



City of Hamilton

CITY COUNCIL ADDENDUM

20-005

Friday, March 20, 2020, Immediately following the Special General Issues Committee Meeting
Council Chambers, Hamilton City Hall
71 Main Street West

9. BY-LAWS AND CONFIRMING BY-LAW

*9.1 041

To Repeal and Replace By-law No. 19-242
Removal of Part Lot Control from Lot 106 of Registered Plan 865 “North Airfield Park”
known as 5 Martha Street and 6 Lewis Street, Hamilton

*9.2 042

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

*9.3 043

Being a By-Law to Expropriate 70 Brant Street, Hamilton, Ontario, Legally Described as, Firstly, Part of Lots 9 and 10 and Part of the Water Lot in Sherman Inlet, Concession 1, Barton and Part of Reserves 1 and 2, Plan 32, Designated as Part 1 on 62R-18342, Being All of Pin 17193-0045 (LT), Secondly, Part of Lot 219 and Part of Reserves 1 and 2, Plan 32, Designated As Part 2 On 62R-18342, Being All of Pin 17193-0048 (LT), and Thirdly, Part of the Water Lot in Sherman Inlet, Concession 1, Barton, Designated as Part 3 on 62R-18342, Being All of Pin 17193-0049 (LT), For Municipal Purposes Associated with the Acquisition, Development and Construction of the Hamilton Transit Bus Maintenance and Storage Facility, and All Ancillary Works Required to Complete the Foregoing.

*9.4 044

COVID-19 Emergency Delegated Authority

*9.5 045

A By-law to amend By-law No. 13-136, being a By-law to Impose Late Payment Charges for Non-Payment of Taxes

*9.6 046

A By-law to amend By-law No. 19-160 a By-law to Establish Certain 2019 User Fees and Charges for Services, Activities or the Use of Property

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001

Bill No. 041

CITY OF HAMILTON

BY-LAW No. 20-

To Repeal and Replace By-law No. 19-242

Respecting: Removal of Part Lot Control from Lot 106 of Registered Plan 865 "North Airfield Park"
known as 5 Martha Street and 6 Lewis Street, Hamilton

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

"(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law."

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

Sub-section 5 of Section 50 of the *Planning Act*, for the purposes of creating two lots for semi-detached dwellings being Part 4, Part 5 and Part 6, and Part 7 of Lot 106, and for the purposes of an easement on Part 5 for the benefit of Part 7 shown on deposited Reference Plan 62R-21260, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Lot 106, Registered Plan No. 865, in the City of Hamilton.

1. This By-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
2. This By-law shall expire and cease to be of any force or effect on the 20th day of March, 2022.

PASSED and ENACTED this 20th day of March, 2020.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk

PLC-18-007

Joes

PLAN 62R-21160
RECEIVED AND DEPOSITED
DATE *August 14 2019*
C. Adsett
REGISTERED LAND SURVEYOR FOR THE LAND TILES
DIVISION OF METRICITY (162)

THIS PLAN IS TO BE DEPOSITED UNDER THE LAND TILES ACT.

DATE *August 14 2019*
C. Adsett
REGISTERED LAND SURVEYOR FOR THE LAND TILES
DIVISION OF METRICITY (162)

PART	LOT	PLAN	PN No.
1	96 & PART OF 173		
2	PART OF 173		ALL OF 17287-0080(L)
3	174 & 175		865
4			
5	106		ALL OF 17287-0080(L)
6			
7			

THIS PLAN COMPRESSES ALL OF PINS 17287-0080(L) & 17287-0080(L)
PLAN OF SURVEY OF
LOTS 96, 106, 173, 174 AND 175
REGISTERED PLAN 865
CITY OF HAMILTON
SCALE 1:250

ASHENHURST NOUMENS & ASSOCIATES INC.
METRICITY REG. NO. 1028
REGISTRATION NO. 1028
COORDINATES ARE TO AN URBAN ACCURACY PRECISION (UAP) SYSTEM (CORS: 2011)
POINT ID: NORTHINGS: 478224.546 EASTINGS: 598222.239
ORP @ 4781818.139 598266.817

BEARING NOTE
ALL BEARINGS ARE TRUE BEARINGS DERIVED FROM THE UNIVERSAL TRANSVERSE MERCATOR SYSTEM (UTM PROJECTION) ZONE 17, NAD83 (CORS: 2011)

LEGEND
D BENCHMARK
O BENCHMARK
P PLANT
S STANDARD IRON BAR
SBB SHORT STANDARD IRON BAR
B BOLT
R IRON ROD
M MASONRY MARK
W WOODEN MARK
C CONCRETE MARK
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METRIC NOTE
ALL DIMENSIONS ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYORS ACT AND THE LAND TILES ACT AND THE REGULATIONS THEREUNDER.
2. THIS SURVEY WAS COMPLETED ON THE 12TH DAY OF AUGUST, 2019

DATE *August 14 2019*
C. Adsett
REGISTERED LAND SURVEYOR
METRICITY REG. NO. 1028

ASHENHURST NOUMENS & ASSOCIATES INC.
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
122 KING STREET, SUITE 204, HAMILTON, ONTARIO, L8R 1B1
TELEPHONE: (905) 529-4334
FAX: (905) 529-6651
e-mail: info@ashenhurstnouvms.com
SINCE 1986

DRAWN BY: *J. Adsett* CHECKED BY: *C. Adsett* FILE NO.: **17160 RPLAN**
DATE: *August 14 2019*

REGISTERED PLAN 865
REGISTERED BLOCK F
CLOSED BY METRICITY ON AUGUST 14, 2019

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O BENCHMARK
P PLANT
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SBB SHORT STANDARD IRON BAR
B BOLT
R IRON ROD
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W WOODEN MARK
C CONCRETE MARK
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Authority: General Issues Committee
Report 20-008
CM: March 20, 2020
Ward: City Wide

Bill No. 042

CITY OF HAMILTON
BY-LAW NO. 20-_____

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

WHEREAS Council enacted a Council Procedural By-law being City of Hamilton By-law No. 18-270;

AND WHEREAS it is necessary to amend By-law 18-270 to allow for electronic participation pursuant to s. 238(3.1) of the *Municipal Act, 2001* and/or any other applicable legislation.

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

1. That By-law No. 18-270, be amended:
 - (i) to add Section 9.2, as follows:

9.2 Electronic Participation During an Emergency

- (1) Electronic participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by members of Council at Council and/or Committee meetings during an emergency when attending in-person is not possible.**

PASSED this 20th day of March, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item ____, General Issues
Committee Report 20-008
(PED19142(a))
CM: April 1, 2020
Ward: 3

Bill No. 043

CITY OF HAMILTON

BY-LAW NO. 20-

BEING A BY-LAW TO EXPROPRIATE 70 BRANT STREET, HAMILTON, ONTARIO, LEGALLY DESCRIBED AS, FIRSTLY, PART OF LOTS 9 AND 10 AND PART OF THE WATER LOT IN SHERMAN INLET, CONCESSION 1, BARTON AND PART OF RESERVES 1 AND 2, PLAN 32, DESIGNATED AS PART 1 ON 62R-18342, BEING ALL OF PIN 17193-0045 (LT), SECONDLY, PART OF LOT 219 AND PART OF RESERVES 1 AND 2, PLAN 32, DESIGNATED AS PART 2 ON 62R-18342, BEING ALL OF PIN 17193-0048 (LT), AND THIRDLY, PART OF THE WATER LOT IN SHERMAN INLET, CONCESSION 1, BARTON, DESIGNATED AS PART 3 ON 62R-18342, BEING ALL OF PIN 17193-0049 (LT), FOR MUNICIPAL PURPOSES ASSOCIATED WITH THE ACQUISITION, DEVELOPMENT AND CONSTRUCTION OF THE HAMILTON TRANSIT BUS MAINTENANCE AND STORAGE FACILITY, AND ALL ANCILLARY WORKS REQUIRED TO COMPLETE THE FOREGOING.

WHEREAS Section 6 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended empowers a municipality to expropriate land in accordance with the *Expropriations Act*.

AND WHEREAS the City of Hamilton, as expropriating authority, made application to the Council of the City of Hamilton on the 11th day of October, 2019 for approval to expropriate 70 Barton Street, Hamilton, legally described as, Firstly, Part of Lots 9 and 10 and Part of the Water Lot in Sherman Inlet, Concession 1, Barton and Part of Reserves 1 and 2, Plan 32, designated as Part 1 on 62R-18342, being all of PIN 17193-0045 (LT), Secondly, Part of Lot 219 and Part of Reserves 1 and 2, Plan 32, designated as Part 2 on 62R-18342, being all of PIN 17193-0048 (LT), and Thirdly, Part of the Water Lot in Sherman Inlet, Concession 1, Barton, designated as Part 3 on 62R-18342, being all of PIN 17193-0049 (LT) (Collectively, the "Lands") in accordance with the *Expropriations Act*, R.S.O. 1990, Chapter E.26 (the "Act");

AND WHEREAS the City of Hamilton as expropriating authority did serve a Notice of the said Application for Approval to Expropriate upon each registered owner (as defined in the Act) of the Lands and did publish a Notice of the Application for Approval to Expropriate in the Hamilton Spectator; a newspaper having general circulation in the City of Hamilton, in accordance with the *Act*;

AND WHEREAS a request for an Inquiry Hearing was made by Revolution Environmental Solutions LP doing business as Terrapure Environmental which request

was withdrawn on February 6, 2020 and accordingly no Inquiry Hearing has been held;

AND WHEREAS the Council of the City of Hamilton, as approving authority deems it expedient to grant the Application to Expropriate the Lands.

NOW THEREFORE THE COUNCIL OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

1. That, as approving authority under the *Expropriations Act*, the said Application for Approval to Expropriate the Lands (forming part of this By-law), made by the City of Hamilton as expropriating authority, be and the same is hereby granted and 70 Barton Street, Hamilton, legally described as, Firstly, Part of Lots 9 and 10 and Part of the Water Lot in Sherman Inlet, Concession 1, Barton and Part of Reserves 1 and 2, Plan 32, designated as Part 1 on 62R-18342, being all of PIN 17193-0045 (LT), Secondly, Part of Lot 219 and Part of Reserves 1 and 2, Plan 32, designated as Part 2 on 62R-18342, being all of PIN 17193-0048 (LT), and Thirdly, Part of the Water Lot in Sherman Inlet, Concession 1, Barton, designated as Part 3 on 62R-18342, being all of PIN 17193-0049 (LT) is hereby expropriated for municipal purposes associated with the acquisition, development and construction of the Hamilton transit bus maintenance and storage facility, and all ancillary works required to complete the foregoing.
2. That the Mayor, Clerk and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to implement and give effect to the provisions of this By-law and this authority shall include the taking of all necessary proceedings to enter and to take possession of the lands hereby expropriated.

PASSED this 20th day of March 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 9, General Issues
Committee 20-008
Report (CM20004)
CM: March 20, 2020
Ward: City Wide

Bill No. 044

**CITY OF HAMILTON
BY-LAW NO. 20-044**

COVID-19 Emergency Delegated Authority

WHEREAS the Province has declared a state of emergency pursuant to s. 7.0.1 the *Emergency Management and Civil Protection Act* and ordered a number of establishments to close immediately, including indoor recreation programs, libraries, schools, childcare centres, bars and restaurants, theatres and concert venues and has prohibited all organized public events of over 50 people;

WHEREAS the City of Hamilton has taken a number of steps order to protect the health and safety of the people in the community the City of Hamilton, including closing municipal facilities to the public and suspending City programs; and,

WHEREAS Council of the City of Hamilton is generally required to hold meetings that are open to the public; and,

WHEREAS Council considers it to be in the City's interests to delegate its authority to senior staff, subject to the restrictions prescribed by the Municipal Act, 2001 and by this By-law.

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

1. Unless otherwise stated:
 - (a) a reference to a statute or regulation refers to a statute or regulation of the Province of Ontario;
 - (b) a reference to a statute, regulation or by-law refers to that enactment as it may be amended or replaced from time to time; and
 - (c) a reference to a section, paragraph, clause or schedule is a reference to this By-law's section, paragraph, clause or schedule.
2. The headings in this By-law are for convenience only and do not form part of this By-law.
3. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

4. The delegations of authority outlined in this By-law are in addition to and other delegations of authority established by other City by-laws, resolutions and otherwise at law. In the event of any inconsistency between this By-law and any other City by-law, the provision that more effectively delegates authority prevails to the extent of the inconsistency.
5. In this By-law:
 - (a) "Approval Authority" means the authority to approve and award procurements, as well as any assignment or corporate change requests related to such procurements, up to the procurement values for the respective body or person(s) set out in By-law 17-064, Policy # 2 - Approval Authority.
 - (b) "By-law" means this By-law.
 - (c) "City" means The City of Hamilton or the geographic area of the City of Hamilton as the context requires.
 - (d) "Council" means the City's Council.
 - (e) "Fair Market Value" means the monetary consideration that, in an open and unrestricted market, a reasonably prudent and informed buyer would pay to a reasonably prudent and informed seller, when acting at arm's length from one another.

Delegation

6. The City Manager be delegated authority to exercise the following actions:
 - (a) to exercise authority under all provincial statutes and regulations and all City By-laws, subject to the restrictions established by Part II of the Municipal Act, 2001.
 - (b) Approval Authority to the City Manager to incur any expenditures or liabilities over \$250,000
 - (c) to approve and enter into funding agreements with other levels of government or other entities pursuant to City funding programs and to distribute funds in accordance with the agreements or funding programs.
 - (d) to exercise any discretionary corporate actions in response to unforeseen circumstances that arise due to the COVID-19 (Novel Coronavirus) pandemic and to exercise delegated authority where such authority has not already been provided by Council until the end of the COVID-19 (Novel Coronavirus) pandemic, only when Committee or Council is unable to meet.
7. Council delegates its authority to approve amendments to tax policies and to draw from reserve accounts for the purposes of ensuring business continuity and delivery of critical services to the Treasurer or Deputy Treasurer.

8. Council delegates its authority to approve any legal settlements, to the City Solicitor and the City Manager and to approve settlement of matters currently before the Local Planning Appeal Tribunal to the City Solicitor and Chief Planner.
9. Real estate transactions, including expropriations requiring council approval to the General Manager of Planning Economic Development and Treasurer, and the authority to determine Fair Market Value to the Manager of Real Estate.
10. The delegated authority in this By-law includes the authority to enter into and execute all necessary agreements and to take all necessary steps to exercise the delegated authority and applies until the end of the COVID-19 (Novel Coronavirus) Pandemic, as declared by Health Canada or as revoked by council, whichever is earlier.
11. All reference to staff positions include Acting staff designated in writing from time to time.

PASSED this 20th day of March, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 9, General Issues
Committee 20-008
Report (CM20004)
CM: March 20, 2020
Ward: City Wide

Bill No. 045

**CITY OF HAMILTON
BY-LAW NO. 20-**

**A By-law to amend By-law No. 13-136, being
a By-law to Impose Late Payment Charges for Non-Payment of Taxes**

WHEREAS It is necessary to amend By-law By-law NO. 13-136, being a By-law to Impose Late Payment Charges for Non-Payment of Taxes;

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

1. That By-law NO. 13-136, a By-law to Impose Late Payment Charges for Non-Payment of Taxes is amended by adding the following to s. 2 after the word “default”:

“unless the Treasurer deems it appropriate to waive, entirely or in part, future or past penalty charges for such periods of time and for such property classes as the Treasurer deems appropriate in his sole discretion”.

2. That By-law NO. 13-136, a By-law to Impose Late Payment Charges for Non-Payment of Taxes is amended by adding the following to s. 3 after the word “paid”:

“unless the Treasurer deems it appropriate to waive, entirely or in part, future or past interest charges for such periods of time and for such property classes as the Treasurer deems appropriate in his sole discretion.”

PASSED this 20th day of March 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 9, General Issues
Committee 20-008
Report (CM20004)
CM: March 20, 2020
Ward: City Wide

Bill No. 046

**CITY OF HAMILTON
BY-LAW NO. 20-**

**A By-law to amend By-law No. 19-160 A BY-LAW
TO ESTABLISH CERTAIN 2019 USER FEES AND CHARGES FOR SERVICES,
ACTIVITIES OR THE USE OF PROPERTY**

WHEREAS it is necessary to amend By-law No. 19-160 A BY-LAW TO ESTABLISH CERTAIN 2019 USER FEES AND CHARGES FOR SERVICES, ACTIVITIES OR THE USE OF PROPERTY;

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

1. By-law No. 19-160 is hereby amended by adding the following new section and renumbering subsequent sections accordingly:
 14. Despite section 2, the General Manager of Finance and Corporate Services may waive the fees and charges provided for on Schedule "A" pages 108 and 109 for the Corporate Services Department and Taxation – Tax Accounting Division for such person and for such times as the General Manager of Finance and Corporate Services deems appropriate

PASSED this 20th day of March, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk