main Stair	Basement through Second		Main Stair	-	New ceiling light
	Rear Stair	Ground through Third		Rear Stair	-	New ceiling light
201	Landing/ Corridor	Second	277.4	Landing/ Corridor	-	-
202	Bedroom	Second	249.8	Study	3	New wiring, ceiling light

PROPOSED MECHANICAL WORK	PROPOSED ARCHITECTURAL WORK	HERITAGE ELEMENTS TO REMAIN (INCLUDES WINDOWS, RADIATORS, AND DOORS IN ALL LOCATIONS)	HERITAGE IMPACTS OF RENOVATIONS
-		Maintain coved ceiling, millwork, wallpaper, flooring	
Air conditioning		Maintain coved ceiling, fireplace and surround, casework around fireplace, millwork, wallpaper, flooring	Cut register in floor for ductwork
Air conditioning		Maintain millwork, wall finish, cove ceiling, wall mounted light, flooring	Cut register in floor for ductwork
		All cabinetry and millwork, sink, vegetable wallpaper, flooring	
		Ceiling light, wall lights, kitchen sink, all millwork, faux-tile stucco wall finish, painted flooring, and all other new kitchen cabinetry to remain.	Cut register in floor for ductwork
Air conditioning	Remove washer, dryer, and laundry sink. Store for future use.	All lights, faux-tile stucco wall finish, painted flooring to remain.	Laundry sink to be removed, Cut register in floor for ductwork
-	-	Cabinetry to remain	
-	-	Staircase woodwork, wallpaper, millwork	-
-	Remove existing peeling wallpaper, paint	Staircase woodwork, millwork	
-	Fire rated glass partition/ door for fire separation - style to match that of house. Provide magnetic hold open tied to fire alarm. Provide insulation in attic above second floor.	All millwork (including original cove molding), ceiling lights, wallpaper, other wall finishes, push button lighting controls, flooring	New partition to butt up against millwork - wall base and cove molding
-	Fix ceiling where paint is peeling	Fireplace (sealed) and surround, built in casework, millwork, wallpaper, flooring	

PROPOSED USES

ROOM ID	EXISTING USE	LEVEL	NSF (FT2)	PROPOSED USE	NUMBER OCCUPANTS	PROPOSED ELECTRICAL WORK (ALL NEW WIRING TO BE SURFACE MOUNTED IN WIRE MOLD)
203	Bathroom	Second	113.9	Study	1	New wiring, ceiling light
204	Water Closet	Second	31.2	Water closet	-	-
205	Dressing Room	Second	80.8	Study	1	New wiring, ceiling light
206	Master Bedroom	Second	278.0	Study	1	New wiring, ceiling light
207	En suite bathroom	Second	66.2	Bathroom	-	New wiring
208	Bedroom	Second	157.1	Study	1	New wiring
209	Bedroom	Second	196.7	Study	2	New wiring, ceiling light
210	Closet	Second	37.6	Closet	1	New wiring, ceiling light
211	Bedroom	Second	255.1	Meeting Room	8	New wiring, ceiling light
212	Bedroom	Second	128.1	Study	1	New wiring, ceiling light
213	Bathroom	Second	94.8	Bathroom	-	New wiring
214	Landing/Corridor	Second	13.7	Landing/Corridor	-	-

PROPOSED MECHANICAL WORK	PROPOSED ARCHITECTURAL WORK	HERITAGE ELEMENTS TO REMAIN (INCLUDES WINDOWS, RADIATORS, AND DOORS IN ALL LOCATIONS)	HERITAGE IMPACTS OF RENOVATIONS
Seal off existing plumbing, remove and store existing plumbing fixtures (lavatory, clawfoot tub, marble shower surround, toilet)	Seal ex. Door to WC, Repair floor under shower, if required	All millwork, wallpaper, flooring, medicine cabinet/ mirror	Store washroom fixtures
Repair heritage tank toilet (if required), new small lavatory	Refinish flooring and wall finishes (paint is peeling)	Heritage water closet, light, skylight	
-	Remove peeling wallpaper, paint	Millwork, flooring	
-	Remove peeling wallpaper, paint	Fireplace and surround, millwork, flooring	
Replace marble shower surround with new shower and fixtures	-	Existing lavatory, medicine cabinet	
-		Fireplace and surround, millwork, wallpaper, flooring	
-	Fix ceiling where paint is peeling	Fireplace and surround, built in casework, millwork, wallpaper, flooring	
-	Remove existing built in casements		Existing casements to be removed
-	-	Fireplace and surround, millwork, casements, wallpaper, flooring	
-	-		
-	-	Maintain existing fixtures (clawfoot tub, lavatory, toilet, ceiling pendant light, medicine cabinet, wallpaper, wainscotting, flooring)	
-	Replace two original exit doors on both sides of stair landing for fire separation purposes, add automatic closers and magnetic hold open tied to fire alarm.	All millwork (including original cove molding), ceiling lights, wallpaper, other wall finishes, flooring	

PROPOSED USES

ROOM ID	EXISTING USE	LEVEL	NSF (FT2)	PROPOSED USE	NUMBER OCCUPANTS	PROPOSED ELECTRICAL WORK (ALL NEW WIRING TO BE SURFACE MOUNTED IN WIRE MOLD)
301	Landing/Corridor	Third	43.2	Landing/Corridor	-	-
302	Cistern Room	Third	153.6	Guest room	1	New wiring, ceiling light
303	Storage	Third	132.2	Guest room	1	New wiring, ceiling light
304	Bathroom	Third	59.1	Bathroom	-	New wiring, ceiling light
305	Bedroom	Third	112.5	Study	1	New wiring, ceiling light
306	Bedroom	Third	128.6	Study	1	New wiring, ceiling light

PROPOSED MECHANICAL WORK	PROPOSED ARCHITECTURAL WORK	HERITAGE ELEMENTS TO REMAIN (INCLUDES WINDOWS, RADIATORS, AND DOORS IN ALL LOCATIONS)	HERITAGE IMPACTS OF RENOVATIONS
-	Fire rated glass partition/ door for fire separation - style to match that of house. Provide magnetic hold open tied to fire alarm. Provide insulation in attic above third floor	All millwork, flooring	
-	Remove peeling wallpaper, paint	All millwork, built in casework, flooring	
Replace radiator	New flooring, replace millwork where missing with match or original, paint walls where finish has been removed	All millwork, flooring	
Replace existing lavatory (contemporary), replace with heritage lavatory being relocated from second floor, shower controls for clawfoot tub	Add shower surround for clawfoot tub	All millwork, medicine cabinet, clawfoot tub, flooring	
-	-	All millwork, built in casement, flooring	
-	Remove peeling wallpaper, paint	All millwork, flooring	

PROPOSED USES

ROOM USE DESCRIPTIONS

STUDY USE

- Office chair, desk approx. 3-4' wide
- Small, rolling filing cabinet per individual
- 25% of studies include small bookshelves
- Desk phone with data cabling (no phone lines)
- Laptop, with or without dock
- Second monitor for each individual
- Sometimes external keyboard, mouse
- Small garbage and recycling bins
- 25% of studies include 1-4 guest chairs of various sizes, often shared
- 25% of studies include small meeting tables
- Some plants or flowers
- Wall-mounted or tabletop photos, art, occasionally bulletin or white boards

RETREAT SPACE USE

- Natural light
- Acoustic privacy
- Boardroom-style or kitchen-style table(s)
- Lounge chairs or chaises
- Telephone (data cabling)
- Possibly desk-mounted or wall-mounted television
- Small table(s) for hospitality storage e.g. cream, sugar, or literature

MEETING SPACE USE

- Boardroom-style table(s)
- Desk chairs
- Desk phone with data cabling
- Possibly desk-mounted or wall-mounted television
- Possibly lounge chairs or chaises
- Small bookshelf
- Small table(s) for hospitality storage e.g. cream, sugar, or literature

CHEDOKE ESTATE

HERITAGE REVIEW

Prepared for Cardus, Nov 8th, 2019

Megan Hobson Heritage Consulting was retained by Cardus to provide a heritage review of a Functional Plan by Invizij Architects for the use of the Chedoke Estate as a retreat centre. Cardus is a non-profit faith-based group based in Hamilton that is seeking a long-term lease for the property. This is a high level review based on a visual inspection of the buildings and grounds on the Chedoke Estate and a review of previous historical and technical reports provided by the City. Details of the proposed changes were provided by Invizij Architects, Furlan Conservation, Kalos Structural Engineers and CK Mechanical & Electrical Engineers. The identification and assessment of heritage impacts is based on general principles and specific guidelines outlined in the *Standards & Guidelines for the Conservation of Historic Buildings in Canada*.

The Chedoke Estate is a protected heritage property that is owned by the Ontario Heritage Trust and maintained by the City of Hamilton. Under the terms of this arrangement, the City of Hamilton is permitted to use or sub-lease the property as long as heritage values associated with the property are preserved. The heritage values are outlined in a formal *Statement of Significance* that includes a list of *Character-Defining Elements*. The *Statement of Significance* for the Chedoke Estate states that the property has significant historical, architectural, contextual and archaeological value. The *Statement of Significance* is included as an Appendix to this Review. A spreadsheet identifying impacts of the Functional Plan on *Character-Defining Elements* is included as an Appendix to this Review.

Historically the property was a private estate. In 1979 the house, carriage house and 4.4 acres were donated to the Ontario Heritage Trust and the donor retained a lifetime tenancy. After the donor vacated the property, some investigations and repairs were carried out. In 2014, the City considered different options for using the property and eventually decided to rent the house to students in the Heritage Conservation program at Willowbank because this option did not require capital expenditures and represented a compatible use in the form of ongoing residential use.

The Cardus proposal represents a minor change in use from residential to institutional that is consistent with current approved zoning. Based on a proposed in-house staff of 18, approximately 18 house-guests and accommodations for 2 visiting scholars, this change is generally compatible with the historic use of the place as a private estate and does not require major site interventions, new additions or major interior renovations.

Impacts on the site are limited to an increase in parking requirements, but Cardus has indicated that the existing parking areas and driveway are adequate to meet these needs. Impacts of the proposed Functional Plan are limited to the interior of the house.

The proposed number of occupants/users will not significantly exceed the size of household that the house was built to accommodate. The solid masonry construction is not likely to require any type of structural reinforcing but this has to be confirmed based on a more detailed review. The code requirements will need further clarification because they will determine fire and safety needs under the *Ontario Building Code*. If the City is considering a sub-lease agreement with Cardus, a code specialist should be consulted to determine these needs based on exceptions and equivalencies for historic building materials and assemblies under Part 11 of the *Ontario Building Code*.

In anticipation of fire regulations associated with the proposed change in use, the Functional Plan includes fire-separation walls at the top of both stairwells. In terms of heritage impacts, the rear stair well is in a service area where finishes are modest so the impact of a fire separation wall in this area will be minimal. Impact of a fire separation wall at the top of the front stairs is more of a concern because there is a decorative plaster cornice moulding in this area. It is anticipated that impacts to this feature and to baseboard trim in this area can be reasonably mitigated through careful design and installation guided by the principles of 'minimal intervention' and 'reversibility'.

The proposed service upgrades and installation of air conditioning are normal updates that probably would have occurred if the house were still a private residence. These changes are part of the normal evolution of buildings. For example, the existing radiators, electrical wiring, plumbing and bathroom facilities are examples of upgrades undertaken in the early 20th century. All of which have had physical and visual impacts on the interior.

Cardus is proposing to retain the existing radiators for heating and install a separate air conditioning system. They are proposing to conserve the existing wood sash windows and storms and install new insulation in the attic. These measures are non-obtrusive ways of improving energy efficiency that will help reduce the demand on the air conditioning system.

Cardus has looked into various options to determine what type of air conditioning system would be the least intrusive including hi-velocity micro-duct, VRF and ductless systems. All of these systems will require penetrations through exterior and interior surfaces and the installation of mechanical units outside. The requirements of each system are outlined in the report provided by CK Engineering, based on a preliminary assessment. A preferred system has not been determined. Heritage impacts cannot be fully assessed without a detailed system plan. If the City decides to consider a sub-

lease agreement with Cardus, a more detailed plan showing specific impacts should be provided.

The challenges associated with mechanical and service upgrades are that there is no existing ductwork, portions of the building do not have a basement, and there are solid masonry walls between the three sections of the house because it was built in different phases. This may require surface mounting or construction of bulkheads in some areas to conceal these intrusions. There are a number of strategies that can be employed to minimize these intrusions.

The most challenging area will be the sunroom that is not currently supplied with heat because this room does not have a basement, and is comprised of three walls with glazing and one wall of solid masonry. The Functional Plan includes year round use of this room so installation of units that can deliver heat or air conditioning may make sense in this area.

A flexible, zoned system should be designed that works with the buildings existing passive features such as high ceilings and operable windows and takes into account the thermal properties of the solid masonry walls and upgraded insulation in the attic. It is anticipated that with careful planning and execution, service upgrades and installation of a modern air conditioning system can be done with minimal impacts to heritage elements.

The Functional Plan indicates that there will be meeting rooms, study rooms and lounges on the 1st and 2nd floors, and study rooms on the 3rd floor. Two of the study rooms on the 3rd floor will be designed to accommodate overnight guests on occasion but will primarily be used as studies. Existing bathrooms will be utilized with some minor changes to reconfigure or update the fixtures. There will be no substantial changes to the layout of rooms, with the exception of an existing coatroom and washroom on the 1st floor and a laundry room in the kitchen area.

The existing coatroom and modern washroom on the 1st floor will be reconfigured to accommodate a Universal Washroom. The modern partition wall in the coatroom area will be removed and new partition walls will be built. It is anticipated that the new partition walls and the automatic door required for the Universal washroom may have some impact on historic baseboards and wood trim in this area.

The existing laundry room fixtures in the kitchen wing will be removed. This room does not contain historic finishes or fixtures and is located in a service area. Removal of the wall between the laundry room and the kitchen to create the staff room is not anticipated to have impacts on heritage elements but a more detailed investigation may be needed to confirm this.

Upgrades to existing bathrooms on the 2nd and 3rd floors may have impacts on historic 1910 fixtures that have been identified as heritage elements. These impacts can be reduced if original tile work, built-ins and bathroom fixtures are retained and refurbished and if any new work is made 'compatible with' and 'distinct from' those heritage elements.

The proposed furniture layout appears to be compatible with the interior. Some simple measures, such as floor coverings or the installation of felt pads or bumpers, may be needed to ensure that heavy furniture does not mark floors or damage windows sills or wood trim.

Existing light fixtures may not be adequate to provide enough light in work and study areas. A lighting plan should be prepared so that impacts of additional lighting can be assessed and appropriate fixtures can be installed in the least intrusive way. This plan could also detail electrical outlets and cabling required for computers, telephones and other office machines. If installed carefully these elements are 'reversible' and can be removed without loss of heritage fabric.

SOURCES

- *Chedoke House; Architectural & Historical Report* (Unterman & McPhail / David Cuming & Associates, 1988)
- *Chedoke House; Statement of Significance* (Ontario Heritage Trust, undated)
- *Condition Assessment of Chedoke House* (George Robb Architect, 2009)
- *Chedoke; Options Analysis* (City of Hamilton, 2014)
- *Eight Guiding Principles in the Conservation of Historic Properties* (Ontario Heritage Trust, 2012)
- *Preservation Brief 24; Heating, Ventilating, and Cooling in Historic Buildings – Problems and Recommended Approaches* (National Park Service, undated)
- *Standards & Guidelines for the Conservation of Historic Places in Canada* (Park Canada, 2003)

PROPERTY DATA SHEET



Property name: Chedoke Estate
Address: 1 Balfour Drive, Hamilton
Legal address: Part Lot 1, Plan 447
Description: A 4.4-acre estate containing a stone house and stone stable
Date of Construction: Built 1836, additions 1850s, sunroom addition 1920s
Physical Context: Niagara Escarpment Brow
Chedoke Ravine
Historical Associations: 1836-42; William Scott Burn
1853-70; Charles John Brydges
1870-78; Plummer Dewar Family
1910-76: Balfour / Southam Family
Architectural Values: 19th century limestone construction with rooftop belvedere
Georgian/Regency architectural style
1830s house, attributed to R.C. Wetherell
1850s additions, attributed to F.J. Rastrick
1920s sunroom addition by William Lyon Somerville
Outbuildings: Carriage House, stone construction, c. 1850s
Associated Sites: Former Gate Lodge is located on Garth Street
Landscape Features: Lawns, wooded grounds, remnant orchards
Stone pillars at entrance

PHOTOS (Provided by Cardus)



BALLROOM – wood floors, wood trim, wood windows, plaster & lathe, wallpaper, marble fireplace

PROPOSED USES



PARLOUR – radiators, window shutters and heavy drapes.



PANTRY – built-in cabinets



SUNROOM – unheated with no basement, solid masonry walls with no insulation, glazing on three sides



DINING ROOM – coved ceiling, marble fireplace, modern wallpaper and built-ins



BEDROOM – wood floors, wood trim, plaster & lathe, wallpaper, built-in cabinets



BEDROOM – fireplace, radiators and window shutters



MAIN STAIRCASE – stained oak banister, wood trim, plaster crown moulding, wallpaper



BACK STAIRS – paint grade railing, wood floors, wood trim, wallpaper

PROPOSED USES



BATHROOM – no historic finishes or fixtures



LAUNDRY ROOM – service area



BATHROOMS – historic fixtures and finishes – exposed pipes





DRIVEWAY – gravel driveway

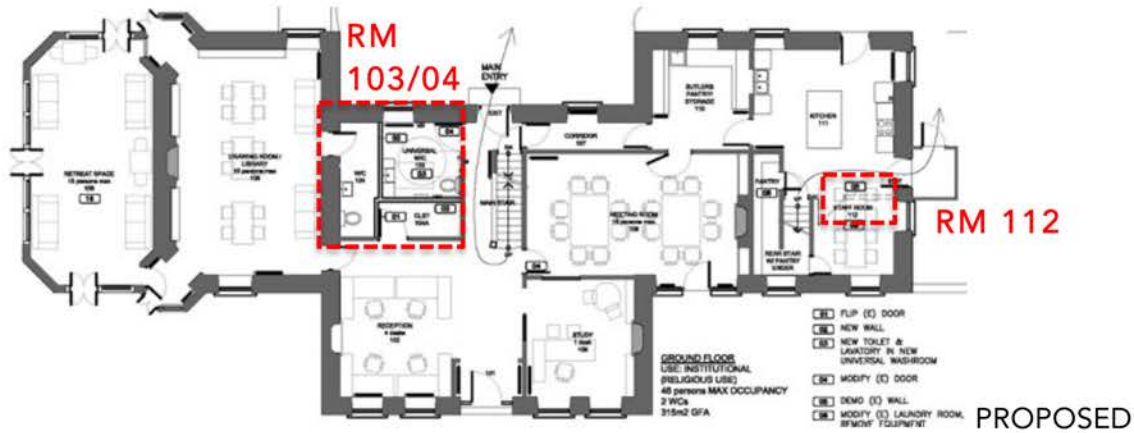
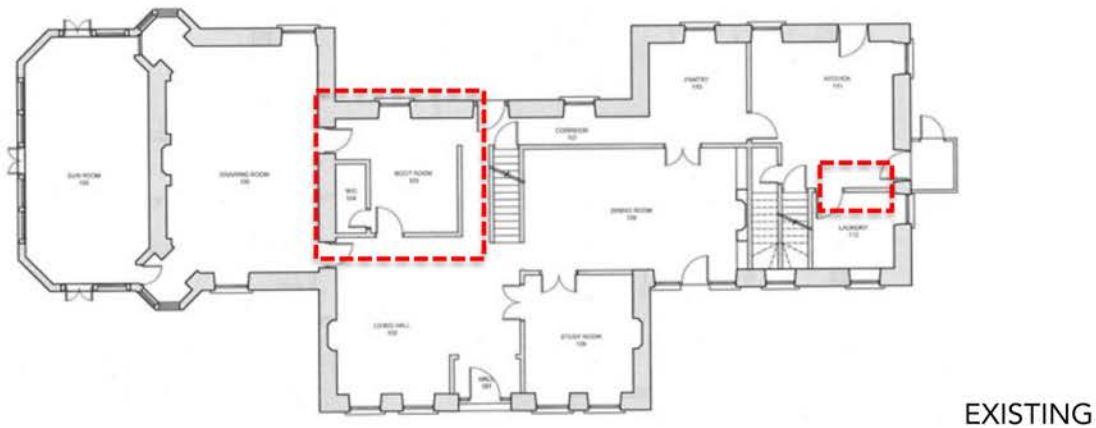


ENTRANCE – narrow entrance to parking area behind the house



PARKING AREA – gravel area for parking behind the house

1ST FLOOR IMPACTS



PROPOSED USES

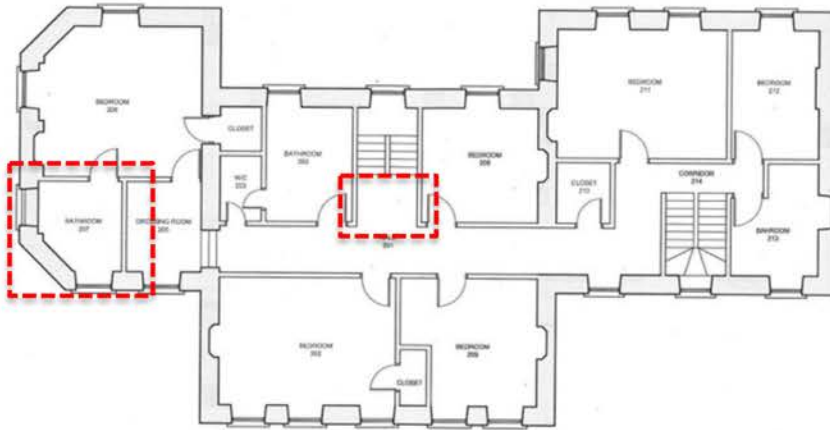
ROOM 103/104 – RE-CONFIGURATION OF AN EXISTING COATROOM/WASHROOM

1. Removal of a non-historic partition wall
2. Construction of new partition walls
3. Installation of new bathroom fixtures
4. Installation of an automatic door & emergency response system

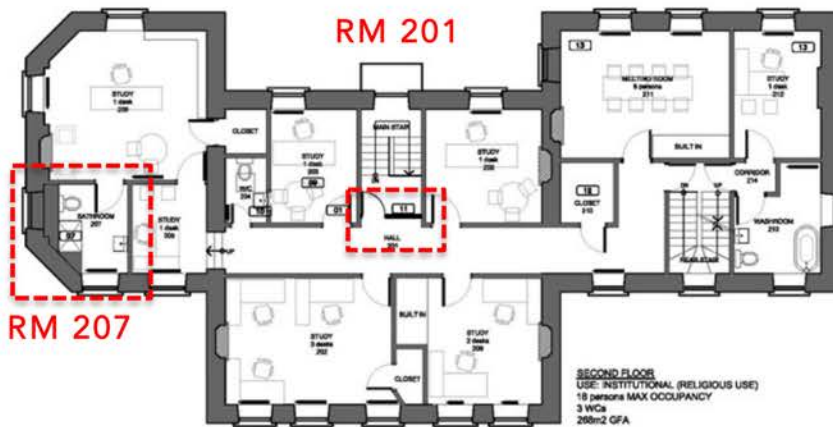
ROOM 112 – CONVERSION OF A LAUNDRY ROOM TO A STAFF ROOM

1. Removal of a partition wall in a secondary area
2. Removal of non-historic laundry facilities

2ND FLOOR IMPACTS



EXISTING



PROPOSED

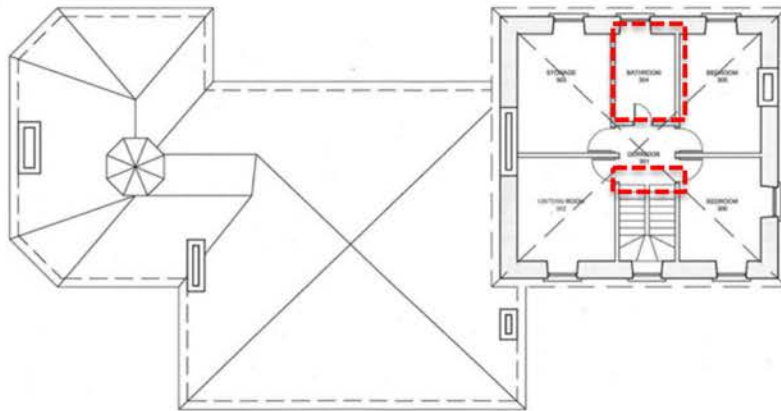
ROOM 201 – FIRE & SAFETY REQUIREMENT

1. Construction of a fire separation wall at the top of the stairs

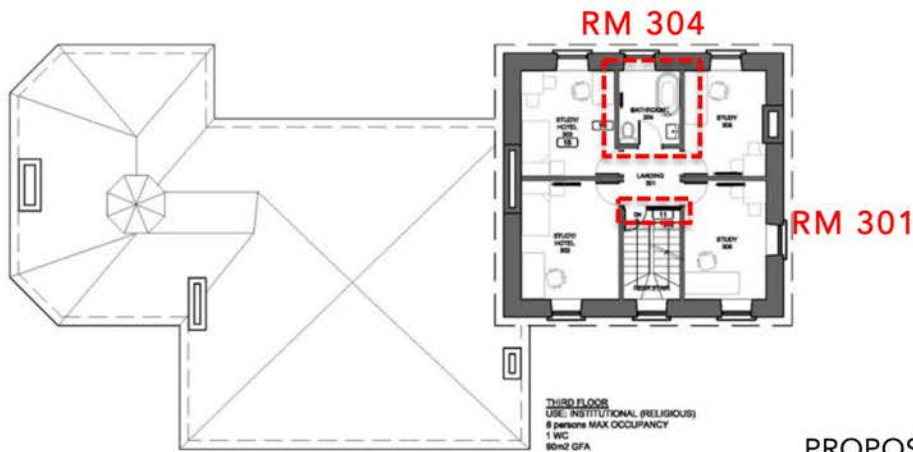
ROOM 207 - UPDATES TO AN EXISTING BATHROOM

1. Removal of non-historic bathroom fixtures
2. Installation of new bathroom fixtures

3RD FLOOR



EXISTING



PROPOSED

THIS FLOOR
 USE: INSTITUTIONAL (RELIGIOUS)
 8 persons MAX OCCUPANCY
 1 WC
 90m² GFA

PROPOSED USES

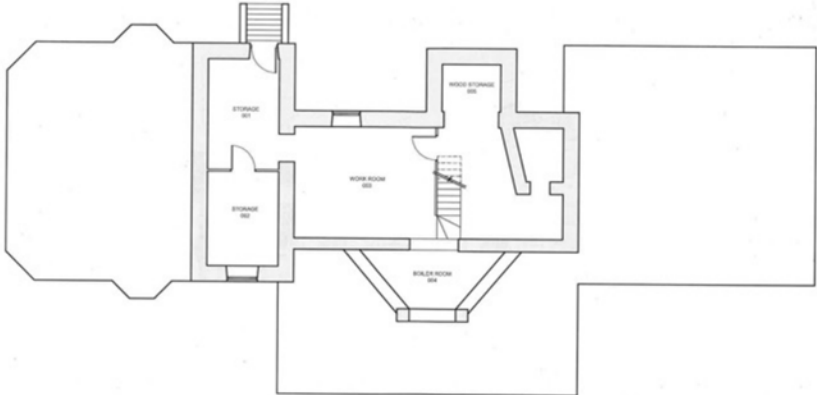
ROOM 301 – FIRE & SAFETY REQUIREMENT

1. Installation of a fire separation wall at the top of the stairs

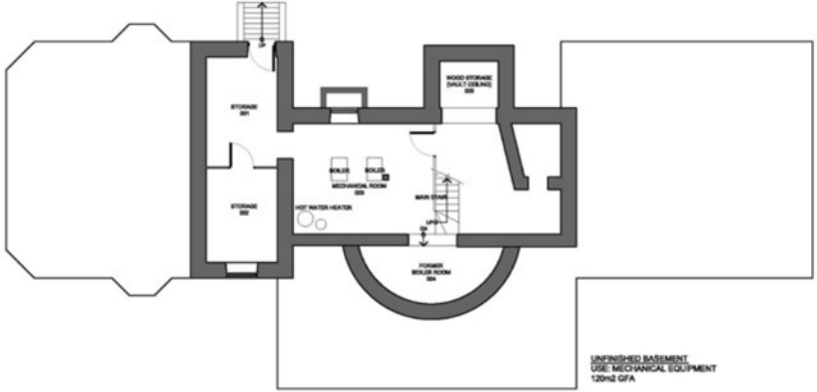
ROOM 304 – UPDATES TO AN EXISTING BATHROOM

1. Removal of non-historic bathroom fixtures
2. Installation of new bathroom fixtures

BASEMENT



EXISTING



PROPOSED

NO CHANGES PROPOSED



An agency of the Government of Ontario

Chedoke

Statement of Heritage Significance

Description of Historic Place

The building at One Balfour Drive, known as Chedoke, is situated on approximately four acres of land on the Niagara Escarpment overlooking the City of Hamilton. The three-storey ashlar and random rubble limestone building was designed in the Regency style and constructed between 1836-38. Subsequent additions were made in the 1850s and 1920s. Influence of the Picturesque movement is evident in Chedoke's orientation towards the natural beauty of the site. Ownership of the property was transferred to the Ontario Heritage Foundation (now the Ontario Heritage Trust) in 1979.

Heritage Value

Historic Value:

Chedoke is historically significant for its association with prominent Hamiltonians William Scott Burn, Charles Brydges, St. Clair Balfour, and as one of the last remaining 19th century country estates on the Niagara Escarpment in Hamilton. It is also significant as the site of an Iroquois settlement, from which Chedoke derives its name. Prior to the arrival of Europeans, the site was part of an extensive Iroquois territory in what is now southern Ontario and New York State. This group of First Nation people were members of the Neutral Nation, an agricultural society. As Europeans began to arrive in the area these people were forced to move away. The name Chedoke is believed to mean 'burial place' in the Iroquois language and it is possible that the estate lands were used as a burial site for local Iroquois people. Scottish immigrant, grain merchant and accountant William Scott Burn (1797-1850) purchased the Chedoke site in 1835 for £100 from Henry Beasley and was the first European to live on the property. Chedoke was built as a country home for William Scott Burn between 1836 and 1838, at a time when Hamilton was enjoying great prosperity. Due to financial difficulties following the collapse of the economic boom, William Scott Burn sold the house and the grounds, a 13-acre property, in 1842. The property was owned or rented for the next 11 years until it was sold again. In 1853 it was purchased by Great Western Railway's General Manager Charles John Brydges (1827-1889). The 1850s were important for the development of Hamilton as the city was experiencing economic growth once again, due in large part to the growth of the railways. Brydges was able to expand the house to reflect his wealth and prominence within the community before selling Chedoke to Plummer Dewar (1815-1878) and his family in 1870. After the Dewar family vacated the property in 1880, Chedoke had multiple owners including one of William Scott Burn's grandsons. In 1910 it was purchased by Ethel Balfour (1882- 1976) and St. Clair Balfour (1880-1959), who carried out extensive renovations to modernize the house. Chedoke remained in the Balfour family until St.Clair and Ethel Balfour's daughter Elizabeth Balfour Baxter, donated ownership of the property to the Ontario Heritage Foundation in 1979. She continues to occupy the house under a life tenancy agreement. Parts of the estate lands were sold off and developed between 1980-88 under the name Chedoke Park Ravine

Estates. Along with Westlawn and Bellevue, Chedoke is one of the last remaining 19th century escarpment estates in Hamilton.

Architectural Value:

Chedoke is architecturally significant for its Regency style architecture, containing classical and Italianate antecedents. Built of limestone, likely taken from the escarpment near the estate, Chedoke was originally a two-storey structure surmounted by a low hip roof, with a symmetrical five-bay façade. The house had a bell-cast front verandah, flat unadorned exterior walls, a double cornice detail and a simple floor plan with a central hall and two rooms deep on each side. The main (south) façade is built in an irregular coursed ashlar pattern, with uncoursed rubble stone on the other walls. The east wing was originally one and-a-half storeys and contained the kitchen and servants' quarters. The house had a wood shingle roof, but now has a combination of slate, (east wing), and metal covered in tar (centre wing). The house was extensively enlarged in the 1850s by Charles John Brydges, and came to include a large conservatory and vinery running across the front (south) façade, and a two-storey Italianate-inspired west wing with an octagonal belvedere. The belvedere was capped by a pressed-shingle roof, had 2/2 sash windows separated by Doric colonettes and provided unobstructed views of Hamilton and Lake Ontario. The east wing was enlarged to a height of three storeys, an alteration that is evident in the colour and texture of the ashlar limestone on the south façade. The original 1830s limestone ashlar has a slightly lighter colour and has evident eluvial erosion. Following the 1850s addition, the layout of the rooms changed, enabling the addition of a larger dining room, front parlour, kitchen pantry and servants' stairwell and access to servants' living quarters. In 1898 the windows were replaced, the verandah, vinery and conservatory were removed (the stone wall extending from the kitchen wing is a remnant) and the roof was replaced with metal. In 1910, the interior of the house was extensively renovated and new oak tongue and groove flooring and new oak stair banisters were installed, ceiling mouldings were altered, washrooms were added and the kitchen was modernized; however the 19th century baseboards, paneled doors and marble fireplaces were maintained. A central heating system of hot-water radiators was also installed around that time. The basement is only partially excavated and contains a large arched-stone coal room and a room which was formerly the well and source of the household's drinking water. In 1920 a sunroom designed by William Lyon Somerville was added to the west wing, distinguished by its pick-faced limestone ashlar walls and numerous French Doors. In the 1930s the driveway was oriented towards the rear of the house; this was the final significant alteration to the house.

Although there were once numerous outbuildings on the estate, the carriage house to the north of the house is the only outbuilding remaining on the property. It is a one-and-a-half storey random rubble structure with a cedar shingle pitched roof. On the north façade there is a small gable, making the structure resemble an Ontario farmhouse. The construction date of this structure is unknown, but it is believed to have been some time in the mid 19th century. It has a simple Georgian form with a Gothic hood moulding over the large French door. The interior was finished and had a heating stove allowing it to be used for various functions. The structure was used as a Presbyterian Chapel and as a school house by various owners of the estate and their children. Access to the second floor was gained via an exterior staircase that has since been removed. (The door remains midway up the wall on the south side). In 1913 a wooden garage was added to the rear (north) of the carriage house.

Archaeological Value:

Archaeological excavations were carried out in 1989 in selected test areas over the entire property. This was done to assess which areas merit further research. Evidence of the conservatory, vinery and verandah was found in the form of glass, nails and stone. At the extreme southern end of the estate remnants of an unidentified structure were found in the form of red tile, brick and mortar. In total 1,100 artifacts were recovered, mostly glass, china and earthenware remnants, dating from the latter part of the 19th century. Relatively few middens were discovered on the property suggesting that most of the household waste was deposited over the edge of the escarpment. Evidence of a prehistoric Iroquois settlement was discovered and included shards of vessels and tools made of chert. It is possible that these artifacts date from ca. 1280-1350 CE. It could not be determined whether there were any First Nation burial sites on the property.

Contextual Value:

Located on a secluded street at the edge of the Niagara Escarpment above Hamilton, Chedoke's architectural and historical value is enhanced by its contextual setting. Exemplifying principles of the Picturesque movement, Chedoke is built to suit its natural setting near Chedoke Falls, and amidst mature trees both on the estate grounds and along the Escarpment. The house is oriented to take advantage of its location and has commanding views of downtown Hamilton, Burlington Bay and Lake Ontario.

Character Defining Elements

Elements that contribute to the historical value of Chedoke include:

- Association with prominent Hamilton businessmen William Scott Burn, Charles John Brydges and St. Clair Balfour;
- Importance as one of the last remaining 19th century escarpment (or 'mountain') estates in Hamilton;
- Association with the Iroquois people who once occupied the site.

Exterior features that contribute to the architectural value of Chedoke include:

The residence:

- Regency style architecture with Classical and Italianate antecedents;
- Influence of the Picturesque style on Chedoke's orientation towards the site's natural beauty;
- Symmetrical five bay façade of the centre wing;
- Limestone (south) façade laid in coursed ashlar;
- Uncoursed rubble walls on the other east, west and north walls of the centre and east wing;
- Coursed ashlar of the west wing;
- Coursed pick-faced limestone ashlar of the sunroom;
 - Wide fascia on the sunroom;
 - French doors in the sunroom.
- Random rubble wall of the kitchen garden;
- Octagonal belvedere atop the west wing;
 - Hanging fascia with scalloped edges on the belvedere;
 - Pressed metal shingles atop the belvedere;
 - Doric colonettes between the 2/2 sash windows of the belvedere.
- Metal roof of the centre and west wing;
- Slate roof on the east wing;
- Limestone chimneys of coursed ashlar;
- Limestone window sills and lintels;
- Recessed front door with transom windows and sidelights.

The carriage House:

- Georgian architectural style;
- Random rubble walls;
- Cedar shingle roof;
- Small gable on the north elevation;
- 1913 wooden garage addition;
- Gothic hood molding over the second storey French door.

Interior features that contribute to the architectural value of Chedoke include:

The Residence:

- Centre-hall floor plan of the original house;
- Tongue and groove hardwood flooring;
- 1910 oak staircase banister;
- Paneled doors;
- Elaborate cast iron radiators;
- Numerous marble fireplaces;

- 19th century heating stove in the kitchen;
- High ceilings;
- High baseboards;
- Stone arched basement coal room;
- Former well room in the basement.

Archaeological features:

- 1,100 artifacts including:
 - Glass;
 - Nails;
 - Flagstone floors;
 - China fragments;
 - Kitchen middens;
 - Earthenware.
- Foundation of an unknown structure at the extreme south end of the estate in the form of red tile, brick and mortar;
- Prehistoric artifacts indicating that the estate was the site of an Iroquois village between ca. 1280-1350 CE, in the form of:
 - Shards of vessels;
 - Chert tools.

Characteristics that contribute to the contextual value of the Chedoke include:

- Location at the top of the Escarpment (or 'mountain') surrounded by mature trees;
- Picturesque location orientated toward the views and natural beauty of the Escarpment;
- Proximity to Chedoke Falls;
- Extensive views of downtown Hamilton, Burlington Bay and Lake Ontario.

:SF
Dec - 2007



Eight guiding principles in the conservation of historic properties

The following guiding principles, prepared by the Ministry of Tourism, Culture and Sport, are statements in the conservation of historic properties and are based on international charters that have been established over the past century. These principles, endorsed by the Ontario Heritage Trust, provide an intellectual framework for decision making in architectural conservation. They also provide conservation rationale for activities or interventions that may affect the character, features or context of a heritage property.

1. Respect for documentary evidence

Do not base restoration on conjecture. Conservation work should be based on historic documentation, such as historic photographs, drawings and physical evidence



Martintown Grist Mill, South Glengarry

2. Respect for the original location

Do not move buildings unless there is no other means to save them. Site is an integral component of a building. Any change in site diminishes heritage value considerably.

3. Respect for historic material

Repair or conserve rather than replace building materials and finishes, except where absolutely necessary. Minimal intervention maintains the historical content of the resource.

4. Respect for original fabric

Repair with like materials, to return the resource to its prior condition without altering its integrity.

5. Respect for the buildings history

Do not restore to one period at the expense of another. Do not destroy later additions to a house solely to restore it to a single time period.

6. Reversibility

Alterations should be able to be returned to original conditions. This conserves earlier building design and technique. For instance, when a new door opening is put in a stone wall, the original stones are numbered, removed and stored, allowing for future restoration.

7. Legibility

New work should be distinguishable from old. Buildings should be recognized as products of their own time, and new additions should not blur the distinction between old and new.

8. Maintenance

With continuous care, future restoration will not be necessary. With regular upkeep, major conservation projects and their high costs can be avoided.

Revised September 2012

IMPACTS TO HERITAGE ELEMENTS

These heritage elements are repeated from the Chedoke House Statement of Heritage Significance by the Ontario Heritage Trust (2007).

ID	SECTION	CHARACTER-DEFINING ELEMENT	NOTES
01	Elements that contribute to the historical value of Chedoke:	Association with prominent Hamilton businessmen William Scott Burn, Charles John Brydges and St. Clair Balfour	n/a
02		Importance as one of the last remaining 19th century escarpment (or 'mountain') estates in Hamilton	n/a
03		Association with the Iroquois people who once occupied the site	n/a
04	Exterior features that contribute to the architectural value of Chedoke include: THE RESIDENCE:	Regency style architecture with Classical and Italianate antecedents	Impacts: mechanical equipment, conduits and vents for the proposed HVAC system may be visually intrusive
05		Influence of the Picturesque style on Chedoke's orientation towards the site's natural beauty	Impacts: proposed parking area behind the house will impact views from the house to the Escarpment.
06		Symmetrical five bay façade of the centre wing	No impact
07		Limestone (south) façade laid in coursed ashlar	Minor Impacts; installation of the proposed HVAC system will require small holes for conduits and vents
08		Uncoursed rubble walls on the other east, west and north walls of the centre and east wing	Minor Impacts; installation of the proposed HVAC system will require small holes for conduits and vents
09		Coursed ashlar of the west wing	Minor Impacts; installation of the proposed HVAC system will require small holes for conduits and vents

ID	SECTION	CHARACTER-DEFINING ELEMENT	NOTES
10		Coursed pick-faced limestone ashlar of the sunroom	Minor Impacts; installation of the proposed HVAC system will require small holes for conduits and vents
11		Wide fascia on the sunroom	No impact
12		French doors in the sunroom	No impact
13		Random rubble wall of the kitchen garden	No impact
14		Octagonal belvedere atop the west wing	No impact
15		Hanging fascia with scalloped edges on the belvedere	No impact
16		Pressed metal shingles atop the belvedere	No impact
17		Doric colonettes between the 2/2 sash windows of the belvedere	No impact
18		Metal roof of the centre and west wing	No impact
19		Slate roof on the east wing	No impact
20		Limestone chimneys of coursed ashlar	No impact
21		Limestone window sills and lintels	No impact
22		Recessed front door with transom windows and sidelights	No impact
23	Exterior features that contribute to the architectural value of Chedoke include: THE CARRIAGE HOUSE:	Georgian architectural style	Impacts: mechanical equipment, conduits and vents for the proposed HVAC system may be visually intrusive
24		Random rubble walls	n/a
25		Cedar shingle roof	n/a
26		Small gable on the north elevation	n/a
27		1913 wooden garage addition	n/a
28		Gothic hood molding over the second storey French door	n/a

PROPOSED USES

ID	SECTION	CHARACTER-DEFINING ELEMENT	NOTES
29	Interior features that contribute to the architectural value of Chedoke include: THE RESIDENCE:	Centre-hall floor plan of the original house	No impact
30		Tongue and groove hardwood flooring	Minor impacts: increased traffic and potential damage form office furniture
31		1910 oak staircase banister	Potential impacts if railing height does not meet current Building Code requirements. TBC
32		Paneled doors	No impact
33		Elaborate cast iron radiators	Very Minor impacts; proposed installation of thermostatic valves.
34		Numerous marble fireplaces	No impact
35		Ceiling plaster crown mouldings	Impacts: fire separation wall will impact plaster crown moulding in the main stairwell
36		1910 bathroom fixtures	Minor impacts; some bathroom fixtures may require relocation, repair, or replacement. TBC
37		1910 pantry shelving and cupboards	No impact
38		19th century heating stove in the kitchen	No impact
39		High ceilings	Minor Impacts: some bulkheads may be required in secondary areas for proposed HVAC system. TBC
40		High baseboards	No impact
41		Stone arched basement coal room	No impact
42		Former well room in the basement	No impact

ID	SECTION	CHARACTER-DEFINING ELEMENT	NOTES
43	Archaeological features:	1,100 artifacts including	n/a
44		Glass	n/a
45		Nails	n/a
46		Flagstone floors	n/a
47		China fragments	n/a
48		Kitchen middens	n/a
49		Earthenware	n/a
50		Foundation of an unknown structure at the extreme south end of the estate in the form of red tile, brick and mortar	Possible impacts: shallow excavations may be required for upgraded electrical services. TBC
51		Prehistoric artifacts indicating that the estate was the site of an Iroquois village between ca. 1280-1350 CE, in the form of	Possible impacts: shallow excavations may be required for upgraded electrical services. TBC
52		Shards of vessels	n/a
53	Chert tools	n/a	
54	Characteristics that contribute to the contextual value of the Chedoke include:	Location at the top of the Escarpment (or 'mountain') surrounded by mature trees	n/a
55		Picturesque location orientated toward the views and natural beauty of the Escarpment	Impacts: proposed parking area behind the house will impact views from the house to the Escarpment.
56		Proximity to Chedoke Falls	n/a
57		Extensive views of downtown Hamilton, Burlington Bay and Lake Ontario	n/a

PROPOSED USES

CODE IMPACTS

For the next chapter of Chedoke House, Cardus proposes new uses which include a retreat facility which combines offices, small meeting spaces, and short-term accommodations for visiting scholars. Below are the code impacts of this change of use from the current use (single family residential). This proposed use aligns with existing zoning ("B") as has been verified by Hamilton's Building Division (2019).

- The proposed use will be classified under Part 9 of the Ontario Building Code (OBC 2012).
- The proposed use will comply with the floor load limits of the existing structure as per the preliminary analysis from Kalos Engineering.
- The proposed number of users and visitors complies with the OBC requirements for washrooms with the exception of a separate Universal Washroom as per OBC 3.8. As a result, one of the intended renovations is to add a Universal Washroom on the ground floor.
- While there is currently no mechanical fresh air in the building, there is an OBC Part 11 compliance alternative for fresh air to be provided by natural ventilation. During detailed design stage, calculations and engineering data will be provided to demonstrate that such a method is capable of providing ventilation for the type of occupancy. Due to the age of the building, infiltration plays a vital role in natural ventilation.
- Currently there is no exhaust provided for the washrooms. All new washrooms shall be provide with individual ceiling mounted exhaust fans to meet code minimum required exhaust rates.
- All other mechanical and plumbing fixtures to remain as-is or will be upgraded with more water-efficient equipment.
- All heating systems to remain as-is, new cooling to be provided as outlined in the Heritage report by Megan Hobson and will be designed to Code. New heating to be provided to the sunroom as per OBC.
- Following Council approval - Cardus will engage a fire protection engineering study to analyze fire and life safety codes for such a heritage property restoration. With a focus on maintaining the historic integrity of this heritage property, this study will conduct a fire protection engineering analysis incorporating the use of contemporary fire and egress simulation software to determine what impacts, if any, are required to the building for fire safety with the new proposed use.
- In the final stage of this adaptive re-use plan—Cardus and the Ontario Heritage Trust will discuss considerations under Part 11 of the OBC, especially regarding fire prevention, fire alarm system, and third floor egress.

ZONING

The City of Hamilton Building Division has approved Cardus's proposed use for Chedoke House.

Final zoning verification is attached.

In consultation with the Building Division, Cardus applied for mixed use:

- Residential – short-term lodging
- Institutional – religious use

The full text of our successful application is truncated on the attached verification, so it is reprinted here:

ADDITIONAL COMMENTS:

- Cardus restoration and adaptive re-use proposal for Balfour: viable, sustainable
- Cardus proposes retreat facility which combines offices, small meeting spaces, and short-term accommodations for visiting scholars
- Cardus usage would accomplish three of the City's four adaptive reuse 2014 proposals, through mixed residential and institutional tenancy
- Cardus helps the Canadian public, and the Hamilton public, to live together well despite their differences, hosting public conversation on key policy issues: see cardus.ca
- Cardus already uses downtown heritage building (Corktown) for reading rooms, offices, library, small meeting spaces for colloquia and roundtables
- Proposed Balfour retreat facility adds short-term residential lodging for visiting Fellows, scholars, and employees"



Planning and Economic Development Department
Building Division
71 Main Street West
Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2720 Fax: 905-546-2764
Email: building@hamilton.ca

**CERTIFICATE OF ZONING VERIFICATION
AND PROPERTY REPORT**

Hamilton

PROPERTY ADDRESS: 1 Balfour Dr., Hamilton

SECTION No.:

PROPOSED USE: Mixed Use

ATTENTION OF: Emily Coe

TELEPHONE: 905.546.2424 x 2575

A. ZONING VERIFICATION

AS OF THIS DATE, Building Division records indicate the property is subject to:

**ZONING DISTRICT: B
SECTION 8 OF HAMILTON ZONING BY-6593 AS AMENDED
SITE PLAN CONTROL: FOR FUTURE DEVELOPMENT**

THE PROPOSED USE IS: PERMITTED

ADDITIONAL ONLINE PROPOSED USE INFORMATION: Cardus restoration and adaptive re-use proposal for Balfour: viable, sustainable; Cardus proposes retreat facility which combines offices, small meeting spaces, and short-term accommodations for visiting scholars; Cardus usage would accomplish

COMMENTS:

Our records indicate that the recognized use is a single family dwelling, which is permitted.

The proposed use is considered to be a community centre, or other such cultural, recreational or community building or structure, **provided that it is not carried on as a business.**

The Zoning By-law does not regulate short-term accommodations. Provided that this portion of the building is used as a single family dwelling, the use is permitted, regardless of length of accommodation.

Tenant improvements, change of use, conversions, renovations, alterations, additions or new buildings are subject to the issuance of a building permit from the Building Division.

The lands are located adjacent to an Environmentally Sensitive Area (ESA) and are subject to Site Plan Control. For further information, please contact the Development Planning Division at 905-546-2424 extension 2799, 1355 or 4498.

This property is included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest as a non-designated property. Council requires 60 days' notice of any intention to demolish or remove any building or structure on the property. Please contact a Cultural Heritage Planner at 905-546-2424 extension 1202 or 1214, or visit www.hamilton.ca/heritageplanning for further information.

No survey submitted showing actual conditions.

IMPORTANT:

THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS TO THE REQUIREMENTS OF APPLICABLE BY-LAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, OR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. (COPIES OF THE CITY BY-LAWS MAY BE OBTAINED FROM THE CITY CLERK)

B. PROPERTY REPORT

AS OF THIS DATE, Building Division records indicate the following:

No outstanding work orders.

NOTE:

PROPERTY REPORTS PERTAIN TO BUILDING DIVISION FILES ONLY AND RELATE TO ENFORCEMENT PROCEEDINGS COMMENCED BY THIS DIVISION. OTHER DIVISIONS/DEPARTMENTS, INCLUDING BUT NOT LIMITED TO THE PARKING AND BY-LAW ENFORCEMENT DIVISION, FIRE DEPARTMENT, PUBLIC HEALTH SERVICES DEPARTMENT AND PUBLIC WORKS DEPARTMENT MAY HAVE COMMENCED ENFORCEMENT PROCEEDINGS. TO OBTAIN INFORMATION CONCERNING ANY SUCH ENFORCEMENT PROCEEDINGS, YOU MUST CONTACT THOSE DIVISIONS/DEPARTMENTS YOURSELF. ALSO NOTE THAT THIS DOES NOT IMPLY THAT A FIELD INSPECTION HAS BEEN CARRIED OUT.

NOTE: THE PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT IS CURRENTLY DRAFTING A NEW COMPREHENSIVE ZONING BY-LAW 05-200 FOR THE ENTIRE CITY OF HAMILTON. HAMILTON ZONING BY-LAW 05-200 WILL BE INTRODUCED IN VARIOUS STAGES FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND RURAL ZONES. AS A RESULT, THE ZONING OF PROPERTIES THROUGHOUT THE CITY MAY BE AFFECTED.

*** THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OF HAMILTON OR ITS OFFICIALS ***


FOR DIRECTOR OF BUILDING DIVISION

CERT. NO. [19-117297 00 ZR2]

DATE ISSUED: April 30, 2019

PARKING

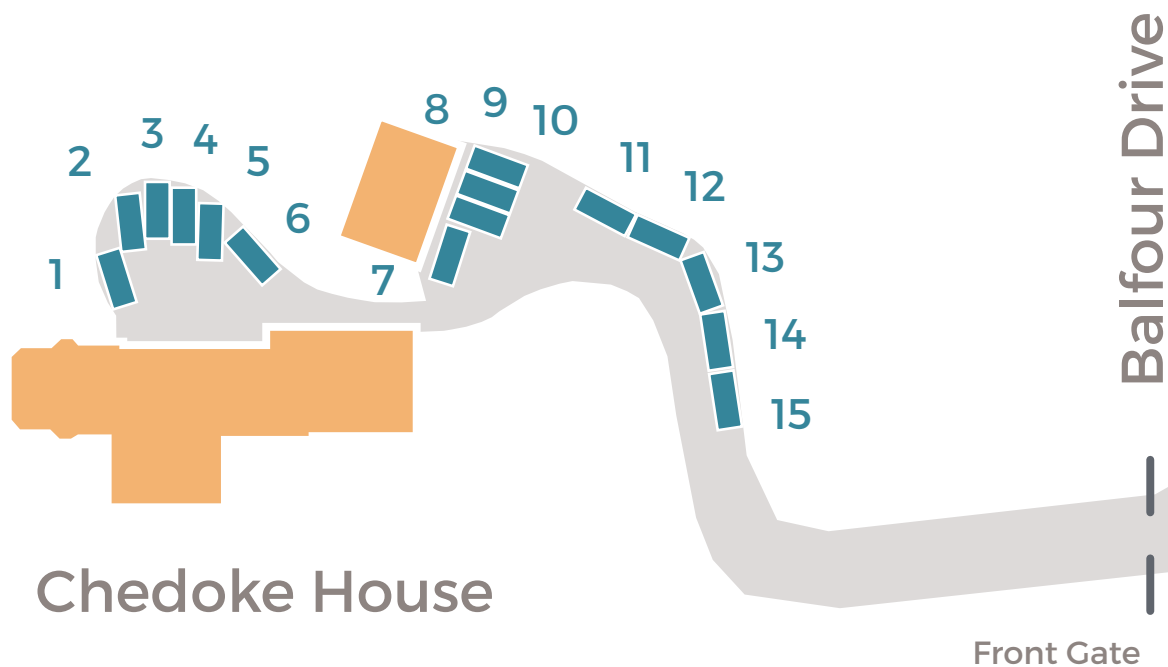
The Chedoke House can easily accommodate at least 15 parking spots, which is sufficient for Cardus's needs. No development is needed to accommodate any additional parking.

Cardus currently owns 13 parking spots at our Corktown historic building, and reaches 100% use only two or three days per year.

Over a third of Cardus's Hamilton staff walk, bike, or commute via public transit.

On event days, e.g. Doors Open and Jane's Walk, more laneway and street parking may become necessary.

PROPOSED USES



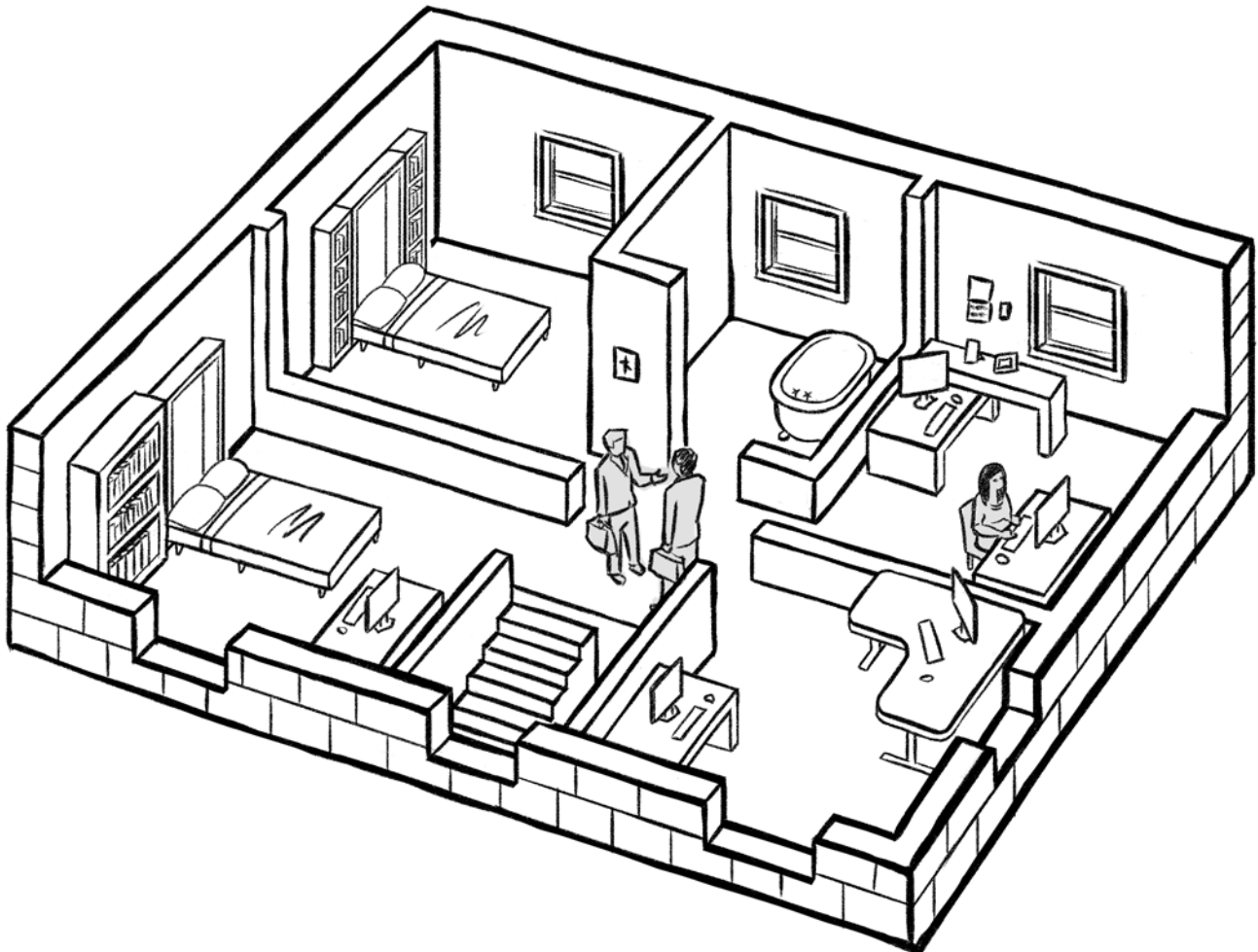
ACCOMMODATION

Two of the rooms in Chedoke House may be used for short-term accommodation of visiting scholars and Cardus staff.

Both of these third-floor rooms will be primarily used as studies. The secondary use will be on rare occasions.

We do not expect any stays of a duration greater than 14 days.

We do not expect overnight occupancy of either room any more than 30 nights per year.



PUBLIC ACCESS

- Cardus seeks a restored Chedoke House that serves the heritage fabric of Hamilton, for the benefit of all Hamiltonians and Canadians.
- Currently, the property is occupied only for security, and is entirely inaccessible to the public.
- When the restoration is complete and Cardus begins occupancy, this beautiful building will be open to visitors over 250 days per year, exactly the way our existing heritage property in Corktown is currently open to visitors.
- In addition, Cardus is thrilled to continue participation in annual Doors Open, as we have done in the Old Cooperage. Starting in 2021 this wonderful weekend will see Chedoke back on the Doors Open map, accessible for guided tours inside and outside the manor house.
- Cardus has been sought as a participant by Hamilton Employers' Crawl.
- Cardus also welcomes the chance to conduct annual Jane's Walks through the property.
- One factor we keep in sight: Cardus operations must balance public access with the low-density neighbourhood commitments that align with the current zoning.
- To that end, in concert with the Ontario Heritage Trust, Cardus will also—by way of physical signage and online publications—tell the stories of Chedoke, from the Iroquois to the Southams to the Balfours.



TRAFFIC

The restoration and occupancy of Chedoke House by Cardus will see negligible traffic impact on the immediate neighbourhood.

At peak arrival and departure hours, current load for Hamilton Cardus staff is 5-7 vehicles per hour. Most hours of the day, traffic impact is expected to be 1-2 vehicles per hour.

Further, Balfour Drive exits onto Scenic Drive where Scenic is one-way eastbound, which minimizes any traffic impact related to Cardus's use.

In addition, there is only one single driveway between Scenic Drive and the laneway to Chedoke House, so impact on any residential back-outs will be negligible.



APPENDICES

COMMISSIONED STUDIES

In preparing this Chedoke House Functional Plan, Cardus commissioned and received the following professional reports.

1. MECHANICAL & ELECTRICAL DESIGN BRIEF

CK Engineering Inc
3390 South Service Rd, Suite 302
Burlington ON L7N 3J5
www.ckengs.com

2. STRUCTURAL REVIEW

Kalos Engineering
300 York Blvd
Hamilton ON L8R 3K5
www.kaloseng.ca

3. HERITAGE REVIEW

Megan Hobson Heritage Consulting
15 Ogilvie St
Dundas ON L9H 2S1

4. PRELIMINARY RESTORATION COSTING

Schilthuis Group of Companies
23 Industrial Dr
Caledonia ON N3W 1H8

5. ARCHITECTURAL MANAGEMENT REVIEW

Invizij Architects
185 Young St
Hamilton ON L8N 1V9



I N V I Z I J

Heritage Projects - Selected

Ontario Provincial Administration Offices and Courtrooms, Hamilton

This project involved renovating and repurposing of 50 Main Street East to house the Ontario Provincial Administration and Courtrooms, the Ontario Municipal Board Court Room, and offices for City Staff. Originally constructed as a courthouse in 1958 to the design of Hamilton architect Alvin Prack, the building was later occupied by McMaster University, before being renovated back to a courthouse. It is slated for heritage designation in 2021. With +VG Architects.

Hamilton City Hall Renovations, Hamilton

The project involved a comprehensive rehabilitation and upgrade of City Hall, an important civic building in Hamilton as well as an architecturally significant example of the "International Style" in Canada originally designed by Stan Roscoe in 1956. Renovations were undertaken to improve the building while maintaining its heritage characteristics. The site and building were completely restored, with improvements such as replacing the exterior cladding and curtain wall, interior renovations, life safety upgrades, increased barrier-free access, and upgrades to the building's energy loads with new wall assemblies and mechanical/electrical systems. With mcallumsather and +VG Architects.

Ancaster Memorial Arts Centre

The Ancaster Memorial School, built in the mid-1940s, occupies a special place in the hearts of many local residents. Invizij's solution manages to preserve most of the existing building, including the iconic stone portal, while adding a modern addition to the south and west side. Four levels of the facility can be reached by one elevator. The new and renovated facility will house a 450-seat theatre auditorium, a 150-seat multi-purpose studio, visual arts classrooms, and music and dance studios.

Dundas Valley School of Art Renovation, Dundas

Located in the village of Dundas, the original building dated 1836, was formerly known as Canada Screw Works. This building, along with an 1941 addition, was in need of a complete renovation to bring the facility up to energy, code, and accessibility standards, and to give a new face to this important anchor for artists and art students. Inside the 2,253m² renovated building are studio space for ceramics, drawing, jewelry, painting, printmaking, photography and sculpture, an extensive library, a community art gallery, café, and a large loft space with beamed ceiling suitable for large events and performances.

First Hamilton Christian Reformed Church Restoration & Renovation, Hamilton

This 130-year-old place of worship in downtown Hamilton has undergone a complete restoration of the building envelope. The scope of work included masonry re-pointing and replacement, restoration to the leaded glass windows, roof replacement, new exterior doors, some foundation re-pointing, and necessary structural repairs.

St. Andrews Presbyterian Church - Addition & Renovations, Ancaster

St. Andrew's Presbyterian Church Gothic Revival building dates back to 1875 with an addition constructed in the 1960s to accommodate the burgeoning Ancaster community during its post-war expansion. Accessibility was a significant issue before the renovations; neither part of the church was wheelchair-accessible, and the link between the Sanctuary and Parish Hall was difficult to navigate. The steel and glass canopy over the lobby entrance not only serves as a shelter, but also attempts to unify all building additions and present the church with a unique identity.

Caledonia Old Mill Conversion, Caledonia

Project includes the complete re-building of the Caledonia Old Mill on the Grand River in a way that replicates will replicate the historic character of the former Mill as new office space.

Heritage Projects - Additional

Hamilton Christian Fellowship Annex Renovations
BD Architectural Salvage Showroom and Warehouse
Church of St. John the Evangelist Chancel Accessibility Renovations
St. Marks Historic Church Conversion to Housing, Kitchener
St. James Coach House Conversion to Daycare Offices, Dundas
Harvey Woods Historic Lofts Conversion, Woodstock



I N V I Z I J



Emma is a Principal of Invizij and specializes in Housing, work with non-profits, and Sustainable Design. A graduate of both the University of Illinois and Waterloo, she is a registered architect with the OAA and has over 15 years of architectural experience. Emma's passions in livable small spaces, affordable housing, cycling, and sustainability have shaped her as a designer, where she is driven by values of justice and inclusion. She is involved in various community-building initiatives in downtown Hamilton and an advocate for laneway housing and Passive House design, and was recently awarded "Environmental Of The Year" by Environment Hamilton.

Emma Cubitt | Principal & Project Architect - Invizij Architects Inc.

M.Arch., OAA, MRAIC, LEED® AP, CAHP Intern

Professional Association

Architect, Ontario Association of Architects
Member, Royal Architectural Institute of Canada
Hamilton/Burlington Society of Architects
LEED Associated Professional
CAHP (Intern), Canadian Association of Heritage Professionals

Professional Experience

Principal, Invizij Architects Inc - 2019- Present
Associate, Invizij Architects Inc - 2014- 2019
Architect, Invizij Architects Inc - 2012- 2013
Intern Architect, Garwood-Jones & Hanham Architects - 2008- 2011
A Architects, Wonder Lake Illinois - 2003-2004
Legat Architects, Crystal Lake, Illinois - 2000-2003

Selected Project Experience

Heritage / Historic Buildings

Dundas Valley School of Art Renovation, Dundas
Hamilton City Hall Renovations, Hamilton
Caledonia Old Mill Conversion, Caledonia
Hamilton Christian Fellowship Annex Renovations Feasibility Study
Church of St. John the Evangelist Chancel Accessibility Renovations
Auchmar Estate Coach House Conversion (not built)
St. James Coach House Conversion to Daycare Offices, Dundas
Ferguson Coach House Conversion of Laneway Suite, Hamilton
Harvey Woods Historic Lofts Conversion, Woodstock
Hambleton Hall Apartments Conversion, Simcoe
St. Marks Historic Church Conversion to Housing, Kitchener
First Hamilton Christian Reformed Church Restoration & Renovation, Hamilton
Riversyde 83 Commercial Building Conversion to Community Cafe, Simcoe

Non-profit, Office, and Commercial

Dr. John M. Perkins Centre -Supportive Housing & Community Development Centre
Hughson Street Baptist Church
Redeemer University College Recreation Centre Renovations
The Mustard Seed Co-operative Grocery
Hamilton Community Food Centre
Mission Services Good Food Centre
YWCA Cafe & Catering Kitchen Renovation
Caledonia Old Mill Conversion

Megan Hobson

M.A. (Architectural History), Diploma in Heritage Conservation, CAHP
Built Heritage Consultant

Megan Hobson has experience as a built heritage consultant for a wide range of heritage projects including residential, commercial, industrial and institutional sites. With professional training in heritage conservation, heritage planning and historical research, she brings together specialized skills in research, analysis, planning and conservation of built heritage resources and cultural heritage landscapes.

Megan is a professional member of the Canadian Association of Heritage Professionals and has over 20 years experience researching, writing and lecturing on built heritage in Ontario. She has taught history of architecture courses at the University of Toronto and McMaster University and is currently an adjunct faculty member at the Willowbank School of Restoration where she teaches Research Methods and Conservation Planning.

Since graduating from Willowbank in 2011, Megan has worked as a built heritage expert in both the public and private sectors, advising heritage property owners, architects, planners, community groups and developers of historic properties. She has prepared heritage reports related to heritage designations, planning approvals and permit applications for clients in the public and private sectors for individual buildings, large building complexes, heritage districts and cultural heritage landscapes.

Her consulting practice is focused on the identification and conservation of heritage values in heritage places undergoing change. It is based on a sustainable approach to heritage conservation that conserves heritage values and supports ongoing and vibrant uses for historic places. This process includes meaningful engagement with clients and stakeholders and collaboration with multi-disciplinary project teams. She provides recommendations to ensure that interventions to heritage properties follow best practices, as outlined in the *Standards and Guidelines for the Conservation of Historic Places in Canada*, and that they meet or exceed requirements under the *Ontario Heritage Act* and all relevant heritage legislation, easements agreements and planning policies.

MEGAN HOBSON, M.A. Dipl. Heritage Conservation, CAHP (Canadian Association of Heritage Professionals)
BUILT HERITAGE CONSULTANT

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Phone: (905) 975-7080
Email: mhobson@bell.net

EDUCATION

- **Dipl. Heritage Conservation**, Willowbank School of Restoration Arts, 2009
- **Ph.D. Candidate**, University of Toronto, 1993
- **M.A. (Architectural History)**, University of Toronto, 1991
- **B.A. Honours (Art History)**, McMaster University, 1989

PROFESSIONAL EXPERIENCE

- Principal, Megan Hobson Heritage Consulting, 2009-Present
- Municipal Heritage Planner, Town of Oakville, 2014-15
- Architectural Historian and Conservation Specialist, Taylor Hazell Architects, 2010-13.
- Adjunct Faculty, Willowbank School of Restoration, 2012-Present
- Faculty (CLA), Department of Fine Art, McMaster University, 1998-99
- Sessional Instructor, Department of Fine Art, University of Toronto, 1998-2006

PROJECT EXPERIENCE

KEY:

DFAIT	Department of Foreign Affairs and International Trade, Ottawa
JS	Julian Smith & Associates, Niagara-on-the Lake
MH	Megan Hobson Heritage Consulting, Hamilton
MHBC	MHBC Planning, Urban Design and Landscape Architecture, Kitchener
IO	Infrastructure Ontario
OHT	Ontario Heritage Trust, Toronto
SBA	Steven Burgess Architect, Toronto
THA	Taylor Hazell Architects, Toronto
HSAI	Heman Shih Architect Inc., Richmond Hill
Invizij	Invizij Architects, Hamilton

- Conservation Plans: 502-08 Parliament Street, Hamilton, Listed (MH/Chamberlain/Toronto Community Housing)
10 Tom Street, Hamilton, Designated Part IV (MH/Invizij)
915 North Service Road, Mississauga, Designated Part IV (MH/Private Client)
8066 Kipling Avenue, Vaughan, Designated Part V (MH/Private Client)
271 Queen Street South, Streetsville, Mississauga, Designated Part IV (MH/Private Client)
William Thomas Façade, 48-52 James Street N, Hamilton, Designated Part IV (MH/Hi-Rise)
Former Wentworth County Courthouse, Hamilton (MH/City of Hamilton)
Canadian Embassy, Tokyo (JS/DFAIT)
Canadian Embassy, Colombo, Sri Lanka (JS/DFAIT)
Auchmar Estate, Hamilton (MH/Willowbank student project)

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Email: mhobson@bell.net

PROJECT EXPERIENCE contd.

- Impact Assessments: 383 Hughson Street North, Hamilton, Listed (MH/Invizij)
16 Ennisclare Drive, Oakville, Listed (MH/Private Client)
3658 Burnbrae Drive, Mississauga, Listed (MH/Private Client)
352 Main Street East, Grimsby (MH/Private Client)
Parliament Oak School, Niagara-on-the-Lake, Listed (MH/Private Client)
Sir John Whitney Provincial School, Belleville, Provincial Heritage Property (HSAI/IO)
Orillia & Bracebridge Courthouses, Provincial Heritage Properties (HSAI/IO)
North Bay Jail, North Bay, Provincial Heritage Property (John R. Hamalainen Engineering/IO)
Parry Sound Courthouse, Parry Sound, Provincial Heritage Property (HSAI/IO)
55, 59 & 61 Beech Street & 136 Church Street, Brampton, Listed (MH/Private Client)
Long & Bisby Building, Chedoke Sanitorium, Hamilton, Listed (MH/Urban Solutions)
333 Main Street, Port Dalhousie, St. Catharines, Designated Part IV (MH/Private Client)
Glen Ridge School, St. Catharines, Designated Part IV (MH/Private Client)
24 & 26 Ann Street, Mississauga, Listed (MH/Private Client)
1982 Queensville Sideroad, East Gwillimbury, Listed (MH/Town of East Gwillimbury)
9393 McLaughlin Road, Brampton, Listed (MH/Private Client)
1234 Old River Road, Port Credit, Mississauga, Designated Part IV (MH/Private Client)
122 Augusta Street, Hamilton, Listed (MH/Private Client)
30 Ridge Road, Stoney Creek, Designated Part IV (MH/Private Client)
29 Port Street West, Port Credit, Mississauga, Designated Part V (MH/Private Client)
43-51 King Street East Hamilton, Kresge Co. Store, Listed (MH/Hi-Rise Group)
Children's Museum, 1072 Main Street East, Gage Park, Hamilton, Listed (MH/City of Hamilton)
8066 Kipling Avenue, Vaughan, Designated Part V (MH/Private Client)
20 Ben Machree Drive, Port Credit, Mississauga, Designated Part IV (MH/Private Client)
Laura Secord School, Queenston, Designated Part V (MH/Willowbank School)
27 Cherry Street, St. Catharines, Designated Part V (MH/Private Client)
271 Queen Street South, Streetsville, Mississauga, Designated Part IV (MH/Private Client)
307 Queen Street South, Streetsville, Mississauga, Designated Part IV (MH/Private Client)
19 Church Street South, Richmond Hill, Listed (MH/Private Client)
3032 Churchill Ave, Listed, Malton Wartime Housing CHL, Mississauga (MH/Private client)
1028 Lakeshore Road, Oakville, Designated Part IV (MH/Private Client)
197 Hatt Street, Dundas, Listed (MH/Private Client)
252-264 Adelaide St. West, Toronto, *National Historic Site (THA/Allied Properties)
55 Station Road, King, Listed (THA/Metrolinx)
Beckford Motel, 10046 Creditview Road, Brampton, Listed (THA/Metrolinx)
Uxbridge Trail Bridge, Listed (THA/Metrolinx)
331 Clair Road E, Guelph, Designated Part IV (SBA/Acorn Developments)
St. James Anglican Church, Etobicoke, Listed (RAW Architects/St.James)

MEGAN HOBSON, M.A. Dipl. Heritage Conservation, CAHP (Canadian Association of Heritage Professionals)
 BUILT HERITAGE CONSULTANT

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Email: mhobson@bell.net

PROJECT EXPERIENCE contd.

- Heritage Conservation District Studies: King/Spadina HCD Study, Toronto (THA/City of Toronto) (400+ properties)
 Greenfield HCD Study, North Dumfries (THA/Township of North Dumfries)
 Downtown Oakville HCD Study (MHBC/City of Oakville) (200+ properties)
 Brooklyn & College Hill HCD Study, Guelph (MHBC/City of Guelph) (160 properties)

- Heritage Evaluations: Ontario Reg. 09/06 & 10/06, Statements of Cultural Heritage Value (SCHV)
 - 1982 Queensville Sideroad, Listed (Town of East Gwillimbury)
 - 1216 Mississauga Road, Listed (WSP/MMM Group)
 - 50 Main E, Wentworth County Courthouse, Hamilton, Listed (MH/City of Hamilton)
 - St. James, Etobicoke, Designated (RAW Architects/St.James)
 - 18 Properties on Eglinton Avenue, Toronto (THA/Metrolinx)
 - 8 Properties in Whitby, Pickering & Oshawa (THA/Metrolinx)
 - Stouffville Grain Elevator (THA/Metrolinx)
 - MacMillan Farm, Vaughan, Designated Part IV (THA/City of Vaughan)
 - Former Drill Hall, Guelph (THA/Metrolinx)
 - McMichael Cemetery, Kleinburg, *National Historic Person (McMichael Art Collection)
 - 271 Queen Street South, Streetsville, Mississauga, Designated Part IV (Private Client)
 - 19 Church Street South, Richmond Hill, Listed (Private Client)
 - 3032 Churchill Avenue, Listed, Malton Cultural Heritage Landscape, Mississauga (Private client)

- Heritage Evaluations contd.: Ontario Reg. 09/06 & 10/06
 - 17587 Warden Aven, East-Gwillimbury, Listed (MH/Town of East-Gwillimbury)
 - 3761 Main Street, Jordan, Listed (MH/Town of Lincoln)
 - Forest Hill Fire Station, Toronto, Designated Part IV (THA/Metrolinx/City of Toronto)
 - Kodak Employees' Building, 3500 Eglinton Ave W, Toronto, Listed (THA/Metrolinx/GO)
 - Guelph Correctional Centre, 12 Designated & Listed Buildings, (THA/Infrastructure Ontario)
 - Mohawk-Greenwich Site, Brantford (THA/City of Brantford)

- Condition Assessments:
 - Hamilton Psychiatric Hospital, Provincial Heritage Site (THA/Infrastructure Ontario)
 - Maplelawn, Ottawa *National Historic Site (THA/National Capital Commission)
 - Scotsdale Farm, Halton Hills *Ontario Heritage Trust Property (OHT Intern)

- Heritage Policy:
 - City of Toronto Official Plan Policy Review (THA/City of Toronto)
 - Metrolinx Cultural Heritage Protocol (THA/Metrolinx)

- Brownfield Development:
 - West Donlands, Toronto (THA/City of Toronto)
 - Mohawk-Greenwich Site, Brantford (THA/City of Brantford)

- Infrastructure Planning:
 - 407 ETR Extension, Oshawa, Pickering Whitby (THA/Ministry of Transportation)
 - Eglinton LRT, Toronto (THA/Metrolinx)

- Adaptive Re-Use:
 - Forest Hill Fire Station, Toronto, Designated Part IV (THA/Metrolinx/City of Toronto)
 - Kodak Employees' Building, Toronto, Listed (THA/Metrolinx/GO)
 - Guelph Correctional Centre, Provincially Significant Site (THA/Infrastructure Ontario)

MEGAN HOBSON, M.A. Dipl. Heritage Conservation, CAHP (Canadian Association of Heritage Professionals)
BUILT HERITAGE CONSULTANT

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Email: mhobson@bell.net

PROJECT EXPERIENCE contd.

- Documentation: C.H. Bray Elementary School, Ancaster (MH/Hossack/Ham-Wentworth District School Board)
& Salvage 61 Main E, Grimsby, Listed, (MH/Private Client)
433 Mary Street, Hamilton, Listed (MH/Private Client)
167 Book Road, Ancaster, Listed (MH/Catholic Diocese of Hamilton)
3761 Main Street, Jordan, Listed (MH/Private Client)
Gibson Street School, Designated Part IV (MH/Stinson Developments)
440 Victoria Ave. N., Hamilton (Otis Elevator Co. & Studebaker Plant) (MH/Urban Solutions)
Calvin Rand Estate, Niagara-on-the-Lake (Willowbank/Trillium Foundation)
Winder House, London, Ontario, Designated Part IV (Willowbank/Heritage London)
Scotsdale Farm Manager interview *Ontario Heritage Trust property (OHT Internship)

PUBLICATIONS

- 'The C.J. Holman House; Edmund Burke's Adaptation of the Queen Anne for a Canadian Suburban Residence.' Bulletin for the Society of the Study of Architecture in Canada, vol. 18, no.s. 3 & 4 (Sep-Dec 1993); 96-106.
- 'To Educate Public Opinion, John M. Lyle's Gift.' Essay in A Catalogue of the John M. Lyle Collection of Architectural Books, Hamilton, 1984. Co-authored with Sharon Vattay.
- (Book Review) 'A Heritage of Stone: Buildings of the Niagara Peninsula, Fergus and Elora, Guelph, Region of Waterloo, Cambridge, Paris, Ancaster-Dundas Flamborough, Hamilton and St Mary's.' Canadian Historical Review, Vol. 89, No. 3; 419-420.

PUBLIC LECTURES

- 'Hamilton Rising; Heritage & the Civic Renaissance', (Plenary Session, National Trust for Canada, 2016)
- 'McMichael, Venchiarutti, the Group of Seven and the McMichael Cemetery.' (McMichael Canadian Art Collection)
- 'Built Heritage Inventory Project for Westdale & Ainslie Wood.' (Westdale Ainslie Wood Neighbourhood Association)
- 'An Early Mill Town on the Grand River; John Goldie and the history of Greenfield, North Dumfries.' (Public Meeting, Township of North Dumfries)
- 'Architectural Styles in Toronto's Warehouse District.' (Public Meeting, City of Toronto)
- 'Evolution of the Built Environment in Downtown Oakville.' (Public Meeting, Town of Oakville)
- 'Architectural Styles in the Brooklyn Chapel Hill Study Area.' (Public Meeting, City of Guelph)
- 'The Landscape of the Auchmar Estate: A Scottish Laird in Hamilton.' (City of Hamilton, Culture Division)
- 'William Thomas and Gothic Revival Architecture in Hamilton.' (McMaster University Retirees Association)

PUBLIC TOURS

- 'Hamilton the City Beautiful' (Bus Tour, National Trust Conference 2016)
- 'Made in Hamilton; Industrial Heritage of a Great Canadian Steel Town' (Bus Tour, National Trust for Canada, 2016)
- 'The Work of John M. Lyle and the City Beautiful in Hamilton' (Bus Tour, Ontario Association of Architects, 2015)

- 'Village and Gown; the Story of McMaster University and the Suburban Village of Westdale.' (Walking Tour, Architectural Conservancy of Ontario)
- 'The City Beautiful Movement in Hamilton.' (Bus Tour, Architectural Conservancy of Ontario)
- 'Hamilton's Stone Age Architecture.' (Walking Tour, Architectural Conservancy of Ontario)
- 'Hamilton's Mountain Brow Estates.' (Bus Tour, Architectural Conservancy of Ontario)

EXHIBITIONS

- 'Downtown Details: Historic Buildings in Downtown Hamilton.' (Community Gallery, Art Gallery of Hamilton)
- 'John M. Lyle and Dunington Grubb; Designs submitted to the 1928 Competition for a New North-Western Entrance to the City of Hamilton.' (Community Gallery, Art Gallery of Hamilton)
- 'Hamilton's Old Custom House: Design/Build/Re-Build.' (Ontario Workers' Arts & Heritage Centre)

MEMBERSHIPS

- International Council on Monuments and Sites (ICOMOS) Canada
- Canadian Association of Heritage Professionals (CAHP) Professional Member
- National Trust for Canada (NT)
- Society for the Study of Architecture in Canada (SSAC)
- Architectural Conservancy of Ontario, Hamilton Region Branch (ACO)
- Association for Preservation Technology (APT)



Suite No. 302, 3390 South Service Road, Burlington, ON L7N 3J5 Email: info@ckengs.net Tel: (905) 631 1115

FIRM PROFILE:

CK Engineering is a recognized mechanical and electrical engineering consultant firm known for delivering innovative solutions. CK Engineering is known to be reputable and work with some of award-winning architects including Invizij Architects Inc., DPAI Architects, NGA Architects, Lintack Architects, Toms + McNally Architects, Grguric Architects. We have completed numerous projects for them and continue to work closely with them on future projects as we are one of their preferred mechanical and electrical consultants.

We’ve been in business for over eleven years and as a team, CK engineering possesses more than forty years of knowledge and experience in this industry. CK Engineering started in 2007 and have expanded to be a company of 14 employees and will continue to grow.

CK Engineering values clients and their needs for safe, reliable and operationally efficient designs through cost effective engineering and construction management. Our staff have the experience to deliver a project from conception to completion in an efficient and timely manner. We are always keeping up with the new innovative technology and equipment to provide our clients with the best options for their projects. We often have workshops with suppliers to demonstrate and help us understand newer and better ways to create designs for all projects.

MECHANICAL AND ELECTRICAL PROJECT EXPERIENCE:

Owner Name	Yoke Group	Lakeview Retirement Centre Inc.	Indwell
Owner Contact Information	Anthony Q anthony@yokegroup.ca 289-426-5692	Kim Janjic 905-664-2966	Graham Cubitt graham@indwell.ca 905-529-0454 x229
Architect	Kathryn Vogel Architect	Lintack Architects Inc.	Invizij Architect
Project Name	Treble Hall	Riverstone Retirement Home	Hambleton Hall
Location	85 King St. E, Hamilton	34 Hasting St. S, Bancroft	190 Dean Street, Simcoe
Description of Project	Mechanical and Electrical design for 3.5 storey heritage building, retail on ground floor and apartments on 2.5 storeys	Mechanical and Electrical design to convert an old hospital into retirement home consisting of 30 beds.	Mechanical and Electrical design to convert an old 2 storey church into 40 residential units.
Construction Budget	\$2.5 Million	\$5 Million	\$ 3.92 Million



Hank Huitema, M. Eng., P. Eng.

Senior Structural Engineer, President

Professional summary

Hank Huitema has been in the consulting engineering business for over 30 years. Hank initiated **Kalos Engineering Inc.**, a structural engineering practice, in 2012 to provide dedicated structural engineering and project management consulting services to select clients. Hank served in various capacities in the structural engineering field, previously with AMEC Environment & Infrastructure and with Philips Engineering Ltd. prior to the merger with AMEC Environment & Infrastructure in 2009. Hank's experience includes:

- 1987 to 1998 - Design Engineer – Philips Engineering
- 1998 to 2009 - Sr. Structural Engineer, Principal – Philips Engineering
- 2009 to 2012 - Sr. Structural Engineer, Principal – Amec Environment & Infrastructure
- 2012 to present - Sr. Structural Engineer, Principal – Kalos Engineering Inc.

Mr. Huitema's experience encompasses both new and renovation/rehabilitation work. As a Project Manager, he undertakes design and analysis work on low and high-rise structures, including commercial, industrial, institutional, residential and municipal facilities, as well as retaining walls, culverts and bridge structures.

Representative projects

Mr. Huitema has been actively involved in many projects in a design and project management capacity. Hank has completed design and construction review for multiple structures with varying vintages. He has worked on countless single family and low rise residences with vintages between the late 1800s through to 1960s. Numerous church renovations/modifications/condition assessments have been completed. Several notable projects include:

- *La Salle Park Pavilion, Burlington (1916)*
- *Caledonia Old Mill (1853)*
- *Martin Street School, Oakville*
- *Coppley Buildings, 56 York Blvd., Hamilton (circa 1853, 1907)*
- *Patterson Building – residence for Columbia College (1920s)*
- *716 Bloor - 1930s building - interior renovation for doctors office including structural reinforcing of the floor and roof*
- *Baltimore House (currently Berkely North) - structural condition assessment*
- *16 Kenilworth - renovations/floor reinforcing*
- *Salvation Army - renovations/ and new elevator in old bank building*
- *St Andrews Church, Ancaster*
- *Melvin/Parkdale - redevelopment*
- *26/38 West - Low-rise residential renovation*
- *Edinburgh Ramp, Caledonia – former town hall (1857)*
- *Several Carnegie buildings*
- *Treble Hall renovation, including new elevator*
- *Many 100+ year old houses – work includes underpinning, reviews, removal of load bearing walls, general renovations, repairs etc*



CARDUS



Toronto, December 23, 2019

Carolyn Samko, Senior Project Manager
Heritage Facilities and Capital Planning
Tourism & Culture Division,
Planning and Economic Development, City of Hamilton

RE: Chedoke House – Peer review of Cardus proposal - Draft

Carolyn,

The following letter is a peer review of the proposed design and fit up of Chedoke House at 1 Balfour Drive. The review focused on the potential impacts on the heritage attributes and fabric of the house, the occupancy loads and the structural capacity of the floors, and the proposed fire, life safety and accessibility upgrades.

SUMMARY OF FINDINGS

Our review finds that the proposed project has not fully assessed the potential impacts on the heritage building. The Cardus report does not address the implications of the major change of occupancy from Group C residential to Group A, Division 2 Assembly, which include providing additional exits, fire ratings to the floors, and sprinklers. The report does not include a conservation plan describing how the proposed interventions would be completed, how the heritage attributes would be conserved, and the mitigation methods to be proposed to address any negative impacts. Based on the information provided, we conclude that the proposed change of use will have a significant impact on the heritage value and attributes.

SCOPE OF WORK

We completed a site visit on December 10, 2019. Our scope was three-fold:

- A review of the proposed design for its impact on the architecture and heritage attributes;
- An assessment as to whether the existing structure can support the proposed uses and occupancy loads; and
- A building code review of the proposed fire and life safety and accessibility features.

CHEDOKE HOUSE

The Chedoke House is owned by the Ontario heritage Trust, and being managed by the City of Hamilton. Built between 1936-38 with additions in 1850s and 1920s, the house's heritage value is based on its historic association with a number of prominent Hamiltonians, its design and physical character as a Regency style house, and its contextual siting for its picturesque setting. The

architects, directors

ALAIN FOURNIER
JULIA GERSOVITZ
ROSANNE MOSS
GEORGES DROLET
GIOVANNI DIODATI
DIMA COOK
ERIC MOUTQUIN

architects, associates

MATTEO CENDAMO
JAMES CURTISS
NANCY LABRECOQUE
NEIL McNULTY
KONSTANTIN NIFAKOS
ERIC STEIN
SAMI TANNOURY
ROXANNE GAUTHIER
CAROLYNE FONTAINE
GILLES PRUD'HOMME
NATHAN GODLOVITCH
LENA BUCHINGER

RE: Chedoke House – Peer review of Cardus proposal - Draft
December 23, 2019

exterior and interior of the house have been preserved to a substantial degree with most of its original spatial configurations and interior finishes still evident. The statement of significance is attached to this letter.

PROPOSED PROJECT

The Cardus proposal is to adaptively reuse the building for “a retreat facility which combines offices, small meeting spaces, and short term accommodations for visiting scholars.” (Cardus report, p. 54). The scope of work includes installing new HVAC systems and other ventilation, modifying the radiators, installing new wiring and lighting, providing a new Universal washroom, installing offices and meeting rooms in most of the spaces, and installing a partition at the 2nd floor landing of the main stairs.

BUILDING CODE IMPACT REVIEW (MORRISON HERSHFIELD)

The peer building code review raises a number of concerns. The proposed changes should be reviewed under Part 3 of the OBC, and not Part 9 as the Cardus report proposes. The change of use from a Group C to a Group A, Division 2 is considered a major change, and triggers significant upgrades to the building to make it code compliant unless an Alternate Solution can be developed to demonstrate the same levels of performance achieved by Part B of the OBC. These upgrades would include:

- providing a minimum 1 hour fire rating to the floor assemblies;
- installing a sprinkler system;
- providing an additional exit from the second and third; and
- providing an adult change table in the newly constructed washroom.

A detailed analysis under Part 11 is recommended. The alternative solutions process is warranted to address the specific challenges of this heritage building.

The building code review report is appended to this letter.

STRUCTURAL REVIEW (TACOMA ENGINEERS)

The building structure is generally in good repair, in large part due to the continued and regular occupancy of the building. The primary intent of the site visit carried out on December 10th was to review the building structure and to determine if the proposed use in the Cardus Functional Plan is compatible with the building as it currently stands.

Access to the building structure, and therefore accurate measurements of existing joists and beams, was limited. A small portion of floor framing was visible on the third floor, isolated

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locations were visible on the second floor near plumbing chases, and the majority of the basement ceiling (main floor framing) was visible. While it is not possible to comment on the conditions of the second and third floor framing, the ground floor framing (visible in the basement) appears to be in good condition.

The ground floor framing changes direction in several locations, largely to accommodate stair openings and to suit shorter spans. Based on the site measurements taken on December 10th, the majority of the floor appears to be adequate to support a live load of between 2.4 and 4.8 kPa. The area of the ground floor to the west of the main entry is framed with lighter material and is likely adequate for only 2.4 kPa unless reinforced with additional framing. The remainder of the main floor appears to be adequate to support a live load of 4.8 kPa. Of particular note is the wall separating the kitchen from the future staff room. Based on the review of the existing structure it appears that this wall is a loadbearing element, and the removal noted on the proposed plan would require the installation of a new beam across this opening.

The second floor framing, similar to the main floor, changes direction in several locations. Access to the framing was much more limited in this area, and as such the framing is assumed to be similar throughout. Based on an assumed framing layout with 2x10 joists spaced at 18" on centre, the floor was found to be adequate to support a live load of 2.4 kPa. Verification of this finding would be required prior to undertaking an alternate occupancy.

The third floor framing was visible in one small corner of the east addition. The framing of this area of the building was found to be adequate to support a live load of 4.8 kPa, considerably higher than would be required for an upper storey office or live-work unit.

In summary, it is likely that the structural interventions to allow for the proposed plan are relatively minor, and would include the following:

- Invasive investigations to confirm assumed framing sizes, spacings, and configurations;
- Additional structural members to improve sub-standard live load capacities; and
- Additional structural members to allow for the removal of loadbearing walls.

HERITAGE IMPACT ASSESSMENT

The impact on the heritage was evaluated in two parts. First the impact of the proposed interventions as described in the Cardus report, and second, the impact of the upgrades triggered by the change in occupancy.

The report lists the scope of work and proposed changes at a very high level and does not provide sufficient information to full assess the potential impact of the interventions. The proposed plans

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do not accurately reflect some areas of the house. For example, the fireplace chimney of room 108 has been omitted from the drawings. It protrudes into the corridor by the rear stairs, and into room 302. The millwork in that room has also been removed from the plans, but remains noted in the proposed room uses table. The location of some of the radiators is incorrect, particularly in room 105.

The “Chedoke House Restoration Costs” table details the proposed scope of work. The work priced does not always concord with the scope of work described in the “Proposed Room Uses” and the “Impacts to Heritage Elements” tables. The costs provided are, in our opinion, insufficient to cover the work required. This raises serious concerns on the means and methods assumed to complete the work. Repairs to the building must use recognized conservation methods. The budget of \$10,000 for repairs to ceilings and walls following the mechanical and electrical work would not reflect the traditional plaster repairs that would be required.

The mechanical report was not provided to allow for a detailed assessment of the potential impact of the proposed systems. The costing table notes two options for providing air conditioning for the ground floor: 1) a VRF system which would imply units installed on the walls of the various rooms and connected to a larger exterior unit; and 2) high velocity ducted system with a fan coil unit. The location of the fan coil units are not noted and could have a significant impact on the rooms. The upper floors are noted as having portable AC units. New registers are noted to be cut into the floor for ductwork at the ground floor rooms being air conditioned. While this intervention has a relatively small heritage impact, it is not clear whether it has been priced and which AC option it is associated with. The addition of thermostatic valves to the radiators is noted in the heritage impact tables, but is not included in the cost tables.

New exhaust fans, ductwork, insulation and grilles are also indicated for the six washrooms. The existing building does not have any ductwork and exhaust fans. The proposed system would require penetrations and openings into the existing masonry, and potentially the addition of bulkheads.

The plumbing scope includes the potential replacement of domestic water pipes, new sanitary piping and vents for the new universal washroom, and the replacement of other sanitary pipes and vents where required. The new plumbing stacks would need to be vented at the roof. Replacing piping and installing new vents would require opening and repairing the plaster walls and ceilings.

The new electrical wiring is proposed to be surface mounted in wire moulds. This will principally have an aesthetic impact on the house, but should in essence be reversible.

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The exterior envelope scope of work is not fully described. As noted above, there is an indication that openings in the stone masonry will be required for the proposed air conditioning system and for ventilation for the washrooms. Depending on the type of system installed, a review of the hygrothermal performance of the walls may be warranted to ensure that a change to the humidity and pressure in the building does not impact the exterior masonry. The scope of work for the windows and doors should be further detailed. Any upgrades to the hardware and new security systems should be described.

R50 insulation is being proposed in the attic spaces. The type of insulation is not specified. Any form of spray foam insulation should be prohibited as it is not considered reversible. No provision has been noted for a vapour barrier at the attic. The ventilation of the attic space should also be reviewed if its performance and historic conditions are being altered.

The interior spaces are generally being repurposed for study areas, retreat rooms, and meeting spaces. The potential impacts of the heating, ventilation and electrical requirements are noted above. The tables note that the interior finishes will for the most part be preserved. Provisions should be considered for the protection of the floors from the additional furniture. Rolling desk chairs in particular can scuff and damage wood floors.

New glass fire separation to match the style of the house are proposed for the 2nd floor landing at the main stair, and the third floor landing at the 3rd floor. The allotted budget is not sufficient for a glass fire separation. The new partition can be designed to have a minimal and reversible impact on the existing finishes. Additional information is required to fully assess the proposed change. The two original 2nd floor doors at the rear stair are also being replaced for fire separation purposes. The frames may also need to be replaced to achieve a fire separation. This scope is not priced.

The 1910 washroom fixtures are noted as heritage attributes, and should be conserved. The proposed modifications to the washrooms should be reviewed and the original finishes and fixture should be conserved. The marble shower surrounds, for examples, can be retained. The reconfiguration of room 103/104 into a universal access washroom will have a limited impact on the heritage attributes. The area has already been altered. The code review notes that an adult change table is required.

As noted in the structural section above, the removal of the wall at room 112 will likely require a structural intervention.

The most significant alterations that will impact the heritage character are those raised in the

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building code assessment. The change of use to a Group A, Division 2 will require significant work. Without a detailed Alternative Solutions study that may provide another approach, the conformity requirements include sprinklering the building, providing a secondary code compliant exit, and modifying the floors to provide a 1 hour fire rating. Each of these changes will have a significant impact on the heritage attributes of the house.

RECOMMENDATIONS

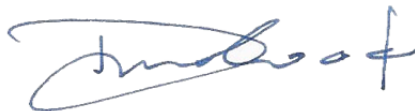
While the “philosophical commitments” are generally commendable, they do not demonstrate an understanding of the heritage context and the building code implications. The document uses interchangeably the terms conservation, preservation and restoration without any clear understanding of what those terms imply.

1. The project should include a detailed code review to full describe the life safety and accessibility upgrades required to make the building code compliant for its new occupancy.
2. The proposal should provide more detailed information on how the new mechanical and electrical systems will be installed, on how the potential impacts to the interior finishes will be addressed, and on how the original finishes and millwork will be preserved.
3. The proposal should include a conservation plan that describes how the conservation standards and guidelines will be applied. The plan should further detail the long term maintenance of the building and how the heritage attributes will be conserved.
4. The costs should be reviewed. Any work in the building would need to follow recognized conservation methods, and would need to be in accordance to the conservation plan. The detailed budget does not capture the extent of the scope and the related costs.

CONCLUSION

The impacts of the upgrades to meet the building code requirements will have a significant impact on the building, and the proposal has not accounted for this scope either in the planning or the budget. We do not recommend the approval of the project without a detailed assessment of the required building code upgrades and interventions, and the development of a cohesive conservation plan.

Sincerely,
EVOQ ARCHITECTURE INC.



Dima Cook OAA, OAO, CAHP, IFFD AP
Architect, Director

December 20, 2019

Dima Cook, Architect, Director
EVOQ Architecture
366 Adelaide Street, Suite 225
Toronto, Ontario
M5A 3X9

Via E-Mail: dcook@evoqarchitecture.com

Dear Dima:

**Re: 1 Balfour Drive, Hamilton, ON
Cardus Functional Plan - Code Consulting Peer Review**

Morrison Hershfield Limited (MH) has been retained by EVOQ to complete consulting services as per the scope of the approved email proposal dated November 28, 2019 to complete a peer review of the code impacts related to the proposed functional plan for the heritage property, Chedoke House, located at 1 Balfour Drive, Hamilton.

This letter is based on visual observations made at the time of site review on December 10, 2019 and the following functional plan document made available to MH:

- 2019-11-13 – Cardus Functional Plan Chedoke House

For the peer review, a high level assessment was completed of the application of Part 11 of the Ontario Building Code to the proposed renovations/change of use to identify minimum Code considerations. This letter is not intended to be a comprehensive code analysis for the proposed project.

Executive Summary

A change of use from Group C (residential) to Group A, Division 2 (assembly) for a new retreat centre is a change of major occupancy that requires detailed analysis under Part 11 of the Ontario Building Code.

Compensating construction features, such as upgrades to floor assembly construction, sprinkler protection and fire separation of exits, will be required unless an Alternative Solution is developed, which demonstrates the same level of performance achieved by Part B of the Ontario Building Code.

The unique nature of the heritage building warrants investigation of an Alternative Solution in order to limit compensating construction should be the building be used as an assembly occupancy.

Applicable Codes

The 2012 Ontario Building Code (OBC) will be applicable to this project, as amended to the date of permit application. In particular, renovations and any change of use in this existing building will be governed by Part 11 of the OBC since the building is greater than 5 years old.

Other Parts (such as Parts 3, 4, 5, 6, 9) of the OBC will be applicable as directed by Part 11.

All Code provisions noted within this letter refer to Division B of the Ontario Building Code, unless otherwise stated.

The Ontario Fire Code will apply to the use and operations of the building when it is occupied, and will require a Fire Safety Plan if the building is changed to an assembly occupancy.

Basis for Analysis

Chedoke House is approximately 375 m² in building area and is three storeys in building height, with a basement. The existing building is a Group C, residential occupancy since it was originally constructed for use as a dwelling unit and has not undergone a change of use under building permit to our knowledge.

The proposed functional plan describes the change of use of the building to a retreat centre. Depending on specific business operations, a retreat centre may be considered one of the following major occupancy classifications, such as:

- Group C, residential – if overnight accommodation is an inherent component of the retreat experience, in which case a greater number of sleeping rooms would be expected, and if break out spaces are provided for use by overnight guests in the same way typical residential living spaces are used, e.g. full weekend or multi-day use is a common use of the building, , or
- Group A, Division 2, assembly - where the space is intended to be used by the public either in groups or individually for the purpose of training and reflection, but overnight accommodation is not an inherent or central part of the retreat experience, i.e. the retreat centre is most commonly used for day use rather than overnight use by members of the public.

Based on proposed functional plan, we understand that that the space is primarily intended to be used by the public for training and reflection, as such the new major occupancy would be considered Group A, Division 2.

It is our understanding that the “study” spaces that are provided throughout the facility are intended for individual or small breakout groups and that any offices used by staff would be for the purpose of supporting retreat operations and would be subsidiary to the major occupancy. Additionally, the two sleeping rooms for visiting professors would also be considered subsidiary to the major occupancy since these spaces are primarily intended to act as study spaces, but may be used as sleeping rooms on a limited basis (up to 30 days per calendar year).

If operations vary significantly from the above assumptions, additional requirements may apply for separation of major occupancies, and the compensating construction may be reduced or may be different.

For the purpose of the peer review, the analysis below considers a change of use from a Group C residential major occupancy (dwelling unit) to a Group A, Division 2 major occupancy, as described in the functional plan.

Analysis of permitted uses relative to the local zoning by-law is outside MH's scope.

Performance Evaluation and Compensating Construction

Part 11 contains the fundamental principle that the performance level of the building after the renovation must be at least equal to the performance level of the building prior to the renovation. The performance level of a building is required to be assessed in accordance with Subsection 11.4.2. for the following areas of performance: structural, increase in occupant load, change of major occupancy, plumbing and sewage systems.

A focused analysis related to increase in occupant load and change of major occupancy has been completed to identify key fire and life safety features that may be impacted by the proposed change of use. It is assumed that the analysis of the performance of structural, plumbing and sewage systems will be completed by others should this project proceed. Based on the building's size the hazard index (HI) for the existing residential occupancy is 2, per Table 11.2.1.1.I., and the HI for the proposed retreat centre is 6, per Table 11.2.1.1.C. As a result, there will be a reduction in performance due to the change in major occupancy since the new major occupancy has a greater hazard index (HI), as per Clause 11.4.2.3.(1)(a) and the evacuation systems (i.e. exits) required for the new major occupancy exceed those of the existing building, as per Sentences 11.4.2.3.(3).

Additionally, there is also an anticipated increase in occupant load greater than 15% (drawings indicate a maximum occupant load of 72 persons distributed across the floors) which is also a reduction in performance, as per Sentence 11.4.2.2.(1).

Compensating construction will need to be assessed in accordance with Subsection 11.4.3. Some key compensating construction features, such as upgrades to floor assembly construction, sprinkler protection and fire separation of exits, are noted in relation to the proposed functional plan in the next section of this letter.

Comments Related to Proposed Functional Plan

The following table highlights statements from the functional plan (that relate to compliance with the Ontario Building Code) and provides some additional commentary for consideration:

Table 1: Code Commentary on Statements from the Functional Plan

Comment from Functional Plan	Additional Code Commentary
<p>“The Cardus proposal represents a minor change in use from residential to institutional...” (p.30)</p>	<p>The proposed retreat use results in a change in major occupancy to Group A, Division 2 (assembly) from a Group C (residential). This is required to be considered a change of major occupancy per Clause 11.4.2.3.(1)(a) that represents a reduction in performance, and compensating construction is required.</p>
<p>“...this change is generally compatible with the historic use of the place as a private estate and does not require major site interventions, new additions or major interior renovations.” (p.30)</p>	<p>Since the existing building is of combustible construction, a change of use to assembly occupancy will require the floor assemblies to be upgraded to provide a minimum 1 hour fire resistance rating and a sprinkler system will be required, as per Table 11.4.3.4.A. as referenced by Sentence 11.4.3.4.(1) for a Group A, Division 2 occupancy.</p> <p>This compensating construction may have a significant impact on the interior ceiling finishes.</p>
<p>“The proposed number of occupants/users will not significantly exceed the size of the household that the house was built to accommodate.” (p.31)</p>	<p>The occupant load for dwelling units is generally based on 2 persons per sleeping room. The proposed maximum occupant load of 72 (46 ground floor, 18 second floor and 8 third floor) is significantly greater than the assumed occupant load for the original residence.</p>
<p>“The code requirements will need further clarification because they will determine fire and safety needs under the Ontario Building Code.” (p.31)</p>	<p>A comprehensive Part 11 analysis of the proposed change of use and renovation will be required, if this project goes ahead. Key considerations that may have a significant impact on construction have been included in this commentary, but a comprehensive analysis of all features will be required for the final design and building permit application.</p>
<p>“In anticipation of the fire regulations associated with the proposed change of use, the Functional Plan includes fire-separation walls at the top of both stairs.” (p.31)</p>	<p>The introduction of fire separations at the top of the open stairs will achieve continuity of the floor fire separation (not currently provided nor required for a dwelling unit use); however, this proposed separation does not address the requirements for all floor areas to be served by a minimum of two exits. The second and third floors are not currently served by two exits.</p> <p>Exit stairs are required to provide direct access to the exterior of the building and are required to be fire separated from adjacent areas of the building. Repurposing the existing egress stairs as exits and constructing fire separations will impact more than the</p>

Comment from Functional Plan	Additional Code Commentary
	plaster molding, which is the limitation suggested in the functional plan.
<p>“Two of the study rooms on the 3rd floor will be designed to accommodate overnight guests on occasion, but will primarily be used as studies.” (p.32) (similar comments on p.58)</p>	<p>Additional information will be required to evaluate how these rooms will operate in order to determine what fire separations may be required around these sleeping rooms.</p>
<p>“The existing coat room and modern washroom on the 1st floor will be reconfigured to accommodate a Universal Washroom.” (p.32)</p>	<p>If a washroom is constructed in the project, then a universal washroom will be required to meet the provisions of Article 3.8.2.12 including provision of clear space and reinforcement for an adult change table (not shown on the functional).</p>
<p>“The proposed use will be classified under Part 9 of the Ontario Building Code)” (p.54)</p>	<p>The renovations are required to be assessed under Part 11 of the OBC. As a Group A, Division 2 occupancy evaluation of early warning and evacuation systems will be relative to Part 3 of the OBC, as referenced by Part 11. Part 3 applies to assembly occupancies, regardless of size, as per Sentence 1.1.2.2.(1) of Division A of the OBC. Part 9 is not applicable.</p> <p>If the retreat centre was considered a Group C major occupancy (fewer people including an overnight focus) Part 9 would be applicable.</p>
<p>“While there is currently no mechanical fresh air in the building, there is an OBC Part 11 compliance alternative for fresh air to be provided by natural ventilation.” (p.54)</p>	<p>The ventilation provisions will need to be assessed as a result in the change in major occupancy. The use of compliance alternatives is permitted where complying with Part 6 would be detrimental to the preservation of a heritage building subject to the approval of the chief building official for requirements contained in Part 6, as per Sentence 11.5.1.1.(1).</p>
<p>“The proposed number of users and visitors complies with the OBC requirements for washrooms...” (p.54)</p>	<p>The number of proposed washrooms (5 existing single use washrooms, plus one new universal washroom) appears to be adequate to serve the new occupancy, as per Table 3.7.4.3.A. forming part of Sentence 3.7.4.3.(1) as referenced by Sentence 11.4.3.4.(2).</p>
<p>“Cardus will engage a fire protection engineering study to analyze fire and life safety codes... incorporating the use of</p>	<p>At a minimum compensating construction will be required to address the increase in hazard due to the change in major occupancy and the lack of exits from the second and third floors. If it is not possible to meet the prescriptive requirements of the code, it may be</p>

Comment from Functional Plan	Additional Code Commentary
contemporary fire and egress simulation software..." (p.54)	<p>possible to meet the requirements of the code through the use of an alternative solution.</p> <p>Modelling, as suggested, may form part of an alternative solution submission, but must be documented within the context of the specific areas of performance and the level of performance achieved by Part B of the OBC. Modelling alone will not demonstrate compliance with the OBC.</p> <p>At this time, it is unknown if the suggested modelling of existing conditions will demonstrate the required performance level, or what additional upgrades would be required to achieve the required performance level.</p>
"In the final stage of this adaptive re-use plan – Cardus and the Ontario Heritage Trust will discuss considerations under Part 11 of the OBC, especially regarding fire prevention, fire alarm system, and third floor egress." (p.54)	<p>Part 11 considerations are an integral part of any proposed change of use and are recommended to be considered early in the design and planning process.</p>

Additional Considerations

Barrier free provisions within Section 3.8 of the OBC will apply to the proposed construction where new interior walls are installed on the ground floor, per Sentence 11.3.3.2.(2). Barrier-free requirements do not extend to portions of the building where construction is not proposed, nor to the 2nd and 3rd floors.

Part 11 does not prescribe specific upgrades related to fire department access. It is good practice to analyze the impact to fire department access, in particular if an alternative solution will be developed for the building since the fire department access contributes to the fire protection strategy for both life safety and property protection. Protocols for fire department access may form part of emergency procedures as documented in the building's fire safety plan, which would be required for a retreat centre as per Sentence 2.8.2.1.(1) of Division B of the Ontario Fire Code (O.Reg. 213/07, as amended).

Conclusion

A change of use from Group C (residential) to Group A, Division 2 (assembly) for a new retreat centre is a change of major occupancy that requires detailed analysis under Part 11. Compensating construction will be required to address the increase in hazard relative to the existing building construction (i.e. upgraded floor fire separations), and to provide for adequate exits, at a minimum.

Compliance with the OBC may be achieved through the use of the Alternative Solution process. The unique nature of the heritage building warrants investigation of an Alternative Solution that can consider mitigating features of the building and proposed uses in achieving the minimum required performance level. Modelling, as suggested by Cardus, may form part of that process.

MH recommends that a comprehensive Part 11 analysis and investigation of an Alternative Solution be completed if this project proceeds further, so that options for compensating construction are fully identified and considered in the project planning.

Sincerely,
Morrison Hershfield Limited

2019/12/20

Reviewed by:

Trisha Ashworth, P.Eng.,
Code Consultant

Dana Scherf, P.Eng.
Principal, Senior Code Consultant



Chedoke

Statement of Heritage Significance

Description of Historic Place

The building at One Balfour Drive, known as Chedoke, is situated on approximately four acres of land on the Niagara Escarpment overlooking the City of Hamilton. The three-storey ashlar and random rubble limestone building was designed in the Regency style and constructed between 1836-38. Subsequent additions were made in the 1850s and 1920s. Influence of the Picturesque movement is evident in Chedoke's orientation towards the natural beauty of the site. Ownership of the property was transferred to the Ontario Heritage Foundation (now the Ontario Heritage Trust) in 1979.

Heritage Value

Historic Value:

Chedoke is historically significant for its association with prominent Hamiltonians William Scott Burn, Charles Brydges, St. Clair Balfour, and as one of the last remaining 19th century country estates on the Niagara Escarpment in Hamilton. It is also significant as the site of an Iroquois settlement, from which Chedoke derives its name. Prior to the arrival of Europeans, the site was part of an extensive Iroquois territory in what is now southern Ontario and New York State. This group of First Nation people were members of the Neutral Nation, an agricultural society. As Europeans began to arrive in the area these people were forced to move away. The name Chedoke is believed to mean 'burial place' in the Iroquois language and it is possible that the estate lands were used as a burial site for local Iroquois people. Scottish immigrant, grain merchant and accountant William Scott Burn (1797-1850) purchased the Chedoke site in 1835 for £100 from Henry Beasley and was the first European to live on the property. Chedoke was built as a country home for William Scott Burn between 1836 and 1838, at a time when Hamilton was enjoying great prosperity. Due to financial difficulties following the collapse of the economic boom, William Scott Burn sold the house and the grounds, a 13-acre property, in 1842. The property was owned or rented for the next 11 years until it was sold again. In 1853 it was purchased by Great Western Railway's General Manager Charles John Brydges (1827-1889). The 1850s were important for the development of Hamilton as the city was experiencing economic growth once again, due in large part to the growth of the railways. Brydges was able to expand the house to reflect his wealth and prominence within the community before selling Chedoke to Plummer Dewar (1815-1878) and his family in 1870. After the Dewar family vacated the property in 1880, Chedoke had multiple owners including one of William Scott Burn's grandsons. In 1910 it was purchased by Ethel Balfour (1882- 1976) and St. Clair Balfour (1880-1959), who carried out extensive renovations to modernize the house. Chedoke remained in the Balfour family until St. Clair and Ethel Balfour's daughter Elizabeth Balfour Baxter, donated ownership of the property to the Ontario Heritage Foundation in 1979. She continues to occupy the house under a life tenancy agreement. Parts of the estate lands were sold off and developed between 1980-88 under the name Chedoke Park Ravine

Estates. Along with Westlawn and Bellevue, Chedoke is one of the last remaining 19th century escarpment estates in Hamilton.

Architectural Value:

Chedoke is architecturally significant for its Regency style architecture, containing classical and Italianate antecedents. Built of limestone, likely taken from the escarpment near the estate, Chedoke was originally a two-storey structure surmounted by a low hip roof, with a symmetrical five-bay façade. The house had a bell-cast front verandah, flat unadorned exterior walls, a double cornice detail and a simple floor plan with a central hall and two rooms deep on each side. The main (south) façade is built in an irregular coursed ashlar pattern, with uncoursed rubble stone on the other walls. The east wing was originally one and-a-half storeys and contained the kitchen and servants' quarters. The house had a wood shingle roof, but now has a combination of slate, (east wing), and metal covered in tar (centre wing). The house was extensively enlarged in the 1850s by Charles John Brydges, and came to include a large conservatory and vinery running across the front (south) façade, and a two-storey Italianate-inspired west wing with an octagonal belvedere. The belvedere was capped by a pressed-shingle roof, had 2/2 sash windows separated by Doric colonettes and provided unobstructed views of Hamilton and Lake Ontario. The east wing was enlarged to a height of three storeys, an alteration that is evident in the colour and texture of the ashlar limestone on the south façade. The original 1830s limestone ashlar has a slightly lighter colour and has evident eluvial erosion. Following the 1850s addition, the layout of the rooms changed, enabling the addition of a larger dining room, front parlour, kitchen pantry and servants' stairwell and access to servants' living quarters. In 1898 the windows were replaced, the verandah, vinery and conservatory were removed (the stone wall extending from the kitchen wing is a remnant) and the roof was replaced with metal. In 1910, the interior of the house was extensively renovated and new oak tongue and groove flooring and new oak stair banisters were installed, ceiling mouldings were altered, washrooms were added and the kitchen was modernized; however the 19th century baseboards, paneled doors and marble fireplaces were maintained. A central heating system of hot-water radiators was also installed around that time. The basement is only partially excavated and contains a large arched-stone coal room and a room which was formerly the well and source of the household's drinking water. In 1920 a sunroom designed by William Lyon Somerville was added to the west wing, distinguished by its pick-faced limestone ashlar walls and numerous French Doors. In the 1930s the driveway was oriented towards the rear of the house; this was the final significant alteration to the house.

Although there were once numerous outbuildings on the estate, the carriage house to the north of the house is the only outbuilding remaining on the property. It is a one-and-a-half storey random rubble structure with a cedar shingle pitched roof. On the north façade there is a small gable, making the structure resemble an Ontario farmhouse. The construction date of this structure is unknown, but it is believed to have been some time in the mid 19th century. It has a simple Georgian form with a Gothic hood moulding over the large French door. The interior was finished and had a heating stove allowing it to be used for various functions. The structure was used as a Presbyterian Chapel and as a school house by various owners of the estate and their children. Access to the second floor was gained via an exterior staircase that has since been removed. (The door remains midway up the wall on the south side). In 1913 a wooden garage was added to the rear (north) of the carriage house.

Archaeological Value:

Archaeological excavations were carried out in 1989 in selected test areas over the entire property. This was done to assess which areas merit further research. Evidence of the conservatory, vinery and verandah was found in the form of glass, nails and stone. At the extreme southern end of the estate remnants of an unidentified structure were found in the form of red tile, brick and mortar. In total 1,100 artifacts were recovered, mostly glass, china and earthenware remnants, dating from the latter part of the 19th century. Relatively few middens were discovered on the property suggesting that most of the household waste was deposited over the edge of the escarpment. Evidence of a prehistoric Iroquois settlement was discovered and included shards of vessels and tools made of chert. It is possible that these artifacts date from ca. 1280-1350 CE. It could not be determined whether there were any First Nation burial sites on the property.

Contextual Value:

Located on a secluded street at the edge of the Niagara Escarpment above Hamilton, Chedoke's architectural and historical value is enhanced by its contextual setting. Exemplifying principles of the Picturesque movement, Chedoke is built to suit its natural setting near Chedoke Falls, and amidst mature trees both on the estate grounds and along the Escarpment. The house is oriented to take advantage of its location and has commanding views of downtown Hamilton, Burlington Bay and Lake Ontario.

Character Defining Elements

Elements that contribute to the historical value of Chedoke include:

- Association with prominent Hamilton businessmen William Scott Burn, Charles John Brydges and St. Clair Balfour;
- Importance as one of the last remaining 19th century escarpment (or 'mountain') estates in Hamilton;
- Association with the Iroquois people who once occupied the site.

Exterior features that contribute to the architectural value of Chedoke include:

The residence:

- Regency style architecture with Classical and Italianate antecedents;
- Influence of the Picturesque style on Chedoke's orientation towards the site's natural beauty;
- Symmetrical five bay façade of the centre wing;
- Limestone (south) façade laid in coursed ashlar;
- Uncoursed rubble walls on the other east, west and north walls of the centre and east wing;
- Coursed ashlar of the west wing;
- Coursed pick-faced limestone ashlar of the sunroom;
 - Wide fascia on the sunroom;
 - French doors in the sunroom.
- Random rubble wall of the kitchen garden;
- Octagonal belvedere atop the west wing;
 - Hanging fascia with scalloped edges on the belvedere;
 - Pressed metal shingles atop the belvedere;
 - Doric colonettes between the 2/2 sash windows of the belvedere.
- Metal roof of the centre and west wing;
- Slate roof on the east wing;
- Limestone chimneys of coursed ashlar;
- Limestone window sills and lintels;
- Recessed front door with transom windows and sidelights.

The carriage House:

- Georgian architectural style;
- Random rubble walls;
- Cedar shingle roof;
- Small gable on the north elevation;
- 1913 wooden garage addition;
- Gothic hood molding over the second storey French door.

Interior features that contribute to the architectural value of Chedoke include:

The Residence:

- Centre-hall floor plan of the original house;
- Tongue and groove hardwood flooring;
- 1910 oak staircase banister;
- Paneled doors;
- Elaborate cast iron radiators;
- Numerous marble fireplaces;

- Ceiling plaster crown mouldings;
- 1910 bathroom fixtures;
- 1910 pantry shelving and cupboards;
- 19th century heating stove in the kitchen;
- High ceilings;
- High baseboards;
- Stone arched basement coal room;
- Former well room in the basement.

Archaeological features:

- 1,100 artifacts including:
 - Glass;
 - Nails;
 - Flagstone floors;
 - China fragments;
 - Kitchen middens;
 - Earthenware.
- Foundation of an unknown structure at the extreme south end of the estate in the form of red tile, brick and mortar;
- Prehistoric artifacts indicating that the estate was the site of an Iroquois village between ca. 1280-1350 CE, in the form of:
 - Shards of vessels;
 - Chert tools.

Characteristics that contribute to the contextual value of the Chedoke include:

- Location at the top of the Escarpment (or 'mountain') surrounded by mature trees;
- Picturesque location orientated toward the views and natural beauty of the Escarpment;
- Proximity to Chedoke Falls;
- Extensive views of downtown Hamilton, Burlington Bay and Lake Ontario.

:SF
Dec - 2007

Sources:

An Archaeological Resource Assessment of Chedoke Estate, City of Hamilton. Prepared by Archaeological Services Inc. Toronto, 1989.

Blumenson, John. *Ontario Architecture: A guide to Styles and Building Terms 1784 to the Present.* Toronto: Fitzhenry and Whiteside, 1990.

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Lister, Herbert. *Hamilton: It's History, Commerce, Industries, Resources.* Hamilton: Spectator Printing Co, 1913.

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Ontario Heritage Trust, Easement Files.

Research and Conditions Report 1993: Chedoke The Balfour Estate. Prepared by Jeff Simson Architect, Guelph, 1993.

Unterman McPhail Heritage Resources Consultants. David Cuming and Associates *Architectural and Historical Report Chedoke House Hamilton Ontario.* Prepared for the Ontario Heritage Foundation (Ontario Heritage Trust), 1988.



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December 16, 2019

Jason Thorne
GM Planning & Economic Development
City of Hamilton
71 Main Street West, 7th Floor
Hamilton, Ontario L8P 4Y5

Dear Mr. Thorne:

On November 20, 2019, the Ontario Heritage Trust (Trust) received a copy of the Functional Plan submitted to the City of Hamilton (City) on November 15, 2019 by Cardus in support of their proposal to adapt the Chedoke Estate in Hamilton to their administrative headquarters. The Trust understands that the City's General Issues Committee passed a motion on September 18, 2019 that directed City staff to seek a preliminary opinion from the Trust on the proposal to identify any preliminary or potential concerns that the Trust may have with the proposed use.

In our letter of August 1, 2019 to the Manager of Heritage Resource Management, the Trust agreed to provide additional review and comment on this proposal provided that certain conditions were met. These conditions include:

- The City will continue to be the Trust's operating partner and shall retain control of the property for the duration of the agreement.
- Planning, design and construction associated with the adaptive re-use must conform with Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*. The Trust has adopted these standards for all work undertaken at Trust-owned heritage sites.
- Pursuant to the current operating agreement between the Ontario Heritage Trust and the City of Hamilton, and by established precedent, the City must be the Project Manager for any work undertaken, working in cooperation with the Trust as the approval authority.
- The prime consultant for the project must be an architect with demonstrated experience in conservation work at national historic sites, managing an inter-disciplinary team of sub-consultants having similar experience.

The Trust requires clarity from the City on how these conditions will be met.

The Trust has a mandate to protect Ontario's rich and diverse cultural and natural heritage. The Trust has adopted the *Standards and Guidelines for the Conservation of Historic Places in Canada* and respects international charters for the conservation of cultural heritage resources including the Appleton and Burra charters, and as a prescribed public body under Part III.1 of the Ontario Heritage Act, the Trust complies with the *Standards and Guidelines for the Conservation of Provincial Heritage Properties*.

The Trust has prepared a set of guiding principles for Chedoke that will be used in reviewing this proposal to ensure the conservation of the property's heritage values. These principles are as follows:

- Significant architectural, archaeological, natural heritage and cultural landscape features of the property shall be conserved, including the picturesque landscape that depends on the deliberate placement of landscape features, groupings of trees and vegetation, and open lawn. Alterations to heritage features must take into consideration the integrated nature of these components and respect and protect their heritage values.
- Opportunities for revenue generation and new operating models will be considered, but not at the expense of the site's heritage value.
- A range of public education and interpretative opportunities that meet the highest standards are inclusive and respect all periods of the site's history should be provided.
- Public access to the property should be encouraged and provided where it is appropriate.
- Indigenous engagement shall be incorporated into any planning and decision-making for the property.
- Collections associated with the property shall be protected and housed on-site with opportunities for interpretation and access.
- Decisions regarding use and any changes to the property shall be undertaken in a collaborative and inclusive manner that takes into consideration the objectives and goals of the parties and stakeholders involved.

The Trust has completed a preliminary review of the Functional Plan provided on November 20, 2019.

The Functional Plan proposes converting Chedoke House into the proponent's administrative headquarters with conference facilities and a retreat centre including limited overnight accommodation. The plan proposes the use of all three floors with a maximum occupancy of 72 persons. This represents a significant intensification of use for what is currently and has historically been a single-family residential building.

Fundamental information is missing from the Functional Plan related to the Ontario Building Code compliance, including fire safety and accessibility. These are not details that can be addressed at a later date. The Trust will require this information and the written concurrence of the Chief Building Official before undertaking further review and before approving any sub-lease arrangement between the City and the proponent.

In summary, the Trust does not have sufficient information at this time to complete a full review of the proposal. The Trust requires clarity and more detailed analysis on how the conditions communicated to the City on August 1, 2019 will be met.

We look forward to your written response addressing the concerns and requirements contained in this letter.

Regards,



Beth Hanna
Chief Executive Officer

Copy: Carrie Brooks-Joiner, Director, Tourism & Culture, City of Hamilton

Cardus Balfour Proposal: Summary of Ontario Heritage Trust Feedback

Summary:

The adaptive reuse of the Balfour property proposed by Cardus is considered by the Ontario Heritage Trust (OHT), the property’s owner, to be a “significant intensification.” The OHT has noted that the proposal is missing “fundamental information” and requires additional information and analysis prior to “undertaking further review and before approving any sub-lease arrangement between the City and the proponent”.

Since the Cardus proposal was received the OHT has twice provided written feedback (August 1, 2019 in response to the initial expression of interest and on December 16, 2019 after review of the detailed “Balfour Estate Adaptive Reuse Proposal”). In December 2019, the City of Hamilton contracted for a code review of the potential impacts of the proposal on the heritage attributes and historic fabric of the house. This review also considered the structural capacity of the floors and the impact of the proposed occupancy loads and fire life-safety and accessibility upgrades.

The table summarizes the OHT’s requirements to date together with the status of these requests. It also provides comments from the code review and Heritage Resource Management staff.

OHT Feedback August 1, 2019	Status	Comments
The City will continue to be the Trust's operating partner and shall retain control of the property for the duration of the agreement.	The City is still the operating partner.	The Trust wishes the City to retain its property management and stewardship responsibilities and will not enter into a direct lease with Cardus. Any lease arrangement will require additional City staff time beyond what is now required to meet the current management agreement with the OHT.
Planning, design and construction must conform to Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada.	The plan submitted does a light comparison of some of the proposed changes as it pertains to the Standards and Guidelines. The information is not complete as it does not address the potentially most invasive elements: fire and building code, structural changes and possible site plan changes.	The proposed maximum occupancy will have significant impacts which are not fully communicated in the proposal. For this project to conform to the Standards and Guidelines, the occupancy needs to be significantly reduced and some proposed changes such as the bathroom redesign, sunroom renovation and third floor occupancy eliminated.

OHT Feedback August 1, 2019	Status	Comments
<p>The City must be the Project Manager for any work undertaken, working in cooperation with the Trust as the approval authority.</p>	<p>There is no provision in the proposal for a relationship where the City is the Project Manager.</p>	<p>It is premature to negotiate an MOU (or other agreement) and to address the City's Project Manager role.</p> <p>The Tourism and Culture Division does not have the staff capacity to assume the Project Manager role for this project if it proceeds.</p>
<p>The prime consultant for the project must be an architect with demonstrated experience in conservation work at National Historic Sites, managing an interdisciplinary team of sub-consultants having similar experience.</p>	<p>Neither the prime consultants nor sub-consultants have demonstrated significant experience at National Historic Sites. The bulk of their experience is in high-end modern design and modern additions onto or replacement of historic structures.</p> <p>The engineering team does not have significant experience with heritage conservation.</p> <p>Walter Furlan, the windows consultant, has National Historic Site experience, but the windows were completely restored in 2010 so his input will be minimal.</p> <p>Megan Hobson is a heritage consultant. Her experience at National Historic Sites is not specified.</p>	<p>The Tourism and Culture Division maintains a Procurement-approved Heritage Conservation roster and a pre-qualified Heritage Conservation trades list which is used for work on City heritage assets. The Trust requires the City to provide this information when the City applies for alteration requests and it is a factor in the approvals process.</p>

OHT Feedback December 16, 2019	Status	Comments
<p>More clarity and detail about proposed use required prior to entering a lease agreement with the proponent.</p>	<p>Cardus has not yet been asked to provide additional information.</p>	<p>City staff commissioned an independent code compliance and structural preliminary study in December 2019. The study confirms that the life safety changes required for the proposed design will potentially have significant impact to the heritage features. This cannot be ignored prior to entering a lease agreement as it may impact the occupancy allowed and what use may be approved by the OHT.</p> <p>The OHT have made it clear that they will not approve a use that results in a significant long-term negative impact.</p>
<p>Significant architectural/ archaeological/ natural heritage and cultural landscape features of the property shall be conserved.</p> <p>Alterations to heritage features must take into consideration the integrated nature of these components and respect and protect their heritage values.</p>	<p>The proposal does not address archaeological impact.</p> <p>The proposal does not address impacts to the natural heritage or integration of such within the site.</p> <p>The proposal does not adequately address the impacts of changing services (e.g. heating and cooling) and increasing occupancy to the building.</p> <p>Fire egress both in the house and on the grounds has not been addressed.</p>	<p>The impact on the site's archaeology and natural heritage of the proposed traffic entry and parking arrangements has not been adequately addressed. Blocking the driveway with cars is not permitted, parking on neighbouring streets is limited and parking in the courtyard will impact the historic stone gate which is narrow and prone to being hit by vehicles.</p> <p>A secondary vehicular entrance will likely be required so as not to adversely impact the trees on site.</p> <p>Building envelope impacts, such as vapour impacts by changing heating/cooling load in house, could lead to significant spalling of stonework.</p> <p>Plaster/flooring impacts for service improvement have not been assessed.</p>

OHT Feedback December 16, 2019	Status	Comments
		Structural impacts have not been assessed.
<p>Opportunities for revenue generation and new operating models will be considered, but not at the expense of the site's heritage value.</p>	<p>The proposal grossly exaggerates the capital costs to the taxpayer.</p>	<p>There are options for this site that will fulfill the Trust's requirements and pose a lesser impact to the site.</p> <p>The proposal does contribute new capital to undertake repairs to the house, however it also proposes many changes that compromise the heritage integrity of the building and are only necessary for the use proposed by Cardus. It offers a funding solution that does not solve a current problem.</p> <p>To date there has been no concerted search for an alternate use for the site other than the current internship residency that is approved by both Council and the OHT. This is a sustainable use of the site with minimal cost.</p>
<p>A range of public education and interpretative opportunities that meet the highest standards and are inclusive and respect all periods of the site's history should be provided.</p>	<p>The proposal does not detail public education opportunities or how the site's history will be presented.</p>	<p>Cardus may still be able to fulfill this requirement as we did not ask for a full description of programming.</p> <p>It is important to represent the full history of the site including indigenous and modern history and not just the historic period.</p>
<p>Public access to the property should be encouraged and provided where it is appropriate.</p>	<p>The proposal mentions providing public access but there is no detail as to what public access would look like.</p>	<p>To date, there has not been Council or OHT approval to provide public access to the site by the City. The current internship residency does not include continuous public access to the grounds.</p> <p>If public access is the goal, other use options should be considered.</p>

OHT Feedback December 16, 2019	Status	Comments
<p>Indigenous engagement shall be incorporated into any planning and decision-making for the property.</p>	<p>Development of the proposal does not appear to have been informed by indigenous engagement.</p> <p>The proposal does not address indigenous engagement, inclusion or history on the site beyond stating that they will consider the history in interpretation.</p>	<p>Heritage Resource Management has included Balfour House on a list of natural sites that are available for indigenous use as ceremonial space.</p>
<p>Collections associated with the property shall be protected and housed on-site with opportunities for interpretation and access.</p>	<p>The proposal does not allocate space to house the artifacts on-site.</p> <p>The proposal does not provide information about opportunities for interpretation of the artifacts.</p>	<p>Cardus may be able to incorporate this into their planning going forward.</p>
<p>Decisions regarding use and any changes to the property shall be undertaken in a collaborative and inclusive manner that takes into consideration the objectives and goals of the parties and stakeholders involved.</p>	<p>The proposal does not consider multiple stakeholders.</p>	<p>Cardus may still be able to include multiple stakeholders into the planning process, however this could change their proposal significantly with respect to use and intensity of occupancy.</p>
<p>Ontario Building Code compliance, fire safety and accessibility plan, signed-off by the chief building official prior to a sub-lease agreement.</p>	<p>The proposal does not accurately address the implications of the major change in occupancy.</p> <p>The proposal does not accurately interpret the Building Code.</p> <p>Fire code, entrance and egress, and structural and site issues have not been thoroughly addressed.</p>	<p>City staff commissioned an independent Building Code Impact Review and a Structural Review in December 2019 which raised concerns and concludes that the “impacts of the upgrades to meet the building code requirements will have significant impact on the building, and the proposal has not accounted for this scope either in the planning for the budget”.</p> <p>The proposed changes should be reviewed under Part 3 of the Ontario Building Code, not Part 9 as Cardus proposes. The change of use from Group C to Group A, Division 2 is considered a major change and will trigger</p>

OHT Feedback December 16, 2019	Status	Comments
		<p>significant upgrades to the building.</p> <p>Code compliance (e.g. the addition of sprinklers, additional exits, fire ratings to the floors and other measures) will result in significant impact to the appearance of the building, the interior structure, the plaster, wall locations, floor structure, interior finishes and site landscape.</p> <p>The budget for the work is underestimated. A second cost estimate will be required once the scope of work is more fully understood with respect to code implications, site implications and archaeology.</p>



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 19, 2020
SUBJECT/REPORT NO:	Court Security and Prisoner Transportation Program Agreement for 2020 (FCS20017) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Simone Patel (905) 546-2424 Ext. 3626
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

That the General Manager, Finance and Corporate Services, be authorized and directed to execute an agreement between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Solicitor General, in the form attached as Appendix "A" to Report FCS20017 outlining the Provincial funding allocation for court security and prisoner transportation services, in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

The purpose of Report FCS20017 is to gain Council's approval to enter into an agreement with the Province that will provide continued funding to help offset court security and prisoner transportation costs that are eligible under the Court Security and Prisoner Transportation (CSPT) Program.

Commencing in 2012, the Ontario government has uploaded CSPT costs to help municipalities fund the service in their jurisdictions. The City of Hamilton is responsible for the costs of providing security for court premises during hours of court operations and security of persons attending court and / or the costs of transporting prisoners and custodial minors (i.e. persons between twelve and seventeen years of age) between correctional institutions, custodial facilities and court locations for the purposes of court attendance. The CSPT Program will provide a maximum total of \$125 M for 2020 province wide.

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

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

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

SUBJECT: Court Security and Prisoner Transportation Program Agreement for 2020 (FCS20017) (City Wide) – Page 2 of 4

An expenditure-based model was used to determine allocation for 2020. Funding is allocated based on each municipality's relative share of the total 2018 CSPT cost across the province. For example, if a municipality's CSPT cost represents 1% of the total provincial CSPT cost, then it will be allocated 1% of the available funding. For the current funding period 2020, the City of Hamilton's funding allocation is \$5.05 M (4%).

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: By signing the Agreement attached as Appendix "A" to Report FCS20017, the City will receive funding for 2020 to help offset the cost of providing court security and prisoner transportation of \$5.05 M. The 2020 Police budget estimated this provincial funding to be the same as in 2019 (\$4.95 M) due to the Province reviewing all funding programs. The Police budget has since been amended to include the additional funding of \$108 K.

Staffing: N/A

Legal: By entering into the Agreement, the Province of Ontario will provide funding to the City for the services and activities eligible under the Court Security and Prisoner Transportation Program, in accordance with the terms and conditions of the agreement effective January 1, 2020. The Agreement sets out the criteria for eligible services and activities.

The Agreement and the rights, obligations and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

HISTORICAL BACKGROUND

Ontario is the only province in Canada where legislation dictates court security be paid for with municipal property tax dollars and delivered through local police service boards via police chiefs.

In the fall of 2008, the Ontario government announced the upload of court security and prisoner transportation costs from municipalities for the period 2012-2018. The program has been extended for two additional years maintaining funding at the 2018 maximum amount of \$125 M. The apportionment to individual municipalities is based on each municipality's relative share of the total 2018 CSPT costs across the Province.

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SUBJECT: Court Security and Prisoner Transportation Program Agreement for 2020 (FCS20017) (City Wide) – Page 3 of 4

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Hamilton Police Service was consulted and did not express concerns in moving forward with the Agreement.

Corporate Services Department – Legal and Risk Management Services has provided proof of general liability insurance for \$5 M indemnifying “Her Majesty the Queen in Right of Ontario, her Ministers, Agents, Appointees and Employees”, as per Schedule “B” of the Agreement.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Consistent with prior funding periods, the 2020 funding allocation is based on an expenditure model, proportional to each municipality’s 2018 relative share of the total CSPT costs across the province. It is to be noted that the proportional funding received by the City is contingent on the overall qualifying expenditure levels for all the Provincial municipalities. Therefore, the proportion of the total Provincial funding received by the City may vary from year to year.

Table 1 shows details of the funding received by the City from 2012 to 2019. Actual CSPT expenditures for the City are continuously increasing and for 2020, there is an anticipated funding shortfall of \$2.1 M.

**Table 1
CSPT Funding and City Expenses – 2012 to 2019**

Year	Total Funding (\$000s)	City Expenses (\$000s)	City Funding (\$000s)	Funding as % of City Expenses	Proportional	Funding Shortfall (\$000s)	City Share %
					Provincial Funding %		
2012	17,800	5,017	705	14	14	--	4.0
2013	35,700	4,871	1,410	29	29	--	3.9
2014	53,500	4,779	2,115	44	43	--	4.0
2015	71,300	5,067	2,546	50	57	(342)	3.6
2016	89,200	5,792	3,182	55	71	(930)	3.6
2017	107,100	6,303	3,601	57	86	(1,820)	3.4
2018	125,000	6,646	4,201	63	100	(2,446)	3.4
2019	125,000	7,060	4,947	70	100	(2,113)	4.0
Total		45,535	22,707			(7,651)	

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

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

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

SUBJECT: Court Security and Prisoner Transportation Program Agreement for 2020 (FCS20017) (City Wide) – Page 4 of 4

Although total funding from 2018-2020 has been maintained at \$125 M, the City of Hamilton's apportionment has increased as a percentage share of the CSPT costs.

The funding amount of \$5,055,283 for 2020 represents approximately 4.0% of the available funding.

Funding is conditional upon the execution of the Agreement for 2020 attached as Appendix "A" to Report FCS20017 between the Province and the City by March 2, 2020.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Community Engagement and Participation**

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS20017 – Court Security and Prisoner Transportation Program Agreement for 2020 (between Her Majesty the Queen in Right of Ontario as represented by the Solicitor General and the City of Hamilton)

SP/dt

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

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ONTARIO TRANSFER PAYMENT AGREEMENT

THE AGREEMENT is effective as of the 1st day of January, 2020

B E T W E E N :

**Her Majesty the Queen in right of Ontario
as represented by the Solicitor General**

(the “**Province**”)

- and -

City of Hamilton

(the “**Recipient**”)

BACKGROUND

- A. The Province implemented the Court Security and Prisoner Transportation (CSPT) Program (the “Program”) in 2012 to assist municipalities in offsetting their costs of providing CSPT services in their jurisdictions;
- B. The Province will upload CSPT costs from municipalities to a maximum of \$125 million in 2020;
- C. The Recipient is a municipality which is responsible for the costs of providing security for court premises during hours of court operations and security of persons attending court; and/or the costs of transporting prisoners and custodial minors (i.e., persons between twelve and seventeen years of age) between correctional institutions, custodial facilities and court locations for the purposes of court attendance;
- D. The Recipient has provided its 2018 CSPT costs, as confirmed in the 2018 Annual Financial Report submitted by the Recipient;
- E. Funding is allocated based on the Recipient’s relative share of the total 2018 provincial CSPT costs.

CONSIDERATION

In consideration of the mutual covenants and agreements contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Province and the Recipient agree as follows:

1.0 ENTIRE AGREEMENT

1.1 The agreement, together with:

- Schedule "A" - General Terms and Conditions
- Schedule "B" - Project Specific Information and Additional Provisions
- Schedule "C" - Project
- Schedule "D" - Payment Plan and Reporting Schedules
- Schedule "E" - Court Security and Prisoner Transportation Services and Activities Eligible for Funding
- Schedule "F" - Template for Annual Financial Report, and any amending agreement entered into as provided for in section 3.1,

constitutes the entire agreement between the Parties with respect to the subject matter contained in the Agreement and supersedes all prior oral or written representations and agreements.

2.0 CONFLICT OR INCONSISTENCY

2.1 **Conflict or Inconsistency.** In the event of a conflict or inconsistency between the Additional Provisions and the provisions in Schedule "A", the following rules will apply:

- (a) the Parties will interpret any Additional Provisions in so far as possible, in a way that preserves the intention of the Parties as expressed in Schedule "A"; and
- (b) where it is not possible to interpret the Additional Provisions in a way that is consistent with the provisions in Schedule "A", the Additional Provisions will prevail over the provisions in Schedule "A" to the extent of the inconsistency.

3.0 AMENDING THE AGREEMENT

3.1 The Agreement may only be amended by a written agreement duly executed by the Parties.

4.0 ACKNOWLEDGEMENT

4.1 The Recipient acknowledges that:

- (a) by receiving Funds it may become subject to legislation applicable to

organizations that receive funding from the Government of Ontario, including the *Broader Public Sector Accountability Act, 2010* (Ontario), the *Public Sector Salary Disclosure Act, 1996* (Ontario), and the *Auditor General Act* (Ontario);

- (b) Her Majesty the Queen in right of Ontario has issued expenses, perquisites, and procurement directives and guidelines pursuant to the *Broader Public Sector Accountability Act, 2010* (Ontario);
- (c) the Funds are:
 - (i) to assist the Recipient to carry out the Project and not to provide goods or services to the Province;
 - (ii) funding for the purposes of the *Public Sector Salary Disclosure Act, 1996* (Ontario);
- (d) the Province is not responsible for carrying out the Project; and
- (e) the Province is bound by the *Freedom of Information and Protection of Privacy Act* (Ontario) and that any information provided to the Province in connection with the Project or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

4.2 The Province acknowledges that the Recipient is bound by the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario) and that any information provided to the Recipient in connection with the Project or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

- SIGNATURE PAGE FOLLOWS -

The Parties have executed the Agreement on the dates set out below.

**HER MAJESTY THE QUEEN IN RIGHT OF
ONTARIO as represented by the Solicitor General**

Date

Name: Sylvia Jones
Title: Solicitor General

City of Hamilton

Date

Name:
Title:

I have authority to bind the Recipient.

Date

Name:
Title:

I have authority to bind the Recipient.

SCHEDULE "A" GENERAL TERMS AND CONDITIONS

A1.0 INTERPRETATION AND DEFINITIONS

A1.1 **Interpretation.** For the purposes of interpretation:

- (a) words in the singular include the plural and vice-versa;
- (b) words in one gender include all genders;
- (c) the headings do not form part of the Agreement; they are for reference only and will not affect the interpretation of the Agreement;
- (d) any reference to dollars or currency will be in Canadian dollars and currency; and
- (e) "include", "includes" and "including" denote that the subsequent list is not exhaustive.

A1.2 **Definitions.** In the Agreement, the following terms will have the following meanings:

"Additional Provisions" means the terms and conditions set out in Schedule "B".

"Agreement" means this agreement entered into between the Province and the Recipient, all of the schedules listed in section 1.1, and any amending agreement entered into pursuant to section 3.1.

"Business Day" means any working day, Monday to Friday inclusive, excluding statutory and other holidays, namely: New Year's Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; Boxing Day and any other day on which the Province has elected to be closed for business.

"Court Security and Prisoner Transportation Services" means the services and activities eligible for funding, as set out in Schedule "E".

"Effective Date" means the date set out at the top of the Agreement.

"Event of Default" has the meaning ascribed to it in section A13.1.

"Expiry Date" means the expiry date set out in Schedule "B".

"Funding Year" means:

- (a) in the case of the first Funding Year, the period commencing on the

Effective Date and ending on the following December 31; and

- (b) in the case of Funding Years subsequent to the first Funding Year, the period commencing on January 1 following the end of the previous Funding Year and ending on the following December 31.

“Funds” means the money the Province provides to the Recipient pursuant to the Agreement.

“Indemnified Parties” means Her Majesty the Queen in right of Ontario, Her ministers, agents, appointees, and employees.

“Maximum Funds” means the maximum Funds set out in Schedule “B”.

“Notice” means any communication given or required to be given pursuant to the Agreement.

“Notice Period” means the period of time within which the Recipient is required to remedy an Event of Default pursuant to section A13.3(b), and includes any such period or periods of time by which the Province extends that time in accordance with section A13.4.

“Parties” means the Province and the Recipient.

“Party” means either the Province or the Recipient.

“Project” means the undertaking described in Schedule “C”.

“Reports” means the reports described in Schedule “F”.

A2.0 REPRESENTATIONS, WARRANTIES, AND COVENANTS

A2.1 General. The Recipient represents, warrants, and covenants that:

- (a) it is, and will continue to be, a validly existing legal entity with full power to fulfill its obligations under the Agreement;
- (b) it has, and will continue to have, the experience and expertise necessary to carry out the Project;
- (c) it is in compliance with, and will continue to comply with, all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules, and by-laws related to any aspect of the Project, the Funds, or both; and
- (d) unless otherwise provided for in the Agreement, any information the Recipient provided to the Province in support of its request for funds (including information relating to any eligibility requirements) was true

and complete at the time the Recipient provided it and will continue to be true and complete.

A2.2 **Execution of Agreement.** The Recipient represents and warrants that it has:

- (a) the full power and authority to enter into the Agreement; and
- (b) taken all necessary actions to authorize the execution of the Agreement.

A2.3 **Governance.** The Recipient represents, warrants, and covenants that it has, will maintain in writing, and will follow:

- (a) a code of conduct and ethical responsibilities for all persons at all levels of the Recipient's organization;
- (b) procedures to enable the Recipient's ongoing effective functioning;
- (c) decision-making mechanisms for the Recipient;
- (d) procedures to enable the Recipient to manage Funds prudently and effectively;
- (e) procedures to enable the Recipient to complete the Project successfully;
- (f) procedures to enable the Recipient to identify risks to the completion of the Project and strategies to address the identified risks, all in a timely manner;
- (g) procedures to enable the preparation and submission of all Reports required pursuant to Article A7.0; and
- (h) procedures to enable the Recipient to address such other matters as the Recipient considers necessary to enable the Recipient to carry out its obligations under the Agreement.

A2.4 **Supporting Proof.** Upon the request of the Province, the Recipient will provide the Province with proof of the matters referred to in Article A2.0.

A3.0 **TERM OF THE AGREEMENT**

A3.1 **Term.** The term of the Agreement will commence on the Effective Date and will expire on the Expiry Date unless terminated earlier pursuant to Article A11.0, Article A12.0, or Article A13.0.

A4.0 **FUNDS AND CARRYING OUT THE PROJECT**

A4.1 **Funds Provided.** The Province will:

- (a) provide the Recipient up to the Maximum Funds for the purpose of carrying out the Project;
- (b) provide the Funds to the Recipient in accordance with Schedule "D"; and
- (c) deposit the Funds into an account designated by the Recipient provided that the account:
 - (i) resides at a Canadian financial institution; and
 - (ii) is in the name of the Recipient.

A4.2 Limitation on Payment of Funds. Despite section A4.1:

- (a) the Province is not obligated to provide any Funds to the Recipient until the Recipient provides the certificates of insurance or other proof as the Province may request pursuant to section A10.2;
- (b) the Province is not obligated to provide instalments of Funds until it is satisfied with the progress of the Project;
- (c) the Province may adjust the amount of Funds it provides to the Recipient in any Funding Year based upon the Province's assessment of the information the Recipient provides to the Province pursuant to section A7.1; or
- (d) if, pursuant to the *Financial Administration Act* (Ontario), the Province does not receive the necessary appropriation from the Ontario Legislature for payment under the Agreement, the Province is not obligated to make any such payment, and, as a consequence, the Province may:
 - (i) reduce the amount of Funds and, in consultation with the Recipient, change the Project; or
 - (ii) terminate the Agreement pursuant to section A12.1.

A4.3 Use of Funds and Carry Out the Project. The Recipient will do all of the following:

- (a) carry out the Project in accordance with the Agreement;
- (b) use the Funds only for the purpose of carrying out the Project;
- (c) use the Funds only on activities and services eligible for funding as set out in Schedule "E"; and
- (d) not use the Funds to cover any cost that has or will be funded or reimbursed by one or more of any third party, ministry, agency, or

organization of the Government of Ontario.

A4.4 **Interest Bearing Account.** If the Province provides Funds before the Recipient's immediate need for the Funds, the Recipient will place the Funds in an interest bearing account in the name of the Recipient at a Canadian financial institution.

A4.5 **Interest.** If the Recipient earns any interest on the Funds, the Province may:

- (a) deduct an amount equal to the interest from any further instalments of Funds; or
- (b) demand from the Recipient the payment of an amount equal to the interest.

A4.6 **Rebates, Credits, and Refunds.** The Ministry will calculate Funds based on the actual costs to the Recipient to carry out the Project, less any costs (including taxes) for which the Recipient has received, will receive, or is eligible to receive, a rebate, credit, or refund.

A5.0 RECIPIENT'S ACQUISITION OF GOODS OR SERVICES, AND DISPOSAL OF ASSETS

A5.1 **Acquisition.** If the Recipient acquires goods, services, or both with the Funds, it will:

- (a) do so through a process that promotes the best value for money; and
- (b) comply with the *Broader Public Sector Accountability Act, 2010* (Ontario), including any procurement directive issued thereunder, to the extent applicable.

A5.2 **Disposal.** The Recipient shall sell, lease or otherwise dispose of any asset purchased with the Funds or for which Funds were provided only in accordance with its asset disposal policies and procedures, unless the Province agrees otherwise.

A6.0 CONFLICT OF INTEREST

A6.1 **No Conflict of Interest.** The Recipient will carry out the Project and use the Funds without an actual, potential, or perceived conflict of interest.

A6.2 **Conflict of Interest Includes.** For the purposes of Article A6.0, a conflict of interest includes any circumstances where:

- (a) the Recipient; or
- (b) any person who has the capacity to influence the Recipient's decisions,

has outside commitments, relationships, or financial interests that could, or could be seen to, interfere with the Recipient's objective, unbiased, and impartial judgment relating to the Project, the use of the Funds, or both.

A6.3 Disclosure to Province. The Recipient will:

- (a) disclose to the Province, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest; and
- (b) comply with any terms and conditions that the Province may prescribe as a result of the disclosure.

A7.0 REPORTS, ACCOUNTING, AND REVIEW

A7.1 Preparation and Submission. The Recipient will:

- (a) submit to the Province at the address referred to in section A17.1, all Reports in accordance with the timelines and content requirements as provided for in Schedules "D" and "F", or in a form as specified by the Province from time to time;
- (b) submit to the Province at the address referred to in section A17.1, any other reports as may be requested by the Province in accordance with the timelines and content requirements specified by the Province;
- (c) ensure that all Reports and other reports are completed to the satisfaction of the Province; and
- (d) ensure that all Reports and other reports are signed on behalf of the Recipient by an authorized signing officer.

A7.2 Record Maintenance. The Recipient will keep and maintain:

- (a) all financial records (including invoices) relating to the Funds or otherwise to the Project in a manner consistent with generally accepted accounting principles; and
- (b) all non-financial documents and records relating to the Funds or otherwise to the Project.

A7.3 Inspection. The Province, any authorized representative, or any independent auditor identified by the Province may, at the Province's expense, upon twenty-four hours' Notice to the Recipient and during normal business hours, enter upon the Recipient's premises to review the progress of the Project and the Recipient's allocation and expenditure of the Funds and, for these purposes,

the Province, any authorized representative, or any independent auditor identified by the Province may take one or more of the following actions:

- (a) inspect and copy the records and documents referred to in section A7.2;
- (b) remove any copies made pursuant to section A7.3(a) from the Recipient's premises; and
- (c) conduct an audit or investigation of the Recipient in respect of the expenditure of the Funds, the Project, or both.

A7.4 Disclosure. To assist in respect of the rights provided for in section A7.3, the Recipient will disclose any information requested by the Province, any authorized representatives, or any independent auditor identified by the Province, and will do so in the form requested by the Province, any authorized representative, or any independent auditor identified by the Province, as the case may be.

A7.5 No Control of Records. No provision of the Agreement will be construed so as to give the Province any control whatsoever over the Recipient's records.

A7.6 Auditor General. The Province's rights under Article A7.0 are in addition to any rights provided to the Auditor General pursuant to section 9.2 of the *Auditor General Act* (Ontario).

A8.0 COMMUNICATIONS REQUIREMENTS

A8.1 Acknowledge Support. Unless otherwise directed by the Province, the Recipient will:

- (a) acknowledge the support of the Province for the Project; and
- (b) ensure that the acknowledgement referred to in section A8.1(a) is in a form and manner as directed by the Province.

A8.2 Publication. The Recipient will indicate, in any of its Project-related publications, whether written, oral, or visual, that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of the Province.

A9.0 INDEMNITY

A9.1 Indemnification. The Recipient will indemnify and hold harmless the Indemnified Parties from and against any and all liability, loss, costs, damages, and expenses (including legal, expert and consultant fees), causes of action, actions, claims, demands, lawsuits, or other proceedings, by whomever made, sustained, incurred, brought, or prosecuted, in any way arising out of or in connection with the Project or otherwise in connection with the Agreement,

unless solely caused by the negligence or wilful misconduct of the Indemnified Parties.

A10.0 INSURANCE

A10.1 Recipient's Insurance. The Recipient represents, warrants, and covenants that it has, and will maintain, at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, all the necessary and appropriate insurance that a prudent person carrying out a project similar to the Project would maintain, including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury, and property damage, to an inclusive limit of not less than the amount provided for in Schedule "B" per occurrence. The insurance policy will include the following:

- (a) the Indemnified Parties as additional insureds with respect to liability arising in the course of performance of the Recipient's obligations under, or otherwise in connection with, the Agreement;
- (b) a cross-liability clause;
- (c) contractual liability coverage; and
- (d) a 30-day written notice of cancellation.

A10.2 Proof of Insurance. The Recipient will:

- (a) provide to the Province, either:
 - (i) certificates of insurance that confirm the insurance coverage as provided for in section A10.1; or
 - (ii) other proof that confirms the insurance coverage as provided for in section A10.1; and
- (b) upon the request of the Province, provide to the Province a copy of any insurance policy.

A11.0 TERMINATION ON NOTICE

A11.1 Termination on Notice. The Province may terminate the Agreement at any time without liability, penalty, or costs upon giving at least 30 days' Notice to the Recipient.

A11.2 Consequences of Termination on Notice by the Province. If the Province terminates the Agreement pursuant to section A11.1, the Province may take one or more of the following actions:

- (a) cancel further instalments of Funds;

- (b) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient; and
- (c) determine the reasonable costs for the Recipient to wind down the Project, and do either or both of the following:
 - (i) permit the Recipient to offset such costs against the amount the Recipient owes pursuant to section A11.2(b); and
 - (ii) subject to section A4.1(a), provide Funds to the Recipient to cover such costs.

A12.0 TERMINATION WHERE NO APPROPRIATION

A12.1 Termination Where No Appropriation. If, as provided for in section A4.2(d), the Province does not receive the necessary appropriation from the Ontario Legislature for any payment the Province is to make pursuant to the Agreement, the Province may terminate the Agreement immediately without liability, penalty, or costs by giving Notice to the Recipient.

A12.2 Consequences of Termination Where No Appropriation. If the Province terminates the Agreement pursuant to section A12.1, the Province may take one or more of the following actions:

- (a) cancel further instalments of Funds;
- (b) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient; and
- (c) determine the reasonable costs for the Recipient to wind down the Project and permit the Recipient to offset such costs against the amount owing pursuant to section A12.2(b).

A12.3 No Additional Funds. If, pursuant to section A12.2(c), the Province determines that the costs to wind down the Project exceed the Funds remaining in the possession or under the control of the Recipient, the Province will not provide additional Funds to the Recipient.

A13.0 EVENT OF DEFAULT, CORRECTIVE ACTION, AND TERMINATION FOR DEFAULT

A13.1 Events of Default. Each of the following events will constitute an Event of Default:

- (a) in the opinion of the Province, the Recipient breaches any representation, warranty, covenant, or other material term of the Agreement, including failing to do any of the following in accordance with the terms and conditions of the Agreement:

- (i) carry out the Project;
 - (ii) use or spend Funds; or
 - (iii) provide, in accordance with section A7.1, Reports or such other reports as may have been requested pursuant to section A7.1(b);
- (b) the Recipient's operations, its financial condition, or its organizational structure, changes such that it no longer meets one or more of the eligibility requirements of the program under which the Province provides the Funds;
- (c) the Recipient makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or a creditor makes an application for an order adjudging the Recipient bankrupt, or applies for the appointment of a receiver; or
- (d) the Recipient ceases to operate.

A13.2 Consequences of Events of Default and Corrective Action. If an Event of Default occurs, the Province may, at any time, take one or more of the following actions:

- (a) initiate any action the Province considers necessary in order to facilitate the successful continuation or completion of the Project;
- (b) provide the Recipient with an opportunity to remedy the Event of Default;
- (c) suspend the payment of Funds for such period as the Province determines appropriate;
- (d) reduce the amount of the Funds;
- (e) cancel further instalments of Funds;
- (f) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient;
- (g) demand from the Recipient the payment of an amount equal to any Funds the Recipient used, but did not use in accordance with the Agreement;
- (h) demand from the Recipient the payment of an amount equal to any Funds the Province provided to the Recipient; and
- (i) terminate the Agreement at any time, including immediately, without liability, penalty or costs to the Province upon giving Notice to the

Recipient.

A13.3 **Opportunity to Remedy.** If, in accordance with section A13.2(b), the Province provides the Recipient with an opportunity to remedy the Event of Default, the Province will give Notice to the Recipient of:

- (a) the particulars of the Event of Default; and
- (b) the Notice Period.

A13.4 **Recipient not Remediating.** If the Province provided the Recipient with an opportunity to remedy the Event of Default pursuant to section A13.2(b), and:

- (a) the Recipient does not remedy the Event of Default within the Notice Period;
- (b) it becomes apparent to the Province that the Recipient cannot completely remedy the Event of Default within the Notice Period; or
- (c) the Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Province,

the Province may extend the Notice Period, or initiate any one or more of the actions provided for in sections A13.2(a), (c), (d), (e), (f), (g), (h), and (i).

A13.5 **When Termination Effective.** Termination under Article will take effect as provided for in the Notice.

A14.0 FUNDS AT THE END OF A FUNDING YEAR

A14.1 **Funds at the End of a Funding Year.** Without limiting any rights of the Province under Article A13.0, if the Recipient has not spent all of the Funds allocated for the Funding Year, the Province may take one or both of the following actions:

- (a) demand from the Recipient payment of the unspent Funds; and
- (b) adjust the amount of any further instalments of Funds accordingly.

A15.0 FUNDS UPON EXPIRY

A15.1 **Funds Upon Expiry.** The Recipient will, upon expiry of the Agreement, pay to the Province any Funds remaining in its possession or under its control.

A16.0 DEBT DUE AND PAYMENT

A16.1 **Payment of Overpayment.** If at any time the Province provides Funds in excess of the amount to which the Recipient is entitled under the Agreement,

the Province may:

- (a) deduct an amount equal to the excess Funds from any further instalments of Funds; or
- (b) demand that the Recipient pay an amount equal to the excess Funds to the Province.

A16.2 **Debt Due.** If, pursuant to the Agreement:

- (a) the Province demands from the Recipient the payment of any Funds or an amount equal to any Funds; or
- (b) the Recipient owes any Funds or an amount equal to any Funds to the Province, whether or not the Province has demanded their payment,

such Funds or other amount will be deemed to be a debt due and owing to the Province by the Recipient, and the Recipient will pay the amount to the Province immediately, unless the Province directs otherwise.

A16.3 **Interest Rate.** The Province may charge the Recipient interest on any money owing by the Recipient at the then current interest rate charged by the Province of Ontario on accounts receivable.

A16.4 **Payment of Money to Province.** The Recipient will pay any money owing to the Province by cheque payable to the "Ontario Minister of Finance" and delivered to the Province as provided for in Schedule "B".

A16.5 **Fails to Pay.** Without limiting the application of section 43 of the *Financial Administration Act* (Ontario), if the Recipient fails to pay any amount owing under the Agreement, Her Majesty the Queen in right of Ontario may deduct any unpaid amount from any money payable to the Recipient by Her Majesty the Queen in right of Ontario.

A17.0 NOTICE

A17.1 **Notice in Writing and Addressed.** Notice will be in writing and will be delivered by email, postage-prepaid mail, personal delivery, or fax, and will be addressed to the Province and the Recipient respectively as provided for Schedule "B", or as either Party later designates to the other by Notice.

A17.2 **Notice Given.** Notice will be deemed to have been given:

- (a) in the case of postage-prepaid mail, five Business Days after the Notice is mailed; or
- (b) in the case of email, personal delivery, or fax, one Business Day after the Notice is delivered.

A17.3 **Postal Disruption.** Despite section A17.2(a), in the event of a postal disruption:

- (a) Notice by postage-prepaid mail will not be deemed to be given; and
- (b) the Party giving Notice will give Notice by email, personal delivery, or fax.

A18.0 CONSENT BY PROVINCE AND COMPLIANCE BY RECIPIENT

A18.1 **Consent.** When the Province provides its consent pursuant to the Agreement, it may impose any terms and conditions on such consent and the Recipient will comply with such terms and conditions.

A19.0 SEVERABILITY OF PROVISIONS

A19.1 **Invalidity or Unenforceability of Any Provision.** The invalidity or unenforceability of any provision of the Agreement will not affect the validity or enforceability of any other provision of the Agreement. Any invalid or unenforceable provision will be deemed to be severed.

A20.0 WAIVER

A20.1 **Waiver Request.** Either Party may, in accordance with the Notice provision set out in Article A17.0, ask the other Party to waive an obligation under the Agreement.

A20.2 **Waiver Applies.** Any waiver a Party grants in response to a request made pursuant to section A20.1 will:

- (a) be valid only if the Party granting the waiver provides it in writing; and
- (b) apply only to the specific obligation referred to in the waiver.

A21.0 INDEPENDENT PARTIES

A21.1 **Parties Independent.** The Recipient is not an agent, joint venturer, partner, or employee of the Province, and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any actions that could establish or imply such a relationship.

A22.0 ASSIGNMENT OF AGREEMENT OR FUNDS

A22.1 **No Assignment.** The Recipient will not, without the prior written consent of the Province, assign any of its rights or obligations under the Agreement.

A22.2 **Agreement Binding.** All rights and obligations contained in the Agreement will

extend to and be binding on the Parties' respective heirs, executors, administrators, successors, and permitted assigns.

A23.0 GOVERNING LAW

A23.1 **Governing Law.** The Agreement and the rights, obligations, and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

A24.0 FURTHER ASSURANCES

A24.1 **Agreement into Effect.** The Recipient will provide such further assurances as the Province may request from time to time with respect to any matter to which the Agreement pertains, and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of the Agreement to their full extent.

A25.0 JOINT AND SEVERAL LIABILITY

A25.1 **Joint and Several Liability.** Where the Recipient is comprised of more than one entity, all such entities will be jointly and severally liable to the Province for the fulfillment of the obligations of the Recipient under the Agreement.

A26.0 RIGHTS AND REMEDIES CUMULATIVE

A26.1 **Rights and Remedies Cumulative.** The rights and remedies of the Province under the Agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

A27.0 FAILURE TO COMPLY WITH OTHER AGREEMENTS

A27.1 **Other Agreements.** If the Recipient:

- (a) has failed to comply with any term, condition, or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a "**Failure**");
- (b) has been provided with notice of such Failure in accordance with the requirements of such other agreement;
- (c) has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and

(d) such Failure is continuing,

the Province may suspend the payment of Funds for such period as the Province determines appropriate.

A28.0 SURVIVAL

A28.1 Survival. The following Articles and sections, and all applicable cross-referenced sections and schedules, will continue in full force and effect for a period of seven years from the date of expiry or termination of the Agreement: Article 1.0, Article 3.0, Article A1.0 and any other applicable definitions, section A2.1(a), sections A4.2(d), A4.5, section A5.2, section A7.1 (to the extent that the Recipient has not provided the Reports or other reports as may have been requested to the satisfaction of the Province), sections A7.2, A7.3, A7.4, A7.5, A7.6, Article A8.0, Article A9.0, section A11.2, sections A12.2, A12.3, sections A13.1, A13.2(d), (e), (f), (g) and (h), Article A15.0, Article A16.0, Article A17.0, Article A19.0, section A22.2, Article A23.0, Article A25.0, Article A26.0, Article A27.0 and Article A28.0.

- END OF GENERAL TERMS AND CONDITIONS -

SCHEDULE "B"
PROJECT SPECIFIC INFORMATION AND ADDITIONAL PROVISIONS

Maximum Funds	\$5,055,282.98
Expiry Date	December 31, 2020
Insurance	\$5,000,000.00
Contact information for the purposes of Notice to the Province	<p>Name: Ministry of the Solicitor General Public Safety Division, External Relations Branch Program Development Section</p> <p>Address: 25 Grosvenor Street Toronto ON M7A 2H3</p> <p>Attention: Fionne Yip, Community Safety Analyst</p> <p>Fax: 416-314-3092</p> <p>Email: Fionne.Yip@ontario.ca</p>
Contact information for the purposes of Notice to the Recipient and to respond as required to requests from the Province related to the Agreement	<p>Name: City of Hamilton</p> <p>Address: 71 Main Street West Hamilton ON L8P 4Y5</p> <p>Attention: Mr. Tom Hewitson Manager, Current Budgets and Fiscal Planning</p> <p>Email: Tom.Hewitson@hamilton.ca</p>

Additional Provisions:

None

SCHEDULE "C" PROJECT

The Province implemented the Program in 2012 to assist municipalities in offsetting their costs of providing CSPT services in their jurisdictions.

The Province will upload CSPT costs from municipalities to a maximum of \$125 million in 2020.

The Recipient is responsible for the costs of providing security for court premises during hours of court operations and security of persons attending court, and/or the costs of transporting prisoners and custodial minors (i.e., persons between twelve and seventeen years of age) between correctional institutions, custodial facilities and court locations for the purposes of court attendance.

SCHEDULE "D" PAYMENT PLAN AND REPORTING SCHEDULES

The Funds in the amount of **\$5,055,282.98** will be provided to the Recipient according to the following schedule:

- A. First instalment: **\$1,263,820.75** will be paid to the Recipient once the Recipient has signed the Agreement, provided adequate proof of insurance to the Province in accordance with section A10.2 of the Agreement, and the Agreement has then been signed by the Province.

- B. Second Instalment: **\$1,263,820.75** will be paid to the Recipient, following the Province's receipt and approval of the 2019 Annual Financial Report (due April 15, 2020). *Subsequent payments will not be released until the Province has received and approved the 2019 Annual Financial Report.*

- C. Third Instalment: **\$1,263,820.75** will be paid to the Recipient by the end of September 2020.

- D. Final instalment: **\$1,263,820.73** will be paid to the Recipient by the end of December 2020.

- E. The Recipient must submit the 2020 Annual Financial Report to the Province by April 15, 2021.

SCHEDULE "E"
COURT SECURITY AND PRISONER TRANSPORTATION
SERVICES AND ACTIVITIES ELIGIBLE FOR FUNDING

A. COURT SECURITY includes:

1. Facility Perimeter Security

Costs associated with external and/or internal police presence during regular or non-regular hours to secure the perimeter of the facility, to respond to a specific threat or for high-profile matters.

2. Courtroom Security

Costs associated with the presence of police staff in the courtroom to ensure the safety and security of the proceedings and attendees.

3. General Courthouse Security Presence

Costs associated with the use of screening stations to screen all public visitors to the courthouse, including the use of magnetometers and x-ray machines, and police staff assigned to perform roving patrols of the court facility.

4. Prisoner Movement in Courthouse

Costs associated with monitoring the movement of prisoners between holding cells and other areas within the courthouse.

5. Prisoner Guarding in Holding Cells

Costs associated with guarding and monitoring of prisoners brought to court for trial and held in courthouse holding cells (where applicable).

6. Prisoner Feeding

Costs associated with the provision of meals to prisoners required while in the custody of local police services for the purpose of attending court.

B. PRISONER TRANSPORTATION includes:

1. Prisoner Transport

Costs associated with the movement of prisoners between correctional institutions and court locations for the purposes of attending court.

2. Prisoner Transport - Youth

Costs associated with the movement of custodial minors (i.e. 12-17 years old) between correctional and/or custodial facilities and court locations for the purposes of attending court.

*PRISONER includes: Persons being held in custody as a result of provincial or federal offence proceedings, including persons under immigration detention.

C. TRAINING, EQUIPMENT AND RECRUITING includes:

1. Costs associated with training that is relevant to court security and prisoner transportation only.
2. Cost associated with equipment that is unique to the provision of court security and prisoner transportation and does not include equipment that would be utilized for other purposes.
3. Costs associated with recruiting that is relevant to the staffing of court security and prisoner transportation only. Costs may include advertising for applicants, physical fitness and/or psychological testing, applicant screening, interviews or any other related human resources expense.

COURT SECURITY AND PRISONER TRANSPORTATION do NOT include:

Court Administration

Costs associated with performing court administrative duties including the scheduling of staff for daily deployment, the service of legal documents, the preparation/maintenance of Crown Brief materials, the entry of data into court information systems, preparing or swearing/affirming legal documentation, scheduling of court appearances or other duties of a related nature.

SCHEDULE "F" TEMPLATE FOR ANNUAL FINANCIAL REPORT

REPORTING MUNICIPALITY: (please select from drop down list)			
CONTACT INFORMATION:			
Salutation:	First Name:	Last Name:	Title:
Tel:	Ext:	Fax:	E mail:
Address:			
City:		Postal Code:	
LOCAL POLICE SERVICE:			
Name of Municipal or Regional Police Service or OPP Detachment:			
ANNUAL EXPENDITURE SUMMARY:			
PLEASE COMPLETE THE FOLLOWING SECTION IN RELATION TO THE COURT SECURITY AND PRISONER TRANSPORTATION SERVICES/ACTIVITIES ELIGIBLE FOR FUNDING LISTED IN SCHEDULE B (ATTACHED).			
For lines b, c, d, g, h, and i, please provide details on a separate page, identifying the name of the municipality/funding source and the amount of funding.			
Allocation:			
COURT SECURITY COSTS			
a) Total gross annual court security costs:			
b) Total annual payments provided to other municipalities for court security:			
c) Total annual payments received from other municipalities for court security:			
d) Total annual payments received from other funding sources for court security:			
e) Total net annual court security costs (a + b - c - d):			\$0.00
PRISONER TRANSPORTATION COSTS			
f) Total gross annual prisoner transportation costs:			
g) Total annual payments provided to other municipalities for prisoner transportation:			
h) Total annual payments received from other municipalities for prisoner transportation:			
i) Total annual payments received from other funding sources for prisoner transportation:			
j) Total net annual prisoner transportation costs (f + g - h - i):			\$0.00
Total Net Annual Court Security and Prisoner Transportation Costs (e + j):			\$0.00
Variance (Allocation - Total Net Annual Costs):			\$0.00
SIGNATURE OF AUTHORIZED OFFICIAL:			
<i>I, hereby certify that the information provided in the Annual Financial Report is true and correct and is in agreement with the books and records of the municipality and its consolidated entities.</i>			
Title:	Print Name:		
Signature:			Date:



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 19, 2020
SUBJECT/REPORT NO:	Waiver of Park and Insurance Fees for Easter Egg Hunts and Like Events (HSC20008) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Dawn Walton (905) 546-2424 Ext. 4755
SUBMITTED BY:	Chris Herstek Director, Recreation Division Healthy and Safe Communities Department
SIGNATURE:	

COUNCIL DIRECTION

Council, at its meeting of April 10, 2019 provided direction in relation to the waiving of rental and insurance fees for Easter Egg Hunts on City owned properties:

“That staff be directed to review the policy, compare it with other municipalities and report back by February 2020.”

INFORMATION

The Egg Hunts in Parks (Report CES17034) permanently waived rental fees for non-profit organizations that meet the requirements of the Recreation Fee Waiver/Reduction Policy and were proposing Holiday Egg Hunts in City owned parks.

Event organizers are still required to obtain a minimum of \$2 M in third-party liability insurance to protect the individual, the organization and the City from lawsuits that may arise from these events. The City of Hamilton Insurer cannot provide coverage arising from the negligence of others through the City’s Municipal Liability coverage. The Recreation Division can assist access to the required liability insurance through an independent liability insurance program facilitated by the City’s insurer. The rates are competitive and designed for events with 1,000 participants or fewer.

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

SUBJECT: Waiver of Park and Insurance Fees for Easter Egg Hunts and Like Events (HSC20008) (City Wide) - Page 2 of 3

Municipal Comparison

An email query was conducted in November 2019 of municipalities associated with Festivals and Events Ontario (FEO). Municipal representatives were asked a few simple questions regarding fee waiver requests and insurance requirements for community organized egg hunts, holiday specials and other similar neighbourhood initiated events (attached as Appendix "A" to Report HSC20008).

Twenty responses were received, and 19 municipalities identified an existing process for waiving park fees including one or a combination of formal fee waivers; a process to request Council approval and grant programs available to organizers.

Liability insurance for organizers is an industry best practice for festivals and events. Due to high volume and higher risk rental requirements, many municipalities have limitations of coverage arising from negligence of third-party rentals and have mandatory insurance requirements for renters. Four of the municipal respondents currently issue third-party coverage in conjunction with a provider to provide greater access to affordable insurance. None of the respondents waive insurance fees for organizers.

Affordable Access

Recreation staff monitor and evaluate activities related to the Affordable Access to Recreation Strategy, identifying gaps in service and areas of growth to best utilize the program budget. The Affordable Access Strategy 5 Year Update (Report CES10047(b)) highlighted target initiatives in response to the emerging recreation needs from local neighbourhoods and communities identified through but not exclusive to the Neighbourhood Action Strategy (NAS).

Given that neighbourhood events and gatherings have a demonstrated recreation benefit for communities, Recreation took two actions to alleviate the cost associated with securing insurance for NAS events:

- a. A new lower fee insurance option intended for events that are only locally advertised and organized, with no alcohol, and do not exceed 250 participants was negotiated and made available through our insurance provider.
- b. Events hosted by NAS identified groups were deemed eligible to apply to have event insurance paid for through the affordable access funding if they met the Recreation Fee Waiver/Reduction Policy requirements and had no other source of funding/grants to cover the cost of insurance.

SUBJECT: Waiver of Park and Insurance Fees for Easter Egg Hunts and Like Events (HSC20008) (City Wide) - Page 3 of 3

Next Steps

Recreation staff is committed to continuing to support historic annual events organized by neighbourhood and community level volunteer associations who have met the requirements of the Recreation Fee Waiver/Reduction Policy to assist with insurance related fee pressures. The identified funding will be allocated through the Affordable Access to Recreation Strategy.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HSC20008: Municipal Event Query Responses

Municipal Event Query Responses

City/Town/Township	Population (Approx.)	Rental Fee Waiver Process	Rental Fee Waivers via Council Approval	Granting Program Available for Event Organizers	Low-Risk Insurance Policy Available for Purchase	Insurance Requirements Waived or Funded	Comments
Aurora	60,000	NO	YES	YES	NO	NO	n/a
Bradford West Gwillimbury	35,000	NO	NO	YES	YES	NO	Have designated City property that is free for community events
Brampton	700,000	NO	NO				Do not charge park fees for community level events
Cambridge	135,000	NO	NO				Event strategy and Fee review currently in progress
Clearview	15,000	NO	YES		YES		Do not charge park fees for community level events
Guelph	130,000	NO	NO	YES			
Halton Hills	65,000	NO	NO	YES			
Hamilton	540,000	YES	YES	YES	YES	YES	Applicants must meet eligibility criteria for fee reductions or have received council approval
Markham	380,000	NO	NO				
Midland	15,000	NO	NO	YES			
Newmarket	90,000	NO	NO	YES			
Newtecumseth	35,000	NO	NO	YES			
Niagara Falls	50,000	YES	NO			NO	
Oshawa	160,000	NO	YES				
Port Colborne	18,000	YES	YES				
Port Hope	15,000	YES	NO	YES	NO		
Richmond Hill	200,000	NO	NO				
Sarnia	74,000	YES	NO	YES			
St. Catharines	130,000	YES	NO			NO	
Tiny	12,000	NO	NO	YES			
Toronto	3,000,000	NO	NO	YES	YES	NO	Do not charge park fees for non-profit, community level events
Wasaga Beach	22,000	YES		YES			



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 19, 2020
SUBJECT/REPORT NO:	Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs (PED20038) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Phillip Caldwell (905) 546-2424 Ext. 2359
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the amended program terms and administrative procedures for the ERASE Redevelopment Grant (ERG) Program, which forms Appendix B to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, and attached as Appendix "A" to Report PED20038, be approved;
- (b) That the amended program terms and administrative procedures for the ERASE Tax Assistance Program (TAP) Program, which forms Appendix C to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, and attached as Appendix "B" to Report PED20038, be approved;
- (c) That the amended program terms and administrative procedures for the Downtown Hamilton/West Harbourfront Remediation Loan Program (RLP), which forms Appendix D to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, and attached as Appendix "C" to Report PED20038, be approved.

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SUBJECT: Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs (PED20038) (City Wide) - Page 2 of 6

EXECUTIVE SUMMARY

In 2018, staff completed a comprehensive review and update to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) and associated incentive programs which were approved by Council via Report PED18030(a).

Since 2018, staff from various City divisions/departments involved in the administration of the updated ERASE programs have been monitoring the programs and identified various administrative and technical “housekeeping” amendments.

These amendments generally fall into one or more of the following categories:

- Modified wording for specific administrative procedures/eligibility requirements that, while maintaining the original intent, provide improved clarity and certainty for staff and the public as to their function/purpose and administration;
- Streamlining program options to allow for efficient use of staff resources and/or provide added flexibility for program applicants in certain circumstances; and/or,
- Ensuring program language and requirements more closely align with technical language in legal agreements used with approved program applicants.

Overall the recommended amendments are considered by staff to be minor in nature and do not alter the overall intent of the programs or availability of programs to the public.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this Report.

Staffing: There are no staffing implications arising from this Report.

Legal: Legal staff will be required to ensure that ERASE legal agreements used to implement the ERASE programs are updated to reflect the amendments contained in this Report, where necessary.

SUBJECT: Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs (PED20038) (City Wide) - Page 3 of 6

HISTORICAL BACKGROUND

In 2018, staff completed a comprehensive review of the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) and associated incentive programs. The intent of this review was to ensure that the ERASE incentive programs remain effective in promoting and incentivizing brownfield redevelopment in Hamilton. This review resulted in a series of substantive amendments to the programs that were approved by Council in February 2018 via Report PED18030(a).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

This Report contains recommendations for various administrative and technical amendments to the ERASE Redevelopment Grant Program, ERASE Tax Assistance Program (TAP) and Downtown Hamilton/West Harbourfront Remediation Loan Program (RLP). These programs are implemented as Appendix B, C and D respectively to the authorizing ERASE CIP. As these appendices do not form part of the approval of the ERASE CIP or its implementing By-Law (No. 18-076), and as staff's recommended amendments do not alter the intent of the authorizing CIP, an amendment under Section 28 of the *Planning Act* to implement the recommendations of this Report is not required.

RELEVANT CONSULTATION

Recommended amendments contained in this Report have been collected and prepared based on monitoring and feedback from staff in various City divisions/departments involved in the administration of the ERASE programs.

Staff from the Economic Development and Legal Services Divisions have been involved in the development and review of the specific amendments contained in this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Since the updated ERASE CIP and associated incentive programs were implemented in 2018, staff have been monitoring the updated program administration procedures. This monitoring has resulted in the collection of various "housekeeping" amendments to address various administrative and technical matters which are intended to improve the administration of the programs.

Overall the recommended amendments are considered by staff to be minor in nature and do not alter the overall intent of the programs or availability of programs to the public.

SUBJECT: Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs (PED20038) (City Wide) - Page 4 of 6

A summary of the key amendments recommended for specific ERASE programs are provided below:

The ERASE Redevelopment Grant (ERG) Program:

- Amended text to clarify that property taxes must be in good standing not only during the project's development stages but also for any portion of the property retained by the property owner after the remediation and redevelopment has been completed; and,
- Removal of text which permitted a program applicant to assign a grant payment to the initial purchaser of a condominium unit; an option which has not been utilized by applicants to-date and which if utilized, would pose numerous logistical/legal challenges for finance and legal staff and require substantial staff resources to administer.

The ERASE Redevelopment Grant (ERG) Program and ERASE Tax Assistance Program (TAP):

- Addition of text to further clarify that eligible remediation costs do not include construction costs that would have been required for the redevelopment regardless of the presence of contamination;
- Addition of text to Introduce the ability for existing applications to be transferred to a new purchaser of a property provided that the application has not yet been approved by City Council and where the new owner will be undertaking the remediation and redevelopment of the site;
- Addition of text to further clarify that remediation costs incurred prior to an application being submitted and accepted by the City are not eligible;
- Amended text to clarify that eligible costs must be incurred by the property owner (applicant);
- Addition of text to reflect existing practise and legal agreement requirements that developments must commence above grade construction no later than five years from Council approval and be completed no longer than ten years from Council approval with the ability to extend the completion period for large-scale developments consisting of multiple phases;
- Addition of text to reflect existing practice and legal agreement requirements that application approvals are considered to be cancelled if the redevelopment of a

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SUBJECT: Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs (PED20038) (City Wide) - Page 5 of 6

property has not commenced within five years of Council approval of the grant/tax assistance application and no request has been made to the City for an extension with associated justification; and,

- Addition of text to reflect existing practice and legal agreement requirements with respect to the calculation of property tax increments and associated grant/tax assistance where a portion of a development site is severed prior to grant payments/tax assistance commencing.

The Downtown Hamilton/West Harbourfront Remediation Loan Program (RLP):

- Amended text to clarify that the program can only be applied for in conjunction with an application for an ERG or Hamilton Tax Increment Grant;
- Additional text to require that assignment of grants under the ERG or Hamilton Tax Increment Grant Programs are required to repay any outstanding loan first and that in the case of the ERG program, the value of the grant payments to be assigned be the remainder of the grant to be payed after utilization of the program's Development Charge Reduction Option, if applicable; and,
- Amended text to clarify that the maximum loan repayment period is five years regardless of the whether the grant payments being assigned are from a program with a longer grant period.

The ERG, TAP and RLP Programs:

- Addition of text to reflect requirements of legal agreements that applicants are required to make a request to the City for grant payments/tax assistance to commence and where no request is made within three years of when the payments/assistance could have commenced, that the legal agreement is cancelled; and,
- Various non-substantive formatting, grammatical and spelling corrections.

Overall the recommended amendments are considered by staff to be minor in nature and do not alter the overall intent of the programs or availability of programs to the public.

ALTERNATIVES FOR CONSIDERATION

Not applicable.

SUBJECT: Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs (PED20038) (City Wide) - Page 6 of 6

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Amended Program Terms and Administrative Procedures for the ERASE Redevelopment Grant (ERG) Program forming Appendix B to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan.
- Appendix “B” – Amended Program Terms and Administrative Procedures for the ERASE Tax Assistance Program (TAP) forming Appendix C to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan.
- Appendix “C” – Amended Program Terms and Administrative Procedures for the Downtown Hamilton/West Harbourfront Remediation Loan Program (RLP) forming Appendix D to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan.

APPENDIX B

8.2 ERASE Redevelopment Grant Program (ERG)

8.2.1 Purpose

The purpose of this program is to alleviate a serious financial impediment to brownfield redevelopment efforts, namely the large tax increase that can result when a brownfield property is redeveloped. The intent of the ERG is to encourage environmental remediation, rehabilitation, redevelopment and adaptive re-use of brownfield sites. Therefore, only those brownfield redevelopment projects that result in an increase in property assessment and taxes will be eligible for funding under the ERG. The ERG also leverages public sector investment and encourages development that would otherwise not take place without this incentive program.

8.2.2 Program Description

The ERG is a tax-increment based program that will provide a financial incentive in the form of a grant to help offset the cost of environmental remediation and rehabilitation of brownfield properties where redevelopment results in a re-valuation and tax increase on these properties. The applicant will initially pay for the entire cost of the remediation and redevelopment project. Once the municipality receives the first full calendar year of newly assessed property taxes that result from the development, the municipality will reimburse the applicant in the form of an annual grant equivalent to 80% of the increase in City taxes that result from redevelopment. Each year, the property owner must first pay taxes owing and then the approved applicant will receive the grant. In no case will the total amount of the grant provided under this program exceed the value of the approved eligible program costs. Also, in no case, will the total amount of the grants provided under this program, and the Tax Assistance Program (TAP) (8.3) exceed the estimated eligible program costs as approved by City Council.

The grant provided under the ERG will equal 80% of the increase in the City portion of property taxes. The remaining 20% of the increase in the City portion of property taxes will be dedicated to the ERASE Municipal Acquisition and Partnership Program (MAPP)

The grants may be received by the property owner in conjunction with any other available municipal program except for other tax increment financing programs.

Assignment of a grant under this Program is not permitted except where the grant is to be assigned to the City of Hamilton as payment towards a loan under the Downtown Hamilton/West Harbourfront Remediation Loan Program for the same project.

The grant will be earned by the applicant if they have met all terms and conditions of the Program and the property and property owner are in good standing with the City in terms of all City By-laws that apply to the property and project, all laws that govern the construction and development of the project and the payment of all taxes *during the development stage* and for any portion of the property retained by the property owner after remediation and redevelopment are complete. The annual grant to the applicant will be pro-rated if an appeal has been filed with the Municipal Property Assessment Corporation (MPAC) by any of the condominium unit owners. The grant for condominium units that are under appeal will not be released until the appeals are settled through the Assessment Review Board.

Appendix “A” to Report PED20038**Page 2 of 9**

For developments containing condominium units, the first-year grant is payable during the calendar year in which 75% of the condominium units within the project are reassessed by MPAC and the property owner(s) have paid in full the new taxes for one (1) calendar year. For non-condominium developments, the first-year grant is payable during the calendar year in which the redevelopment project is complete, the property has been reassessed by MPAC and the property owner has paid in full the new taxes for one (1) calendar year.

Grant payments under the ERG Program will cease at such time as whichever of the following comes first:

- a) Total grant payments provided under this program equal the approved and accepted eligible costs have been reimbursed; or,
- b) 10 annual payments have been provided.

The ERG is an application-based program. As early as possible in the development approvals process, a property owner will register their intent to participate in the program by filing an ERG Application with the Economic Development Division. Before accepting this application, the Economic Development Division will screen the application to ensure that it is for a property within the designated ERASE Community Improvement Project Area (CIPA) and the application meets the eligibility requirements.

Applications that are not within the ERASE CIPA or applications that clearly do not meet the eligibility requirements will not be accepted. Acceptance of the application by the Economic Development Division in no way implies grant approval.

Applications will be processed and approved on a first come, first serve basis. Review and evaluation of the application and supporting materials against program eligibility requirements will be done by City staff. The applicant participating in the ERG program must enter into an agreement with the City. This Agreement will specify the terms and conditions of the grant and will include terms and conditions in addition to those contained in this Appendix “B” as determined by the City Solicitor and General Manager of Planning and Economic Development. All ERG applications and agreements will be subject to approval by City Council or Council’s designate.

The amount of City taxes (“base rate”) will be determined before commencement of the project. The increase in the municipal portion of real property taxes (or “municipal tax increment”) will be calculated as the difference between the base rate and the amount of City taxes levied as a result of reassessed by the Municipal Property Assessment Corporation (MPAC) following project completion. The municipal tax increment will be used to fund the grant. This program does not exempt property owners from an increase/decrease in municipal taxes due to a general tax rate increase/decrease, or a change in assessment for any other reason.

For eligible sites where environmental remediation is proposed, the applicant shall obtain and submit to the City a Phase II ESA and/or Risk Assessment and a Remedial Action Plan undertaken by a Qualified Person that:

- a) Identifies the extent and provides a cost estimate for the environmental remediation of the eligible property; and,
- b) Contains a detailed work plan and budget for said environmental remediation.

For eligible sites where the removal and/or abatement of designated substances and/or hazardous materials is proposed, the applicant shall obtain and submit to the City:

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- a) A Designated Substances and Hazardous Materials Survey which identifies the presence, extent and need for the removal and/or abatement of such substances/materials in accordance with the *Occupation Health and Safety Act*, Ontario Regulation 278/05 (where applicable) and to the City’s satisfaction; and,
- b) A detailed work plan and cost estimate.

For eligible sites where the removal, replacement and/or upgrade of capacity for existing on-site infrastructure (water services, sanitary sewers and storm sewers) and/or building demolition is proposed, the applicant shall obtain and submit to the City:

- a) Any applicable engineering/servicing reports identifying the need for the removal, replacement and/or upgrade of on-site infrastructure; and,
- b) A detailed work plan and cost estimate for the demolition and/or removal, replacement and/or upgrade of on-site infrastructure.

The actual component costs for all eligible cost items will be supplied to the City upon completion of the project. Payment of the grant will be based on the City’s review, satisfaction and acceptance of all reports, paid invoices and documentation which is submitted outlining the full scope and cost of the work completed. Any and all of these costs may be subject to audit, at the expense of the property owner. The grant may be reduced or cancelled if the eligible work is not completed, not completed as approved and/or where documentation/invoicing of said costs is not provided to the City’s satisfaction.

If during the course of the work, the scope of the work changes, or actual costs are greater or less than estimated costs, the City reserves the right to increase or decrease the total amount of the grant. The annual grant payment will be based on the actual increase in property taxes as calculated, based on the actual reassessment by MPAC following project completion and receipt of an RSC.

The City may discontinue the ERG Program at any time. However, participants in the ERG Program with applications and agreements that were approved prior the closing of the program will continue to receive grant payments as determined through their ERG Agreement with the City. The City is not responsible for any costs incurred by the property owner in any way relating to the program, including without limitation, costs incurred in anticipation of a grant.

It should be noted that peer-reviewed Risk Assessments are to be permitted in situations where a RSC is not required by the Ministry of Environment, Conservation and Parks (MOECP) (i.e. not moving to a more sensitive land use).

Finally, for the purposes of clarity a ‘project’ consists of the redevelopment site. The redevelopment site may include multiple properties with more than municipal address.

8.2.3 Eligibility Requirements

All owners of properties within the ERASE Community Improvement Project Area are eligible to apply for funding under this program, subject to meeting the general program requirements in Section 8.0, the following eligibility requirements, and subject to availability of funding as approved by Council:

- a) An application for the ERG must be submitted to the Economic Development Department prior to the commencement of any works and prior to application for building permit

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(Program is not retroactive);

- b) Such application shall include reports, plans, estimates, contracts and other details as may be required to satisfy the City with respect to the eligible costs of the project and conformity of the project with the ERASE CIP;
- c) The applicant shall obtain and submit to the City a Phase II ESA and/or Risk Assessment and Remedial Action Plan undertaken by a Qualified Person that:
 - i) identifies the extent and provides a cost estimate for the environmental remediation of the eligible property; and,
 - ii) contains a detailed work plan and budget for said environmental remediation.
- d) As a condition of the grant application, the City may require the applicant to submit a Business Plan, with said Plan to the City’s satisfaction;
- e) The property shall be redeveloped such that the amount of work undertaken is sufficient to at a minimum result in an increase in the assessed value of the property;
- f) The total value of the grant provided under this program shall not exceed the total value of work done under eligible program costs;
- g) Eligible program costs include the following:
 - i) environmental remediation (i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a Record of Site Condition (RSC) to be filed for the proposed use by a Qualified Person, including costs of preparing and filing of an RSC and Certificate of Property Use (CPU), cost of clean fill, grading and compaction to replace contaminated soils;
Eligible environmental remediation costs do not include construction/development costs that would be required regardless of the presence of contamination.
 - ii) Phase II ESAs, Risk Assessments and Remedial Action Plans not covered by the ERASE Study Grant program;
 - iii) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU;
 - iv) monitoring, maintaining and operating environmental and/or engineering controls/works related to environmental remediation, as specified in the Remedial Action Plan and/or Risk Assessment and/or CPU;
 - v) Industrial/Office Reuse Feasibility Study (Area 2 only)
 - vi) Designated Substances and Hazardous Material Survey and their removal and abatement in accordance with the *Occupational Health and Safety Act* and Ontario Regulation 278/05 (where applicable) in the Older Industrial Area (Area 2);
 - vii) Designated Substances and Hazardous Material Survey and their removal and abatement in accordance with the *Occupational Health and Safety Act* and Ontario Regulation 278/05 (where applicable) in current/closed Institutional use

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- buildings across the CIPA;
- viii) Designated Substances and Hazardous Material Survey and their removal and abatement in accordance with the *Occupational Health and Safety Act* and Ontario Regulation 278/05 (where applicable) as part of the rehabilitation and restoration of heritage buildings/properties designated under Part IV or V of the *Ontario Heritage Act* across the CIPA; and
- ix) In addition to the above, the following costs may also be considered eligible when incurred on a site requiring remediation/rehabilitation and located in the applicable geographic area:
- A. the following Leadership in Energy and Environmental Design (LEED) Program components up to a maximum of 50% as per the City of Hamilton’s LEED Grant Program (LGP) to achieve LEED certification under the LEED rating system by the Canadian Green Building Council – CaGBC:
 - incremental construction costs,
 - consultation costs
 - energy modeling; and
 - certification fees
 - B. demolition costs not covered by demolition charge credits (Areas 2 and 3 only);
 - C. the removal, replacement and/or upgrade of capacity for existing infrastructure (water services, sanitary sewers and storm sewers) up to a maximum of 25% of the cost of said improvement provided the improvement is located on the property and will support the rehabilitation and reuse of the property (Areas 2 and 3 only);
 - D. certain relocation/removal costs for existing and operating industrial manufacturing and transportation uses, where such costs relate to or contribute directly to the actual remediation and rehabilitation of the site (Areas 2 and 3 only).
- h) Notwithstanding 8.2.3 g), costs shall not be considered to be eligible if incurred prior to the date an application has been submitted under this program and accepted by the City with the exception of studies which were the subject of an approved ERASE Study Grant (ESG) Program (8.1) application. The total of the grant provided under this Program in combination with any tax assistance provided under the Tax Assistance Program (TAP) (8.3) shall not exceed the total approved eligible costs. Previous grant payments provided under the ESG Program for studies which are also to be accepted as eligible costs under this program will be deducted from the approved eligible costs;
- i) To be eligible under this program, costs must be incurred by the property owner as identified on the submitted program application accepted by the City;
- j) Actual costs for any or all of the items in eligible program costs above may be subject to audit by the City, at the expense of the property owner;
- k) All property owners participating in this program will be required to enter into an agreement with the City which will specify the terms and conditions of the grant;

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- l) All ERG applications must be approved by City Council or City Council's designate;
- m) The property owner shall be required to submit one of the following prior to a grant being paid under this program:
 - i) a Record of Site Condition ("RSC") conforming to the latest Ontario Regulation 153/04 standards and prepared by a Qualified Person to the Environmental Site Registry under section 168.4 of the *Environmental Protection Act* and shall submit to the City an acknowledgement of receipt of the RSC by the MOECP; or
 - ii) where the submission of a signed RSC is not required under the *Environmental Protection Act* to permit the brownfield redevelopment, and provided that the owner of the property within the ERASE Community Improvement Project Area undertakes a Risk Assessment and remediates the property to a standard that would enable the owner to submit a RSC, the property owner may instead provide the City with a Risk Assessment prepared by a Qualified Person for Risk Assessments (as defined in the *Environmental Protection Act* and Ontario Regulation 153/04, as amended), subject to a peer-review by a Qualified Person for Risk Assessment, who is acceptable to the City. This peer-review must certify that the property has been remediated to the appropriate levels for the proposed use in accordance with the Risk Assessment, to the satisfaction of the City. The cost of the peer-review will be an eligible cost under this program.
- n) The City reserves the right to require the submission, to the City's satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use.
- o) If a building(s) erected on a property participating in this Program is demolished before the grant period expires, the remainder of the monies to be paid out under the grant shall be forfeited;
- p) The improvements made to buildings and/or land shall be made pursuant to a Building Permit, constructed in accordance with the Ontario Building Code, and in compliance with all applicable Official Plan, Zoning By-Law and Site Plan Control requirements and approvals; and,
- q) Outstanding work orders and/or orders or requests to comply from the City must be satisfactorily addressed prior to grant approval.
- r) No grant is to be paid out until the project is completed. Alternatively, subject to written approval by the Director of Economic Development, a percentage of the total grant payment may be provided for phased developments based on the number of phases completed and proportional to the eligible costs incurred in each completed phase. Such partial payments shall be limited to those projects where the incremental tax increase for individual development phase can be determined to the City's satisfaction.
- s) Work on the portion of the Project that is at or above grade shall commence no longer than five (5) years from the date an application under this program was approved by City Council (or City Council's designate) and the Project and all eligible works shall be completed and the project capable of being fully occupied within 10 years from the date an application under this program approved by City Council (or City Council's designate). Where a project consists of multiple phases, consideration may be provided for an extended project

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completion and occupancy period at the sole absolute and unfettered discretion of City Council.

Eighty-percent (80%) of the municipal portion of the tax increment will be reimbursed to the property owner in the form of a grant, while the remaining 20% of the tax increment will be dedicated to the ERASE Municipal Acquisition and Partnership Program (see Section 8.5).

8.2.4 Administration

The Economic Development Division will be responsible for administering the ERG, in consultation with other division/departments as necessary. Applications shall be submitted to the Economic Development Division and shall be accompanied by a Phase II ESA and/or Risk Assessment and Remedial Action Plan undertaken by a Qualified Person (as defined under Ontario Regulation 153/04) and/or Designated Substances and Hazardous Materials Survey (where applicable). For sites undertaking environmental remediation, the work plan and cost estimate shall be in the form of a Remedial Action Plan prepared by a Qualified Person. Said work plan and cost estimate will be supported by a Phase II ESA and/or Risk Assessment undertaken by a Qualified Person. Studies/plans submitted shall:

- a) Identify the extent of the environmental remediation and any installation, monitoring, maintaining and operating environmental and/or engineering controls/works required for the eligible property; and,
- b) Provide a detailed work plan and cost estimate for said environmental remediation which includes the installation, monitoring, maintaining and operating environmental and/or engineering controls/works.

For other non-remediation eligible works under this program, a written contractor's estimate shall be provided which shall be supported by any applicable studies (such as Designated Substances and Hazardous Materials Survey) to the City's satisfaction. The City may also require the submission of a Business Plan for the proposed development.

In addition, a cost estimate for all eligible LEED program component costs by a LEED certified specialist must be provided.

Applicants will be required to have a pre-application consultation meeting with City staff in order to determine program eligibility, proposed scope of work, project timing, etc.

Before accepting an application, City staff will screen the application. If the application is not within the community improvement project area or the application clearly does not meet the program eligibility requirements, the application will not be accepted.

Acceptance of the application by the City in no way implies grant approval.

Program eligibility will be determined by the Economic Development Division, in consultation with other divisions/departments as necessary. Applications will be recommended for approval only if they meet the criteria specified in this Plan and any other requirements of the City including that the property and property owner are in good standing with the City in terms of all City By-laws that apply to the property and project, all laws that govern the construction and development of the project and the payment of all taxes.

In instances where an applicant cannot satisfy staff with all necessary eligible cost estimates and

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required back-up documentation, staff reserves the right to consider an application as part of a two-step application and approval process, with the ultimate approval residing with City Council.

Where an ERG application has been submitted by a property owner and accepted by the City but not yet approved by City Council (or City Council’s designate), and the subject property(s) are transferred to a new property owner, the City may permit the transfer or assignment of the application, and any eligible costs incurred from the original date of application, to the new owner at the sole, absolute and unfettered discretion of the General Manager of Planning and Economic Development. An assignment or transfer may require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the General Manager of Planning and Economic Development in their sole, absolute and unfettered discretion.

A recommendation on the ERG Application (including estimated eligible costs) will be forwarded to City Council (or Council’s designate) for consideration.

The applicant participating in the ERG program must enter into an agreement with the City which will be forwarded to the applicant for signature once City Council (or Council’s designate) approves the ERG Application. Once the applicant has signed the agreement, the agreement will then be executed by City officials and a copy will be provided to the applicant. The City may require the applicant to register the agreement on title immediately upon execution of the agreement. This agreement will identify events of default whereby upon its occurrence, and for so long as the default continues, the City shall be entitled to remedies including but not limited to ceasing or delaying the release of grant payments without notice to the owner and any obligation of the City to make a grant payment or provide accommodation under the ERG Agreement shall cease. In addition, the City may declare, by notice to the owner, that any grant payments already made to be forthwith due and payable as determined by the General Manager of Planning and Economic Development in their sole, absolute and unfettered discretion.

For sites subject to environmental remediation, the property owner shall submit to the MOECP a signed Record of Site Condition (RSC) prepared by a Qualified Person, and the property owner shall submit to the City an acknowledgement of receipt of the RSC by the MOECP. The City reserves the right to require the submission to the City’s satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use. The RSC filed with the MOECP must conform to the latest Ontario Regulation 153/04 standards. Where the submission of a signed RSC is not required under the *Environmental Protection Act* to permit the brownfield redevelopment and provided that the owner of the property within the ERASE Community Improvement Project Area undertakes a Risk Assessment and remediates the property to a standard that would enable the owner to submit a RSC, the property owner may instead provide the City with a Risk Assessment prepared by a Qualified Person for Risk Assessments (as defined in the *Environmental Protection Act* and Ontario Regulation 153/04, as amended), subject to a peer-review by a Qualified Person for Risk Assessments, who is acceptable to the City. This peer-review must certify that the property has been remediated to the appropriate levels for the proposed use in accordance with the Risk Assessment, to the satisfaction of the City. The cost of the peer-review will be an eligible cost.

Once the development project is complete and the property has been reassessed by MPAC, the property owner will be sent a new tax bill. After the property owner has paid in full the new taxes for one (1) calendar year, the City will check to see that the property is not in tax arrears and that the property is still in conformity with the terms of the ERG Agreement. The City will calculate the actual tax increment and grant payment. The City will then issue payment of the grant in the form

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of a cheque in the amount specified as per the calculation of the actual grant payment. If the property is severed into multiple parcels or lots or if there is a conveyance of part of the property (all referred to as "severed parcels") prior to the first full year of reassessment resulting from the completion of the project. the property taxes used to calculate the grant shall be the sum of the amount which is the lesser of the post-project municipal property taxes or the municipal property taxes payable for the year for which a grant payment is being made, for all the severed parcels but for the initial grant payment means the amount which equals the sum of the post-project municipal property taxes for the severed parcels.

A grant will not be made unless a written request for the grant payment has been made by the owner in the year in which the grant payment is payable. If a written request has not be made for grant payment in the year in which it is payable but all other conditions for its payment have been satisfied, the grant payment shall accrue and be payable together with any other grant payments for which a written request has not been made until such time as a written request has been made and upon such written request the grant payment shall equal the sum of the accrued and previously unrequested grant payments. If a request for the initial grant payment is not made within three (3) years of the year in which the first-years' grant is payable the agreement shall terminate and without limiting the generality of the foregoing the City shall not be obligated to make any grant payments.

APPENDIX C

8.3 ERASE Tax Assistance Program (TAP)

8.3.1 Purpose

The purpose of the ERASE Tax Assistance Program (TAP) is similar to the ERG, i.e., to remove a serious financial impediment to brownfield redevelopment efforts, namely the large tax increase that can result when a brownfield property is redeveloped. Specifically, the TAP applies only to the costs of environmental remediation.

The legislative authority for the TAP is established under Sections 365.1(2) and (3) of the *Municipal Act* which allow municipalities to pass a by-law providing tax assistance to an eligible property in the form of a freeze or cancellation of part or all of the taxes levied on that property for municipal and school purposes during the rehabilitation period (maximum 18 months from the date that tax assistance begins) and the development period of the property. Matching assistance from the education property tax is subject to approval by the Ministry of Finance.

8.3.2 Program Description

The Tax Assistance Program consists of two stages. In the first stage, taxes may be frozen. In the second stage, the developer will initially pay for the entire cost of the remediation and redevelopment project. When the municipality receives the incremental property taxes that result from the project, the municipality may cancel a portion of the increase in City taxes that result from redevelopment. The tax assistance will continue for a period of up to three years, at which point, if the City so chooses, continued assistance may be offered either through TAP or through the ERASE Redevelopment Grant (ERG) Program.

Under the TAP, 80% of the increase in the City and education portion of taxes that results from remediation and rehabilitation of the property will be cancelled. Cancellation of the education portion of taxes will only be undertaken if the City of Hamilton receives the approval of the Minister of Finance. Approval for the education portion of the property tax under the TAP may be provided by the Minister of Finance on a case-by-case basis by means of individual applications. The remaining 20% of the increase in the City portion of property taxes will be dedicated to the ERASE Municipal Acquisition and Partnership Program (MAPP) (see Section 8.4). The remaining 20% of the increase in the education portion of property taxes will be remitted to the Province of Ontario.

Assignment of tax assistance under this program is not permitted.

All tax assistance provided under the TAP to a property will cease:

- a) When the total tax assistance provided equals the total cost of environmental remediation, i.e., the costs of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition (RSC) to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*; or,
- b) After 10 years for the municipal portion of taxes, and after such time period as is approved by the Minister of Finance (if applicable) for the education portion of the taxes; whichever comes first.

If tax assistance is approved by the Minister of Finance, the timing and conditions associated with matching tax assistance relating to the education portion of taxes may be different from those of

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the municipality. Education Tax Assistance will be to a maximum of a three (3) year period unless otherwise approved by the Minister of Finance.

The TAP is an application-based program. As early as possible in the development approvals process, a property owner will register their intent to participate in the grant program by filing an ERASE TAP Application with the Economic Development Division. Before accepting this application, the Economic Development Division will screen the application to ensure that it is for a property within the designated Community Improvement Project Area and the application meets all of the eligibility requirements. Applications that are not within the Project Area or applications that clearly do not meet the eligibility requirements will not be accepted.

Acceptance of the application by the Economic Development Division in no way implies grant approval.

Applications will be processed and approved on a first come, first serve basis. Review and evaluation of applications and supporting materials against program eligibility requirements will be done by City staff. The applicant participating in the TAP must enter into an agreement with the City. This Agreement will specify the terms and conditions of the tax assistance. All TAP applications and agreements will be subject to approval by City Council or Council’s designate.

The amount of City taxes (“city base rate”) and the amount of education taxes (“education base rate”) will be determined before commencement of the project and before the record of site condition is filed in the Environmental Site Registry. For stage 1 of the TAP, taxes may be frozen at this city base rate and, if approval granted by the Minister of Finance, education base rate. For stage 1 of the TAP, taxes may be frozen. For stage 2 of the TAP, the increase in the City portion of real property taxes (or “municipal tax increment”) will be calculated as the difference between the city base rate and the amount of City taxes levied as a result of reassessed by Municipal Property Assessment Corporation (MPAC) following project completion. The increase in the education portion of real property taxes (or “education tax increment”) will be calculated as the difference between the education base rate and the amount of education taxes levied as a result of reassessed by MPAC following project completion. This program does not exempt property owners from an increase/decrease in municipal or education taxes due to a general tax rate increase/decrease, or a change in assessment for any other reason.

The applicant shall obtain and submit to the City a Phase II ESA and/or Risk Assessment and a Remedial Action Plan undertaken by a Qualified Person that:

- a) Identifies the extent and provides a cost estimate environmental remediation of the eligible property; and,
- b) Contains a detailed work plan and budget for said environmental remediation.

To qualify for education tax assistance, the subject property, as of the date of the phase two environmental site assessment was completed, did not meet the standards that must be met under subparagraph 4 i) of subsection 168.4 (1) of the *Environmental Protection Act* to permit a Record of Site Condition to be filed under that subsection in the Environmental Site Registry. The actual component costs of the environmental remediation work done will be supplied to the City upon completion of the project. Provision of the tax assistance will be based on the City’s review and satisfaction with all reports and documentation submitted outlining the full scope and cost of the work completed.

Any and all of these costs may be subject to an independent audit, at the expense of the property owner.

If during the course of the work, the scope of the work changes, or actual costs are greater or less than estimated costs, the municipality reserves the right to increase or decrease the total amount of the tax assistance, subject to any conditions or restrictions with respect to taxes for school purposes as required by the Minister of Finance. The actual amount of the tax assistance will be based on the actual increase in property taxes as calculated based on the actual reassessment by the MPAC, following project completion.

The City may discontinue the TAP at any time. However, participants in the TAP with applications and agreements that were approved prior the closing of the program will continue to receive tax assistance as determined through their TAP Agreement with the City. No right to any tax assistance until it has been duly authorized by the City. The City is not responsible for any costs incurred by the owner/applicant in any way relating to the program, including without limitation, costs incurred in anticipation of tax assistance in stage two of the TAP (e.g., after project completion).

8.3.3 Eligibility Requirements

All owners of property within the ERASE Community Improvement Project Area are eligible to apply for funding under this tax assistance program, subject to meeting the general program requirements in Section 8.0, the following eligibility requirements, and subject to availability of funding as approved by Council:

- a) An application for the TAP must be submitted to the Economic Development Division prior to the filing of a Record of Site Condition in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and prior to the commencement of any works and prior to application for Building Permit;
- b) Such application shall include reports, plans, estimates, contracts and other details as may be required to satisfy the City with respect to the eligible costs of the project and conformity of the project with the ERASE CIP;
- c) As soon as possible the applicant shall obtain and submit to the City a Phase II ESA and/or Risk Assessment and Remedial Action Plan undertaken by a Qualified Person that:
 - i) identifies the extent and provides a cost estimate for the environmental remediation of the eligible property; and,
 - ii) contains a detailed work plan and budget for said environmental remediation;
- d) As a condition of the tax assistance application, the City may require the applicant to submit a Business Plan, with said Plan to the City's satisfaction;
- e) The property shall be redeveloped such that the amount of work undertaken is sufficient to at a minimum result in an increase in the assessed value of the property;
- f) The total value of the tax assistance provided under this program shall not exceed the total value of work done under eligible program costs;

- g) Eligible program costs include the following:
- i) environmental remediation, i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a Record of Site Condition (RSC) to be filed for the proposed use by a Qualified Person, including costs of preparing and filing an RSC and Certificate of Property Use (CPU), cost of clean fill, grading and compaction to replace contaminated soils;
Eligible environmental remediation costs do not include construction/development costs that would be required regardless of the presence of contamination.
 - ii) Phase II ESAs, Risk Assessments and Remedial Action Plans not covered by the ERASE Study Grant program;
 - iii) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU;
 - iv) monitoring, maintaining and operating environmental and/or engineering controls/works related to environmental remediation, as specified in the Remedial Action Plan and/or Risk Assessment and/or CPU; and
 - v) Environmental Insurance Premiums;
- h) Notwithstanding 8.3.3 g), costs shall not be considered to be eligible if incurred prior to the date an application has been submitted under this program and accepted by the City with the exception of studies which were the subject of an approved ERASE Study Grant (ESG) Program (8.1) application. The total of the tax assistance provided under this Program in combination with the ERG Program (8.2), shall not exceed the total approved costs. Previous grant payments provided under the ESG Program for a study(s) which are also to be accepted as eligible costs under this Program will be deducted from the approved eligible costs;
- i) To be eligible under this program, costs must be incurred by the property owner as identified on the submitted program application accepted by the City;
 - j) Actual costs for any or all items in eligible program costs above may be subject to audit by the City, at the expense of the property owner;
 - k) The applicant participating in the TAP program must enter into an agreement with the City. This Agreement will specify the terms and conditions of the tax assistance to be provided and will include terms and conditions in addition to those contained in this Appendix "C" as determined by the City Solicitor and General Manager of Planning and Economic Development.
 - l) All TAP applications and agreements must be approved by City Council or City Council's designate;
 - m) The property owner shall be required to submit one of the following prior to being provided tax assistance:
 - i) a Record of Site Condition ("RSC") conforming to the latest Ontario Regulation 153/04 standards and prepared by a Qualified Person to the Environmental Site

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Registry under Section 168.4 of the *Environmental Protection Act* and the property owner shall submit to the City an acknowledgement of receipt of the RSC by the Ministry of Environment, Conservation and Parks (MOECP); or

- ii) where the submission of a signed RSC is not required under the *Environmental Protection Act* to permit the brownfield redevelopment and provided that the owner of the property within the ERASE Community Improvement Project Area undertakes a Risk Assessment and remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide the City with a Risk Assessment prepared by a Qualified Person for Risk Assessments (as defined in the *Environmental Protection Act* and Ontario Regulation 153/04, as amended), subject to a peer-review by a Qualified Person for Risk assessment, who is acceptable to the City. This peer-review must certify that the property has been remediated to the appropriate levels for the proposed use in accordance with the Risk Assessment, to the satisfaction of the City. The cost of the peer-review will be an eligible cost;
- n) The City reserves the right to require the submission to the City’s satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use;
- o) If a building(s) erected on a property participating in this program is demolished before the tax assistance period expires, the remainder of the tax assistance shall be forfeited;
- p) The improvements made to buildings and/or land shall be made pursuant to a Building Permit, constructed in accordance with the Ontario Building Code and in compliance with all applicable Official Plan, Zoning By-Law and Site Plan Control requirements and approvals;
- q) Outstanding work orders and/or orders or requests to comply from the City must be satisfactorily addressed prior to tax assistance approval;
- r) Work on the portion of the Project that is at or above grade shall commence no longer than five (5) years from the date an application under this program was approved by City Council (or City Council’s designate) and the Project and all eligible works shall be completed and the project capable of being fully occupied within 10 years from the date an application under this program was approved by City Council (or City Council’s designate) . Where a project consists of multiple phases, consideration may be provided for an extended project completion and occupancy period at the sole discretion of the City.
- s) For all applications for the TAP that meet the eligibility requirements for matching tax assistance under the provisions of section 365.1 of the *Municipal Act, 2001*, the City will forward a separate application to the Minister of Finance in order that the Minister may consider providing matching education property tax assistance.

8.3.4 Administration

The Economic Development Division will be responsible for administering the TAP, in consultation with other division/departments as necessary. Applications shall be submitted to the Economic Development Division and shall be accompanied by a Phase II ESA and/or Risk Assessment and Remedial Action Plan undertaken by a Qualified Person (as defined under Ontario Regulation 153/04). The work plan and cost estimate shall be in the form of a Remedial Action Plan prepared

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by a Qualified Person. Said work plan and cost estimate will be supported by a Phase II ESA and/or Risk Assessment undertaken by a Qualified Person. Studies/Plans submitted shall:

- a) Identify the extent of the environmental remediation and any installation, monitoring, maintaining and operating environmental and/or engineering controls/works required for the eligible property; and,
- b) Provide a detailed work plan and cost estimate for said environmental remediation which includes the installation, monitoring, maintaining and operating environmental and/or engineering controls/works.

The City may also require the submission of a Business Plan for the proposed development.

Applicants will be required to have a pre-application consultation meeting with City staff in order to determine program eligibility, proposed scope of work, project timing, etc.

Before accepting an application, City staff will screen the application. If the application is not within the community improvement project area or the application clearly does not meet the program eligibility requirements, the application will not be accepted.

Acceptance of the application by the City in no way implies grant approval.

Program eligibility will be determined by the Economic Development Division, in consultation with other divisions/departments as necessary. Applications will be recommended for approval only if they meet the criteria specified in this Plan and any other requirements of the City including that the property and property owner are in good standing with the City in terms of all City By-laws that apply to the property and project, all laws that govern the construction and development of the project and the payment of all taxes which are not the subject of assistance under this program.

Where a TAP application has been submitted by a property owner and accepted by the City but not yet approved by City Council (or City Council’s designate), and the subject property(s) are transferred to a new property owner, the City may permit the transfer or assignment of the application, and any eligible costs incurred from the original date of application, to the new owner at the sole, absolute and unfettered discretion of the General Manager of Planning and Economic Development. An assignment or transfer may require the assignee or transferee to submit an application, assignment or transfer agreement and/or such other documents as determined by the General Manager of Planning and Economic Development in their sole, absolute and unfettered discretion.

A recommendation on the TAP Application and a TAP Agreement will be prepared by City staff. Staff will also prepare a Draft by-law under Section 365.1 of the *Municipal Act* to effect tax assistance equal to 80% of the increase in taxes levied for City, and taxes levied for school purposes. This Draft by-law will be forwarded to the Minister of Finance for approval of the tax assistance equal to the increase in taxes levied for school purposes. Once written approval of the by-law is received from the Minister of Finance, any conditions or restrictions specified by the Minister will be included in the by-law.

The recommendation on the TAP Application and the TAP Agreement will be forwarded to City Council (or Council’s designate) for consideration. Once City Council (or City Council’s designate) approves the TAP Application and the TAP Agreement, the TAP Agreement will be forwarded to the applicant for signature. Once the applicant has signed the agreement, the agreement will then be executed by City officials and a copy will be provided to the applicant. The implementing by-law will then be forwarded to Council for adoption.

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The by-law requesting matching education tax assistance will be forwarded to the Minister of Finance for approval within 30 days of Council's adoption.

The agreement with the City will be forwarded to the applicant for signature once City Council (or Council's designate) approves the TAP Application. Once the applicant has signed the agreement, the agreement will then be executed by City officials and a copy will be provided to the applicant. The City may require the applicant to register the agreement on title immediately upon execution of the agreement. This agreement will identify events of default whereby upon its occurrence, and for so long as the default continues, the City shall be entitled to remedies including but not limited to ceasing or delaying tax assistance without notice to the owner and any obligation of the City to provide tax assistance or provide accommodation under the TAP Agreement shall cease. In addition, the City may declare, by notice to the owner, that any tax assistance already provided to be forthwith due and payable as determined by the General Manager of Planning and Economic Development in their sole, absolute and unfettered discretion.

The property owner shall submit to the MOECP a signed RSC prepared by a Qualified Person, and the property owner shall submit to the City an acknowledgement of receipt of the RSC by the MOECP. The City reserves the right to require the submission to the City's satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use. The RSC filed with the MOECP must conform to the latest Ontario Regulation 153/04 standards.

Where the submission of a signed RSC is not required under the *Environmental Protection Act* to permit the brownfield redevelopment, provided that and the owner of the property within the ERASE Community Improvement Project Area undertakes a Risk Assessment and remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide the City with a Risk Assessment prepared by a Qualified Person for Risk Assessment (as defined in the *Environmental Protection Act* and Ontario Regulation 153/04, as amended), subject to a peer-review by a Qualified Person for Risk Assessment, who is acceptable to the City. This peer-review must certify that the property has been remediated to the appropriate levels for the proposed use in accordance with the Risk Assessment, to the satisfaction of the City. The cost of the peer-review will be an eligible cost.

Once the redevelopment project is complete and the property has been reassessed by the MPAC, the property owner will be sent a new tax bill from which 80% of the City tax increment and the portion of the education tax increment that will be cancelled. The remaining 20% of the increase in the City portion of property taxes will be dedicated to the ERASE Municipal Acquisition and Partnership Program (MAPP) (see Section 8.4). The remaining portion (if any) of the increase in the education portion of property taxes will be remitted to the Province of Ontario. If the property is severed into multiple parcels or lots or if there is a conveyance of part of the property (all referred to as "severed parcels") prior to the first full year of reassessment resulting from the completion of the project. the property taxes used to calculate the assistance shall be the sum of the amount which is the lesser of the post-project municipal property taxes or the municipal property taxes payable for the year for which tax assistance is being provided, for all the severed parcels means the amount which equals the sum of the post-project municipal property taxes for the severed parcels.

Tax assistance will not be provided unless a written request for the assistance has been made prior to the year in which tax assistance is to commence. If a written request has not be made for assistance prior to the year in which tax assistance is to commence but all other conditions for the assistance have been satisfied, the assistance shall accrue and be provided together with any other tax assistance for which a written request has not been made until such time as a written

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request has been made and upon such written request the assistance shall equal the sum of the accrued and previously unrequested assistance. If a request for tax assistance is not made within three (3) years of the year in which the first-years' tax assistance may commence, the agreement shall terminate and without limiting the generality of the foregoing the City shall not be obligated to provide any tax assistance.

In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property, any future tax assistance will be terminated.

APPENDIX D

8.4 Downtown Hamilton / West Harbourfront Remediation Loan Program (RLP)

8.4.1 Purpose

The purpose of this program is to help remove a serious financial impediment to brownfield redevelopment efforts. Because it is often difficult to secure traditional financing for the remediation of contaminated properties, the City, by providing a low interest loan, is offering financing assistance and the economic stimulus for the remediation of properties being developed/redeveloped as residential or residential/commercial use within the defined areas of Downtown Hamilton and the West Harbourfront.

8.4.2 Program Description

The Hamilton Downtown/West Harbourfront Remediation Loan Pilot Program (RLP) has been developed to stimulate residential or residential/commercial development/ redevelopment on properties requiring remediation (i.e. brownfield properties) that are located within Downtown Hamilton (Area 4) or the West Harbourfront (Area 3) as defined through the ERASE Community Improvement Project Area and which have also been approved under either the ERASE Redevelopment Grant Program or Hamilton Tax Increment Grant Program.

The Program offers a loan for the remediation of properties being developed/ redeveloped for residential or residential/commercial use. The Program will provide financial assistance through a low interest loan equal to 80% of the cost of remediating a property within the defined areas to a maximum of \$400,000 per property/project. The loan is to be a ‘bridge’ until such time as the property owner receives their ERASE Redevelopment Grant or Hamilton Tax Increment Grant.

The development arising from this Pilot Program must be consistent with the policies, principles and design themes contained within the Official Plan, Downtown Hamilton Secondary Plan, the West Harbourfront Secondary Plan, relevant Urban Design Guidelines, Zoning By-laws and Site Plan Control requirements and approvals as well as any other City Council approved policy/regulation.

The Program is offering financial assistance for qualifying projects through a low interest loan equal to 80% of the remediation costs of the property, up to a maximum loan per property/project of \$400,000.

The Program is not intended to provide a loan for the total development/ redevelopment of the property but solely for the remediation costs that qualify under the criteria of the ERASE Redevelopment Grant Program, excluding LEED eligible component costs. Actual costs for which the City loan is being provided may be subject to audit (at applicants cost).

Applications will be recommended for approval only if they meet the criteria specified in this Plan and any other requirements of the City including that the property and property owner are in good standing with the City in terms of all City By-laws that apply to the property and project, all laws that govern the construction and development of the project and the payment of all taxes.

The loan under this Program, once approved, will be provided to the owner, in progress payments

based on 80% of the actual qualifying remediation costs incurred as evidenced by copies of paid invoices. Such progress payments will be advanced within 30 days of submission of the property owner's request for a loan draw. There will be a limit of six draws, spaced no less than 30 days apart.

The loan provided under this Program will be subject to a Loan Agreement with terms and conditions in conformity with this Program and such additional terms and conditions as determined by the General Manager of Planning and Economic Development and City Solicitor in their sole discretion. The loan will be specifically secured by an assignment of the grant payments under the ERASE Redevelopment Grant Program or Hamilton Tax Increment Grant Program. Payments under the ERASE Redevelopment Grant will be applied directly to the remediation loan until such time as the loan is repaid, and any balance in the grant will then and only then flow directly to the owner.

The owner must secure the loan by an assignment of the grant payments under either the ERASE Redevelopment Grant Program or Hamilton Tax Increment Grant Program. City Council at its sole discretion may cease grants under the Hamilton Tax Increment Grant Program if property ownership changes. The Hamilton Tax Increment Grant Program shall not be transferred if the development/redevelopment of the property is incomplete.

Remediation of the property will commence no longer than one (1) year following City Council's approval of the loan commitment and be completed no longer than two (2) years following City Council's approval of the loan commitment. The one and two-year periods may be extended by City Council at its absolute discretion.

Redevelopment/development of the property will commence no longer than three (3) years following City Council's approval of the loan commitment and be completed no longer than four (4) years following City Council's approval. The three and four-year periods may be extended by City Council at its absolute discretion.

Grant payments under the Hamilton Tax Increment Grant Program or ERG Program must be assigned to repay the outstanding loan first and will be fully amortized over a maximum five (5) year period calculated from the first full year in which the property is reassessed by MPAC. 100% of the grant amount will be applied to the repayment of the loan until the loan is fully repaid and which shall also result in a reduction in the applicable amortization period. In the event that assigned grant payments are not sufficient to repay the loan in its entirety within the required amortization period, supplemental payments will be a requirement of the applicant in an amount required to repay the loan in its entirety within the applicable amortization period. Where the property owner intends to utilize the ERG Program's Development Charge Reduction Option (9.0) ("DC Reduction Option"), the value of the ERG grant payments to be assigned to repay the loan will be based on that remaining after the DC Reduction Option is utilized.

In the event that the development of the property has not proceeded within one year of the remediation being completed or, the owner invalidates their qualification under the ERASE Redevelopment Grant, the loan will be capped immediately (unless alternate security acceptable to the City is provided) at the drawn amount and shall be repaid in annual installments over no longer than a five (5) year period calculated from the date City Council approved the loan commitment.

That the interest rate for the Loan Program be 0% and the loan repayment period be a maximum five (5) years.

In order to support the development within the defined areas, the remediation loan may be received by an owner in conjunction with any other available municipal incentive program.

In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the property or portion thereof by the owner, the City shall have sole, absolute and unfettered discretion to request the full or partial repayment of any outstanding loan under this Program.

In the case where the owner is a corporation, the owner covenants and agrees that in the event that there is a change in the effective control of the majority of the voting shares of the owner, the City shall have absolute discretion to request the full repayment of any outstanding loan under this Program.

Regardless of whether or not an Applicant otherwise satisfies the requirements of the Program, the City may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).

Finally, for the purposes of clarity a 'project' consists of the redevelopment site. The redevelopment site may include multiple properties with more than municipal address.

8.4.3 Eligibility Requirements

- a) Qualifying owners are owners of properties who qualify for financing under the ERASE Redevelopment Grant Program.
- b) Qualifying properties are properties that fall within the Downtown Hamilton (Area 4) or West Harbourfront (Area 3) as identified by the ERASE Community Improvement Project Area.
- c) Eligible program costs are the same as those established for the ERASE Redevelopment Grant Program, excluding LEED eligible component costs, and include:
 - i) environmental remediation (i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a Record of Site Condition (RSC) to be filed for the proposed use by a Qualified Person, including costs of preparing and filing of an RSC and Certificate of Property Use (CPU), cost of clean fill, grading and compaction to replace contaminated soils;

Eligible environmental remediation costs do not include construction/development costs that would be required regardless of the presence of contamination.
 - ii) Phase II ESAs, Risk Assessments and Remedial Action Plans not covered by the ERASE Study Grant program;
 - iii) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or CPU;
 - iv) monitoring, maintaining and operating environmental and/or engineering controls/works related to environmental remediation, as specified in the Remedial Action Plan and/or Risk Assessment and/or CPU;
 - v) Designated Substances and Hazardous Material Survey and their removal and

abatement in accordance with the *Occupational Health and Safety Act* and Ontario Regulation 278/05 (where applicable) in current/closed Institutional use buildings (Area 3 and 4 only);

- vi) Designated Substances and Hazardous Material Survey and their removal and abatement in accordance with the *Occupational Health and Safety Act* and Ontario Regulation 278/05 (if applicable) as part of the rehabilitation and restoration of heritage buildings/properties designated under Part IV or V of the *Ontario Heritage Act* (Area 3 and 4); and
- vii) In addition to the above, the following costs will be considered eligible when incurred on a site requiring remediation/rehabilitation and located in the applicable geographic area:
 - A. demolition costs not covered by demolition charge credits (Areas 3 only);
 - B. the removal, replacement and/or upgrade of capacity for existing infrastructure (water services, sanitary sewers and storm sewers) up to a maximum of 25% of the cost of said improvement provided the improvement is located on the property and will support the rehabilitation and reuse of the property (Area 3 only); and,
 - C. certain relocation/removal costs for existing and operating industrial manufacturing and transportation uses, where such costs relate to or contribute directly to the actual remediation and rehabilitation of the site (Area 3 only);
- d) Notwithstanding 8.4.3 c) above, eligible costs shall not be considered to be eligible if incurred prior to the date an application has been submitted under this program and accepted by the City with the exception of studies which were the subject of an approved ERASE Study Grant (ESG) Program (8.1) application. Previous grant payments provided under the ESG Program for a study(s) which are also to be accepted as eligible costs under this Program will be deducted from the approved eligible costs;

The following terms specifically apply:

- a) The improvements made to buildings and/or land shall be made pursuant to a Building Permit, constructed in accordance with the Ontario Building Code and in compliance with all applicable Official Plan, Zoning By-Law and Site Plan Control requirements and approvals; and,
- b) All owners receiving approval for a City loan under this Program shall be required to enter into a loan agreement with the City.

8.4.4 Administration

The Economic Development Division will be responsible for administering the RLP, in consultation with other division/departments as necessary. Applications shall be submitted to the Economic Development Division and shall be accompanied by a Phase II ESA and/or Risk Assessment and Remedial Action Plan undertaken by a Qualified Person (as defined under Ontario Regulation 153/04) and/or Designated Substances and Hazardous Materials Survey (where applicable). For sites undertaking environmental remediation, the work plan and cost estimate shall be in the form of a Remedial Action Plan prepared by a Qualified Person. Said work plan and cost estimate will be supported by a Phase II ESA and/or Risk Assessment undertaken by a Qualified Person. Studies/Plans submitted shall:

- a) Identify the extent of the environmental remediation and any installation, monitoring, maintaining and operating environmental and/or engineering controls/works required for the eligible property; and,
- b) Provide a detailed work plan and cost estimate for said environmental remediation which includes the installation, monitoring, maintaining and operating environmental and/or engineering controls/works.

For other non-remediation eligible works under this program, a written contractor's estimate shall be provided which shall be supported by any applicable studies (such as Designated Substances and Hazardous Materials Survey) to the City's satisfaction. The City may also require the submission of a Business Plan for the proposed development.

Applicants will be required to have a pre-application consultation meeting with City staff in order to determine program eligibility, proposed scope of work, project timing, etc.

Before accepting an application, City staff will screen the application. If the application is not within Areas 3 or 4 of the ERASE Community Improvement Project Area or the application clearly does not meet the program eligibility requirements, the application will not be accepted.

Acceptance of the application by the City in no way implies loan approval.

Program eligibility will be determined by the Economic Development Division, in consultation with other divisions/departments as necessary. Applications will be recommended for approval only if they meet the criteria specified in this Plan and any other requirements of the City including that the property and property owner are in good standing with the City in terms of all City By-laws that apply to the property and project, all laws that govern the construction and development of the project and the payment of all taxes

A recommendation on the application (including estimated eligible costs) and loan agreement will be forwarded to City Council (or Council's designate) for consideration. Once City Council (or Council's designate) approves the Application, the loan agreement will be forwarded to the applicant for signature. Once the applicant has signed the agreement, the agreement will then be executed by City officials and a copy will be provided to the applicant. The City may require the applicant to register the agreement on title immediately upon execution of the agreement.

Securities required to be provided by the applicant will be determined by the City in its sole discretion which shall be in addition to security or assignment of grants under the ERG or Hamilton Tax Increment Grant Program.

For sites subject to environmental remediation, the property owner shall submit to the MOECP a signed Record of Site Condition (RSC) prepared by a Qualified Person, and the property owner shall submit to the City an acknowledgement of receipt of the RSC by the MOECP. The City reserves the right to require the submission to the City's satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use. The RSC filed with the MOECP must conform to the latest Ontario Regulation 153/04 standards. Where the submission of a signed RSC is not required under the *Environmental Protection Act* to permit the brownfield redevelopment and provided that the owner of the property within the ERASE Community Improvement Project Area undertakes a Risk Assessment and remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide the City with a Risk Assessment prepared by a Qualified Person for Risk Assessment (as defined in the *Environmental Protection Act* and Ontario Regulation 153/04, as

amended), subject to a peer-review by a Qualified Person for Risk Assessment, who is acceptable to the City. This peer-review must certify that the property has been remediated to the appropriate levels for the proposed use in accordance with the Risk Assessment, to the satisfaction of the City. The cost of the peer-review will be an eligible cost.

A loan will not be provided unless a written request for the initial loan advance has been made by the owner. If a request for the loan payment is not made within three (3) years of the year in which the initial loan is payable the agreement shall terminate and without limiting the generality of the foregoing the City shall not be obligated to provide the loan payments.



Hamilton

**ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES
REPORT 20-001**

4:00 p.m.

**Tuesday, January 14, 2020
Rooms 192 and 193, City Hall
71 Main Street West**

Present: A. Mallet (Chair), P. Kilburn (Vice-Chair), S. Aaron,
J. Cardno, M. Dent, L. Dingman, A. Frisina,
S. Geffros, J. Kemp, T. Manzuk, C. McBride,
M. McNeil, T. Murphy, K. Nolan, T. Nolan,
M. Sinclair and A. Wilson

**Absent
with regrets:** P. Cameron

Also Present: J. Bowen, Supervisor, Diversity and Inclusion

**THE ADVISORY COMMITTEE FOR PERSONS WITH
DISABILITIES PRESENTS REPORT 20-001 AND
RESPECTFULLY RECOMMENDS:**

- 1. Appointment of Committee Chair and Vice-Chair for 2020
(Item 1)**

- (a) That Aznive Mallett be appointed as Chair of the Advisory Committee for Persons with Disabilities for 2020;
- (b) That Paula Kilburn be appointed as Vice-Chair of the Advisory Committee for Persons with Disabilities for 2020.

2. Correspondence from Tidal Waves Hamilton respecting an Invitation to a Member of the Advisory Committee for Persons with Disabilities to Speak at an Event on the Profile, Statistics and Barriers Faced by Persons with Disabilities in Hamilton (Added Item 5.2)

That Sophie Geffros be approved to represent and speak on behalf of the Advisory Committee for Persons with Disabilities respecting the profile, statistics and barriers faced by persons with disabilities in Hamilton at the upcoming Tidal Waves Hamilton event.

3. Appointment of Mary Sinclair and Alex Wilson to the Built Environment Working Group of the Advisory Committee for Persons with Disabilities (Item 7.1(a))

That Mary Sinclair and Alex Wilson be appointed to the Built Environment Working Group of the Advisory Committee for Persons with Disabilities for the remainder of the 2018 – 2022 Term of Council.

4. Appointment of Mary Sinclair and Sophie Geffros to the Housing Issues Working Group of the Advisory Committee for Persons with Disabilities (Item 7.2(a))

That Mary Sinclair and Sophie Geffros be appointed to the Housing Issues Working Group of the Advisory Committee

for Persons with Disabilities for the remainder of the 2018 – 2022 Term of Council.

5. Amendments to the Terms of Reference for the Advisory Committee for Persons with Disabilities (Item 10.1(a))

(a) That the Terms of Reference for the Advisory Committee for Persons with Disabilities, be amended as follows:

(i) That the Composition section be amended, to read as follows:

The Advisory Committee for Persons with Disabilities shall be comprised of **up to** 18 citizen members and one Member of Council.

The majority of members of the ACPD will be persons with disabilities in accordance with the *Ontarians with Disabilities Act, 2001*.

The membership should reflect a wide range of disabilities ~~and should advocate for all disabilities~~ **and represent the interests of all persons with disabilities.**

(ii) That Item 6 under the Terms of Reference section heading be amended, to read as follows:

6. To support the work of the Committee through ~~sub-committees and Working Groups, as required, and specifically related to the Provincial standards, including Customer Service, Housing, Transportation,~~

~~Employment, *and* Built Environment, and
Information and Communications.~~

- (iii) That Item 9 under the Terms of Reference section heading be deleted in its entirety and replaced with the following:

~~9. Committee members missing three consecutive meetings without appropriate notification to the Chair or Staff Liaison shall be considered as resigned from the Committee thereby reducing the required number for quorum.~~

9. *Members of the Committee who miss more than three Advisory Committee for Persons with Disabilities meetings (excluding Working Group meetings), during their term, may be subject to replacement on the Committee and may not be eligible for re-appointment.*

- (iv) That Item 10 be added under the Terms of Reference section heading, to read as follows:

10. *The Chair and Vice-Chair of the Advisory Committee for Persons with Disabilities may serve for more than one year in a Council term.*

- 6. Presenters List for the Advisory Committee for Persons with Disabilities - Impact of Potential Change to the Ontario Disability Support Program's Definition of Disability and Hamilton Health Teams on Persons with Disabilities (Item 13.3)**

WHEREAS, Hamilton is one of the first communities in Ontario to move forward with establishing an Ontario Health Team;

WHEREAS, the Hamilton Health Team is a collaboration of Hamilton health and social service partners and includes representation from more than 20 organizations, reflecting primary care, home care, hospitals, community agencies, long-term care, mental health, Indigenous health, post-secondary education, and the City of Hamilton (Healthy and Safe Communities Department, Public Health and Paramedic Services), among others; and,

WHEREAS, the Ontario government is exploring possible changes to the definition of disability used in determining eligibility for the Ontario Disability Support Program (ODSP);

THEREFORE, BE IT RESOLVED:

That the General Manager of Healthy and Safe Communities, or their designate, be invited to attend a future meeting of the Advisory Committee for Persons with Disabilities to discuss the impact of the potential change to the Ontario Disability Support Program's definition of disability, and the establishment of Hamilton Health Teams on persons with disabilities, including the delivery of City services.

7. Presenters List for the Advisory Committee for Persons with Disabilities - CityLAB Hamilton (Item 13.3)

WHEREAS, CityLAB is a pilot innovation program between the City of Hamilton, Mohawk College, McMaster University, and Redeemer University that brings together student,

academic, and civic leaders to co-create a better Hamilton for all;

WHEREAS, Patrick Byrne, Project Manager, CityLAB Hamilton, presented to the Advisory Committee for Persons with Disabilities meeting on March 13, 2018 respecting CityLAB; and,

WHEREAS, both new and returning members to the Advisory Committee for Persons with Disabilities would benefit from an overview of the program;

THEREFORE, BE IT RESOLVED:

That the Project Manager of CityLAB Hamilton, or their designate, be invited to attend a future meeting of the Advisory Committee for Persons with Disabilities to provide an overview of the program, including information related to current projects.

FOR INFORMATION:

(a) APPOINTMENT OF COMMITTEE CHAIR AND VICE-CHAIR FOR 2020 (Item 1)

(Dingman/McNeil)

WHEREAS, a Motion was approved at the November 12, 2019 meeting of the Advisory Committee for Persons with Disabilities in which the Chair and Vice-Chair of Advisory Committee for Persons with Disabilities requested a meeting with the Mayor, Chief of Police, and City Manager to discuss various concerns related to the Committee (Item 2 of Advisory Committee for Persons with Disabilities Report 19-010);

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to inform the Mayor, Chief of Police, and City Manager of the following:
 - (i) That Aznive Mallett was re-appointed as Chair of the Advisory Committee for Persons with Disabilities for 2020;
 - (ii) That Paula Kilburn was appointed as Vice-Chair of the Advisory Committee for Persons with Disabilities for 2020; and,
 - (iii) That Tim Nolan be approved as a substitute if either Aznive Mallett or Paula Kilburn are unable to attend the meeting with the Mayor, Chief of Police, and City Manager.

For further disposition of this matter, refer to Item 1.

(b) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATIONS (Item 5)

- 5.2 Correspondence from Tidal Waves Hamilton respecting an Invitation to a Member of the Advisory Committee for Persons with Disabilities to Speak at an Event on the Profile, Statistics and Barriers Faced by Persons with Disabilities in Hamilton

Recommendation: Be received.

7. CONSENT ITEMS (Item 7)

7.1 Built Environment Working Group Update

7.1(b) Built Environment Working Group Meeting Notes - December 3, 2019

Item 8.1 was moved up on the agenda to be considered immediately following Item 4.1:

8. PUBLIC HEARINGS / DELEGATIONS

8.1 Denise Sterling, Service Canada, respecting the Canada Pension Plan Disability (CPP-D) Benefit Toolkit (approved on November 12, 2019)

The agenda for the January 14, 2020 meeting of the Advisory Committee for Persons with Disabilities was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(d) APPROVAL OF MINUTES (Item 4)

(i) December 10, 2019 (Item 4.1)

The minutes of the December 10, 2019 meeting of the Advisory Committee for Persons with Disabilities, were approved, as presented.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Denise Sterling, Service Canada, respecting the Canada Pension Plan Disability (CPP-D) Benefit Toolkit (approved on November 12, 2019) (Item 8.1)

Denise Sterling, Service Canada, addressed the Committee respecting the Canada Pension Plan Disability (CPP-D) Benefit Toolkit.

The delegation by Denise Sterling, Service Canada, respecting the Canada Pension Plan Disability (CPP-D) Benefit Toolkit, was received.

(f) COMMUNICATIONS (Item 5)

(i) Correspondence from Dina Honig, Hamilton Immigration Partnership Council (HIPC), respecting a Request for Study/Research Ideas for HIPC's Research and Evaluation Committee (Item 5.1)

The correspondence from Dina Honig, Hamilton Immigration Partnership Council (HIPC), respecting a Request for Study/Research Ideas for HIPC's Research and Evaluation Committee, was received.

(ii) Correspondence from Tidal Waves Hamilton respecting an Invitation to a Member of the Advisory Committee for Persons with Disabilities to Speak at an Event on the Profile, Statistics and Barriers Faced by Persons with Disabilities in Hamilton (Added Item 5.2)

The correspondence from Tidal Waves Hamilton respecting an Invitation to a Member of the Advisory Committee for Persons with Disabilities to Speak at an

Event on the Profile, Statistics and Barriers Faced by Persons with Disabilities in Hamilton, was received.

For further disposition of this matter, refer to Item 2.

(g) CONSENT ITEMS (Item 7)

(i) Built Environment Working Group Update (Item 7.1)

The Built Environment Working Group Meeting Notes of December 3, 2019 (Added Item 7.1(b)), were received.

For further disposition of this matter, refer to Item 3.

(ii) Housing Issues Working Group Update (Item 7.2)

No update.

For further disposition of this matter, refer to Item 4.

(iii) Transportation Working Group Update (Item 7.3)

No update.

(iv) Community Safety Working Group 2019 Summary and Transition Report (Item 7.4)

The Community Safety Working Group 2019 Summary and Transition Report, was received.

(h) DISCUSSION ITEMS (Item 10)

(i) Advisory Committee for Persons with Disabilities Terms of Reference Review (deferred from the December 10, 2019 meeting) (Item 10.1)

The Committee reviewed the existing Terms of Reference.

For further disposition of this matter, refer to Item 5.

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

(i) Accessibility Complaints to the City of Hamilton (Item 13.1)

No update.

(ii) *Accessibility for Ontarians with Disabilities Act, 2005 (AODA) Update (Item 13.2)*

J. Bowen, Supervisor, Diversity and Inclusion, advised that the City of Hamilton's Multi-year Accessibility Plan is currently under revision and she hopes to have it ready for Committee's feedback in March 2020.

(iii) Presenters List for the Advisory Committee for Persons with Disabilities (Item 13.3)

(a) The following presenters were removed from the Presenters List for the Advisory Committee for Persons with Disabilities:

- (i) A representative of Community Living Hamilton;
- (ii) A representative of Community Para-Med;
- (iii) A representative of LHIN Home and Community Care (formerly Community Care Access Centre Hamilton); and,

- (iv) Sarah Jama, Hamilton Centre for Civic Inclusion.

For further disposition of this matter, refer to Items 6 and 7.

(iv) Review of Advisory Committee for Persons with Disabilities Outstanding Business List (Item 13.4)

Item 13.4, respecting a Review of Advisory Committee for Persons with Disabilities Outstanding Business List, was deferred to the February 11, 2020 Advisory Committee for Persons with Disabilities meeting due to time constraints.

(j) ADJOURNMENT (Item 15)

There being no further business, the Advisory Committee for Persons with Disabilities was adjourned at 6:05 p.m.

Respectfully submitted,

A. Mallet, Chair
Advisory Committee for
Persons with Disabilities

Alicia Davenport
Legislative Coordinator
Office of the City Clerk



Hamilton

HAMILTON FUTURE FUND BOARD OF GOVERNORS

REPORT 20-001

Monday, January 27, 2020

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present: Councillors J. Partridge (Vice-Chair), N. Nann and A. VanderBeek

T. Weisz (Chair), E. Bozzo, P. Cherubini, G. Davis, M. Dickson,
J. Kirkpatrick, A. Macaluso, S. Macdonald, E. Myrie and S. Parsley

Absent

With Regrets: Mayor F. Eisenberger – City Business
Councillor T. Whitehead – Personal
T. Crugnale, A. Frisina and C. Galindo

THE HAMILTON FUTURE FUND BOARD OF GOVERNORS PRESENTS REPORT 20-001 AND RESPECTFULLY RECOMMENDS:

1. Addition of Equity, Diversity and Inclusion Framework into Grant Process Review Working Group Scope (Item 7.3)

That the scope of review for the Grant Process Review Working Group of the Hamilton Future Fund Board of Governors integrate an overarching equity, diversity and inclusion framework to the application, evaluation and reporting processes for consideration by the Board of Governors for approval and implementation in the next application cycle.

2. Hamilton Future Fund Preliminary Reserve Balance as of December 31, 2019 (FCS20020) (City Wide) (Added Item 7.4)

That Report FCS20020, respecting the Hamilton Future Fund Preliminary Reserve Balance as of December 31, 2019, be received.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

General Issues Committee – February 19, 2020

7. CONSENT ITEMS (Item 7)

- 7.4 Hamilton Future Fund Preliminary Reserve Balance as of December 31, 2019 (FCS20020) (City Wide)

The agenda for the January 27, 2020 meeting of the Hamilton Future Fund Board of Governors 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) October 8, 2019 (Item 4.1)**

The Minutes of the October 8, 2019 meeting of the Hamilton Future Fund Board of Governors were approved, as presented.

(d) COMMUNICATIONS (Item 5)**(i) Correspondence from Megan Dickson respecting Resignation from the Grant Process Review Working Group (Item 5.1)**

The correspondence from Megan Dickson respecting her Resignation from the Grant Process Review Working Group, was received.

(e) CONSENT ITEMS (Item 7)**(i) Progress Reports from Grant Recipients of the September 1, 2017 - October 20, 2017 Opening of the Hamilton Future Fund (Item 7.1)**

- (a) The following Progress Report from a Grant Recipient of the September 1, 2017 - October 20, 2017 Opening of the Hamilton Future Fund, was received:

- (i) City of Hamilton - December 2, 2019 (Item 7.1(a))

(ii) Progress Reports from Grant Recipients of the November 1, 2018 - January 14, 2019 Opening of the Hamilton Future Fund (Item 7.2)

- (a) The following Progress Reports from Grant Recipients of the November 1, 2018 - January 14, 2019 Opening of the Hamilton Future Fund, were received:

- (i) 91st Highlanders Athletic Association - January 6, 2020 (Item 7.2(a))

- (ii) Margaret's Place Hospice - January 8, 2020 (Item 7.2(b))
- (iii) Hamilton Malayalee Samajam - January 14, 2020 (Item 7.2(c))
- (iv) Ancaster Tennis Club - January 21, 2020 (Item 7.2(d))
- (v) Hamilton Conservation Foundation - January 21, 2020 (Item 7.2(e))

(iii) Grant Process Review Working Group Notes - November 27, 2019 (Item 7.3)

The Notes of the November 27, 2019 meeting of the Grant Process Review Working Group, were received.

Staff were requested to review, summarize, and report back to the Hamilton Future Fund Board of Governors respecting the advertisement process for grants offered by the City of Hamilton.

For further disposition of this matter, refer to Item 1.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Shekar Chandrashekar, respecting Future Fund "A" (approved on May 28, 2019) (Item 8.1)

Shekar Chandrashekar was not present when called upon.

(g) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Future Fund Board of Governors was adjourned at 10:46 a.m.

Respectfully submitted,

Thomas Weisz, Chair
Hamilton Future Fund Board of
Governors

Alicia Davenport
Legislative Coordinator
Office of the City Clerk



Hamilton

**CAPITAL PROJECTS WORK-IN-PROGRESS REVIEW
SUB-COMMITTEE
REPORT 20-001**

1:00 p.m.

January 27, 2020
Council Chambers
Hamilton City Hall

Present: Councillors M. Pearson (Chair), J.P. Danko and N. Nann

Absent: Councillor M. Wilson – City Business

**THE CAPITAL PROJECTS WORK-IN-PROGRESS REVIEW SUB-COMMITTEE
PRESENTS REPORT 20-001 AND RESPECTFULLY RECOMMENDS:**

1. **Capital Project Closing Report as of September 30, 2019 (FCS19078(a))
(City Wide) (Item 10.1)**
 - (a) That the General Manager of Finance and Corporate Services be authorized to transfer \$222,314.21 to the Unallocated Capital Levy Reserve (108020) as outlined in Appendix “A” to Capital Projects Work-in-Progress Sub-Committee Report 20-001;
 - (b) That the General Manager of Finance and Corporate Services be directed to close the completed and / or cancelled capital projects listed in Appendix “B” to Capital Projects Work-in-Progress Sub-Committee Report 20-001, in accordance with the Capital Projects Closing and Monitoring Policy;
 - (c) That Appendix “C” to Report FCS19078(a), Capital Projects Budget Appropriations for the period covering July 1, 2019 through September 30, 2019, be received for information; and,
 - (d) That Appendix “C” to Capital Projects Work-in-Progress Sub-Committee Report 20-001, Capital Projects Budget Appropriations above \$250,000 requiring Council authorization for the period covering July 1, 2019 through September 30, 2019 totalling \$800,000, be approved.
2. **Capital Projects Status Report (Excluding Public Works) as of September 30, 2019 (FCS19079(a)) (City Wide) (Item 10.2)**

That the Capital Projects Status Report (Excluding Public Works), as of September 30, 2019, attached as Appendix “A” to Report FCS19079(a), be received.

General Issues Committee – February 19, 2020

3. Public Works - Capital Projects Status Report as of September 30, 2019 (FCS19077(a)) (City Wide) (Item 10.3)

- (a) That the Capital Projects Status Report, Public Works Tax Supported Projects, as of September 30, 2019, attached as Appendix "A" to Report FCS19077(a), be received; and,
- (b) That the Capital Projects Status Report, Public Works Rate Supported Projects, as of September 30, 2019, attached as Appendix "B" to Report FCS19077(a), be received.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

There were no changes to the agenda.

The agenda for the January 27, 2020 Capital Projects Work-In-Progress Review Sub-Committee meeting was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) September 26, 2019 (Item 4.1)

The Minutes of the September 26, 2019 meeting of the Capital Projects Work-In-Progress Review Sub-Committee meeting were approved, as presented.

(d) ADJOURNMENT (Item 15)

There being no further business, the Capital Projects Work-In-Progress Review Sub-Committee adjourned at 1:17 p.m.

Respectfully submitted,

Councillor Pearson, Chair
Capital Projects Work-in-Progress
Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON						
CAPITAL PROJECT CLOSINGS						
AS OF SEPTEMBER 30, 2019						
Projects impacting the Unallocated Capital Levy Reserve						
Year	ProjectID	Description	Surplus/ (Deficit) (\$)	Reserve	Description	
<i>Projects returning funds</i>						
2007	2050757700	Tangible Capital Asset Project	194,502.83	108020	Unalloc Capital Levy	
2017	7401755703	10YR HFD Service Delivery Plan	26,497.64	108020	Unalloc Capital Levy	
2018	3381857801	Social Procurement Consultant	695.25	108020	Unalloc Capital Levy	
2018	4661820017	Traffic Signal LED Upgrades - 2018	618.49	108020	Unalloc Capital Levy	
<i>Net impact to the Unallocated Capital Levy Reserve</i>			222,314.21			
<i>Total Net impact to the Unallocated Capital Levy Reserve and Other Reserves</i>			222,314.21			

CITY OF HAMILTON
CAPITAL PROJECTS' CLOSING SCHEDULE
AS OF SEPTEMBER 30, 2019

Appendix "B" to Item 1 of CPWIP Sub-Committee Report 20-001
Page 1 of 3

YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e=c/a
UNALLOCATED CAPITAL LEVY RESERVE							
2007	2050757700	Tangible Capital Asset Project	1,700,000.00	1,648,296.72	1,453,793.89	194,502.83	88.2%
2017	7401755703	10YR HFD Service Delivery Plan	200,000.00	155,421.26	128,923.62	26,497.64	64.5%
2018	3381857801	Social Procurement Consultant	88,000.00	88,000.00	87,304.75	695.25	99.2%
2018	4661820017	Traffic Signal LED Upgrades - 2018	133,000.00	133,000.00	132,381.51	618.49	99.5%
TOTAL FUNDS FROM UNALLOCATED CAPITAL LEVY (4)			2,121,000.00	2,024,717.98	1,802,403.77	222,314.21	85.0%
DELAYED/CANCELLED PROJECTS							
2016	4031680680	Garth St Extension Class EA	280,000.00	0.00	0.00	0.00	0.0%
2016	4401656621	Pleasant View Land Acquisition	0.00	0.00	0.00	0.00	0.0%
2017	4401749510	Spray pad Infrastructure Rehab	0.00	0.00	0.00	0.00	0.0%
2017	2111756401	Parkland Acquisition	0.00	0.00	0.00	0.00	0.0%
2018	4401856808	785 Britannia Ave St Helens	0.00	0.00	0.00	0.00	0.0%
2019	4241909213	Durand Heritage Street Signs	15,000.00	0.00	0.00	0.00	0.0%
2019	6731941902	COCHI Repairs	0.00	0.00	0.00	0.00	0.0%
2019	6731941903	OPHI New Construction	0.00	0.00	0.00	0.00	0.0%
2019	6731941904	COCHI & OPHI-Admin	0.00	0.00	0.00	0.00	0.0%
TOTAL DELAYED/CANCELLED PROJECTS (9)			295,000.00	0.00	0.00	0.00	0.0%
COMPLETED PROJECTS							
Corporate Services, City Manager's Office and Councillor Infrastructure Programs (Tax Budget)							
Councillor Infrastructure Program							
2017	4241710555	2017 Chargebacks – Area Rating	227,190.51	546,330.86	546,330.86	0.00	100.0%
2018	4241810555	2018 Chargebacks - Area Rating	0.00	561,488.41	561,488.41	0.00	100.0%
Outside Boards & Agencies							
CityHousing Hamilton							
2009	6180941901	801 Upper Gage Renovation	1,400,000.00	2,778,861.40	2,778,861.40	0.00	100.0%
Library Services							
2008	7500841800	RFID Project	4,290,000.00	4,285,591.06	4,285,591.06	0.00	99.9%
2017	7501741602	Rural Service Model Pilot	35,000.00	34,139.12	34,139.12	0.00	97.5%
2018	7501859400	Digital Collections Project	100,000.00	99,742.16	99,742.16	0.00	99.7%
2018	7501851401	Children's Computer Replacement	140,000.00	138,022.45	138,022.45	0.00	98.6%
Healthy and Safe Communities (Tax Budget)							
Hamilton Paramedic Service							
2018	7641851101	Annual Paramedic Equip Replace	1,019,000.00	1,010,693.03	1,010,693.03	0.00	99.2%
Planning & Economic Development (Tax Budget)							
Tourism & Culture							
2015	7201541506	Gage House Exterior	50,130.00	50,182.67	50,182.67	0.00	100.1%
Real Estate Division							
2014	2111456401	Parkland Acquisition	3,500,000.00	3,508,633.00	3,508,633.00	0.00	100.2%
2015	2111556401	Parkland Acquisition	1,500,000.00	1,500,000.00	1,500,000.00	0.00	100.0%
2016	2111656401	Parkland Acquisition	1,500,000.00	1,500,000.00	1,500,000.00	0.00	100.0%
2018	3561850123	RE 1500	240,000.00	240,000.00	240,000.00	0.00	100.0%

CITY OF HAMILTON
CAPITAL PROJECTS' CLOSING SCHEDULE
AS OF SEPTEMBER 30, 2019

Appendix "B" to Item 1 of CPWIP Sub-Committee Report 20-001

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YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e=c/a
Public Works (Tax Budget)							
Parks & Cemeteries (Tax Budget)							
2014	4241409213	Public Seating	50,000.00	12,140.16	12,140.16	0.00	24.3%
2015	4241509720	Inch Park Initiative	25,289.44	25,289.44	25,289.44	0.00	100.0%
2017	4401741001	Cemetery Building Repairs	75,000.00	75,000.00	75,000.00	0.00	100.0%
2017	4401749607	Outdoor Ice Rink Program	7,600.00	7,635.08	7,635.08	0.00	100.5%
2017	4401749612	Cemetery Id Signs	36,517.41	36,517.41	36,517.41	0.00	100.0%
2018	4241809303	Lifesavers Park	125,000.00	109,020.29	109,020.29	0.00	87.2%
2018	4241809304	Woodlands Park	101,800.00	101,760.20	101,760.20	0.00	100.0%
2018	4241809602	Fay Park Redevelopment	91,100.00	91,080.46	91,080.46	0.00	100.0%
2018	4401811601	Cemetery Roads Rehabilitation	11,300.00	11,297.83	11,297.83	0.00	100.0%
2018	4401851601	Equipment Acquisitions - DC	247,000.00	247,000.05	247,000.05	0.00	100.0%
2018	4401856001	Leash free Dog Park Program	80,000.00	80,000.00	80,000.00	0.00	100.0%
2018	7101854812	SC Tennis-Courts Resurfacing	70,000.00	70,000.00	70,000.00	0.00	100.0%
2018	4241809704	Inch Park Improvement	304,519.70	304,519.70	304,519.70	0.00	100.0%
Open Space & Development (Tax Budget)							
2010	4401056521	Trillium Seabreeze Park	872,400.00	872,842.39	872,842.39	0.00	100.1%
2012	4401255002	Confederation Park Feasibility Study	242,497.00	242,497.31	242,497.31	0.00	100.0%
Forestry & Horticulture							
2016	4451653644	Tree Planting Program Wards 3-5	398,910.00	362,481.51	362,481.51	0.00	90.9%
2019	4241909208	Cannon Bike Planters	9,000.00	9,000.00	9,000.00	0.00	100.0%
Fleet							
2016	4941651100	Fleet Vehicle & Equipment Replace Program	8,330,890.00	8,322,583.94	8,322,583.94	0.00	99.9%
2018	4941851004	Street Sweeper Purchase	739,100.00	739,180.60	739,180.60	0.00	100.0%
Recreation (Tax Budget)							
2016	7101641601	Ancaster Aquatic Centre Refurbishment	1,383,000.00	1,382,890.45	1,382,890.45	0.00	100.0%
2016	7101655501	Recreation Studies	32,830.00	32,845.02	32,845.02	0.00	100.0%
2017	7101754704	Huntington Park Rec Centre Reno	1,629,000.00	1,629,072.10	1,629,072.10	0.00	100.0%
2018	7101841701	Program - Community Halls Retrofits	10,000.00	10,000.00	10,000.00	0.00	100.0%
2018	7101854702	Program - Facility Capital Maintenance	200,000.00	200,000.00	200,000.00	0.00	100.0%
Waste (Tax Budget)							
2017	5121790100	CCF Rolling Stock Replacement	1,017,000.00	671,617.32	671,617.32	0.00	66.0%
2017	5121794002	Transfer Station Door Replace	200,000.00	197,414.79	197,414.79	0.00	98.7%
2018	5121893000	Maintenance & Capital Improvements to the Resource Recovery Centre	190,000.00	190,000.02	190,000.02	0.00	100.0%

CITY OF HAMILTON
CAPITAL PROJECTS' CLOSING SCHEDULE
AS OF SEPTEMBER 30, 2019

Appendix "B" to Item 1 of CPWIP Sub-Committee Report 20-001
Page 3 of 3

YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e=c/a
Roads (Tax Budget)							
2016	4031614405	Contaminated Soil & Rock Disposal 2016	538,000.00	538,100.00	538,100.00	0.00	100.0%
2016	4241609213	AR - James St Pedestrian Crossover (W2 A/R)	50,000.00	49,707.68	49,707.68	0.00	99.4%
2017	4241709505	AR - Road Work Mount Albion (W5 A/R)	800,000.00	702,557.71	702,557.71	0.00	87.8%
2017	4661720723	Wentworth Trail - Intersection Pedestrian Signal - IPS	210,000.00	154,893.47	154,893.47	0.00	73.8%
2017	4661720730	New Traffic Signal - Dundurn @ Chatham	375,000.00	152,475.00	152,475.00	0.00	40.7%
2018	4031811805	NBHD RD Priorities W5	703,000.00	703,000.00	703,000.00	0.00	100.0%
2018	4241809201	AR - New Signal - John @ Forest (W2 A/R)	200,000.00	151,591.51	151,591.51	0.00	75.8%
2018	4241809202	AR - New Signal- Main & Ferguson (W2 A/R)	200,000.00	200,000.00	200,000.00	0.00	100.0%
2018	4241809501	AR - Dumbarton - Rosedale (W5 A/R)	300,000.00	177,684.40	177,684.40	0.00	59.2%
2018	4241809502	AR - Bow Valley Dr. (W5 A/R)	670,000.00	339,951.72	339,951.72	0.00	50.7%
2018	4241809503	AR - Road Repair & Rehab (W5 A/R)	430,000.00	247,603.22	247,603.22	0.00	57.6%
2018	4241809605	AR - East 45th Pedestrian Signal (W6 A/R)	250,000.00	108,666.90	108,666.90	0.00	43.5%
Public Works (Rate Budget)							
Water (Rate Budget)							
2010	5141061303	Valve Chamber No 3 First-Isaac	2,790,000.00	2,586,860.89	2,586,860.89	0.00	92.7%
2015	5141557543	Workforce & Time Mgmt.-Kronos	430,000.00	424,137.87	424,137.87	0.00	98.6%
2016	5141666713	Annual Water Maintenance	600,000.00	496,858.78	496,858.78	0.00	82.8%
2017	5141770000	Coordinated Road and Subsurface Works - 2017	2,835,000.00	2,835,000.00	2,835,000.00	0.00	100.0%
2018	5141871074	Contingency for Unscheduled Works Program - 2018	24,000.00	24,000.00	24,000.00	0.00	100.0%
Wastewater (Rate Budget)							
2007	5160795760	Southcote PS&Forcemain-HC008	5,512,100.00	3,327,011.69	3,327,011.69	0.00	60.4%
2013	5161367374	Waterdown Outstation Upgrades	3,420,000.00	3,273,155.06	3,273,155.06	0.00	95.7%
2016	5161671074	Contingency for Unscheduled Works Program - 2016	410,000.00	409,999.99	409,999.99	0.00	100.0%
2018	5161860820	Open Cut Repairs for CIPP Program - 2018	550,000.00	550,000.00	550,000.00	0.00	100.0%
2018	5161871015	Sewer Lateral Replacement for Co-ordinated Projects - 2018	210,000.00	210,000.00	210,000.00	0.00	100.0%
Storm Water (Rate Budget)							
2017	5181761740	Unscheduled Manhole & Sewer main - 2017	100,000.00	100,000.00	100,000.00	0.00	100.0%
TOTAL COMPLETED PROJECTS (64)			52,088,174.06	50,050,626.12	50,050,626.12	0.00	96.1%
GRAND TOTAL COMPLETED/CANCELLED PROJECTS (77)			54,504,174.06	52,075,344.10	51,853,029.89	222,314.21	95.1%

CITY OF HAMILTON					
CAPITAL PROJECTS TO BE COUNCIL APPROVED / FUNDED ABOVE \$250,000					
FOR THE PERIOD COVERING JULY 1, 2019 to SEPTEMBER 30, 2019					
Recommendations					
Appropriated From	Description	Appropriated To	Description	Amount (\$)	Comments
Public Works (Tax Budget)					
<i>Roads Division</i>					
4241809402	AR Barnaby Corbett	105054	Ward 4 Area Rating Reserve	500,000.00	To return unneeded funding due to favourable tenders
4241809501	AR Kentley Dr/ Crawford Dr/ Hart Pl.	108055	Ward 5 Area Rating Reserve	100,000.00	To return unneeded funding due to favourable tenders
4241809702	AR- Throner NHDB (North)	108057	Ward 7 Area Rating Reserve	200,000.00	To return unneeded funding due to favourable tenders
Public Works (Tax Budget) Total				800,000.00	
Project Totals				800,000.00	

CITY OF HAMILTON MOTION

General Issues Committee Date: February 19, 2020

MOVED BY COUNCILLOR B. CLARK.....

SECONDED BY MAYOR / COUNCILLOR.....

Feasibility of Developing a Hamilton Biodiversity Action Plan

WHEREAS, the scientific consensus is that habitat loss and climate change together have triggered mass extinction of life on earth and that 60% of all wildlife worldwide has been lost since 1970;

WHEREAS, increasing and/or enhancing biodiversity within ecosystems benefits all species, including humans, and provides ecological services such as pollination services, climate resiliency and stability, as well as providing beautiful green spaces that support the wellbeing and mental health of individuals and communities;

WHEREAS, enhancing biodiversity is a “nature-based solution” to climate impacts, such as managing flooding by storing water, significantly reducing air pollution by sequestering carbon, filtering out harmful particulates, and cooling, thereby reducing the harmful effects of heatwaves and increasing the quality and resilience of infrastructure at lower costs and reduced risk;

WHEREAS, cities have a critical role to play in the biodiversity crisis and the climate change crisis and a Biodiversity Action Plan for Hamilton will help the City of Hamilton and conservation partners to protect and restore Hamilton’s biodiversity;

WHEREAS, Hamilton is addressing the climate crisis with the Climate Change Action Plan and a Biodiversity Action Plan can help to mitigate the climate crisis with nature-based solutions to help address serious issues like storm water management and temperature amelioration and reduction of urban heat island. The Biodiversity Action Plan will complement the Climate Change Action Plan workplan;

WHEREAS, the development of the Biodiversity Action Plan will foster environmental awareness and sustainability and increase interactions and engagement among community stewards;

WHEREAS, the Biodiversity Action Plan allows the City of Hamilton to highlight and align 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; and,

WHEREAS, many other municipalities have developed Biodiversity Strategies that can be used as resources for Hamilton (ex. Toronto, Calgary, Edmonton, Vancouver);

THEREFORE, BE IT RESOLVED:

That the appropriate staff be directed to investigate the feasibility and resources required to develop a Biodiversity Action Plan for Hamilton in collaboration with the conservation and report back to the General Issues Committee.