



City of Hamilton

CITY COUNCIL AGENDA

20-007

Wednesday, April 15, 2020, 9:30 A.M.

Council Chambers, Hamilton City Hall

71 Main Street West

Call to Order

1. APPROVAL OF AGENDA

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

2. DECLARATIONS OF INTEREST

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1 April 8, 2020

4. COMMUNICATIONS

4.1 Correspondence from LANDx Developments Ltd. respecting 393 Rymal Road West, Hamilton and 2020 Planning Application Fees for the Redevelopment of the St. Elizabeth Village

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

- 4.2 Correspondence from the Town of Midland to the Right Honourable Justin Trudeau, Prime Minister of Canada requesting Direct Payment of Federal Funds to Municipalities to Waive Property Taxes for the Year 2020 -

Financial help to alleviate the suffering from COVID-19 Pandemic.

Recommendation: Be received.

5. PRIVATE AND CONFIDENTIAL

- 5.1 Hamilton Transportation Task Force Update (CM20002(c)) (City Wide)

Pursuant to Section 8.1, Sub-section (h) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-Section (h) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to information explicitly supplied in confidence to the City by Canada, a province or territory or a Crown agency of any of them.

- 5.2 Human Resources and Financial Considerations Arising from COVID-19 (HUR20007)

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

- 5.3 Appendix 'A' to Report PW20019 Valley Park Community Centre and Library Expansion (Ward 9) - Item 6.4 (e) in the Open Agenda

Discussion of Appendix "A" of this report in Closed Session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the *Ontario Municipal Act, 2001*:

- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City.

6. COMMITTEE OF THE WHOLE

- 6.1 CONSENT ITEMS

6.1.a Annual Report on Building Permit Fees (PED20065) (City Wide)

- 6.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

- 6.3 STAFF PRESENTATIONS

6.4 DISCUSSION ITEMS

- 6.4.a Demolition Permit - 393 Rymal Road West (PED20057) (Ward 8)
- 6.4.b Hamilton-Wentworth Catholic District School Board Property at 185 Park Street North, Hamilton (PED20087) (Ward 2)
- 6.4.c Proposed Amendments to the Ontario Regulation 244/97 (Aggregate Resources) - Request for Comments (PED19207(a))
- 6.4.d Bill 108 "More Homes, More Choice Act, 2019" - Proposed Regulations Comment Submission related to the Community Benefits Authority under the Planning Act, the Development Charges Act and the Building Code Act (ERO 019-1406) (FCS19057(b) / LS19023(b)) (City Wide)
- 6.4.e Valley Park Community Centre and Library Expansion (PW20019) (Ward 9)

Discussion of Appendix "A" of this report in Closed Session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the *Ontario Municipal Act, 2001*:

- **Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and**
- **A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City.**

7. MOTIONS

8. NOTICES OF MOTIONS

9. STATEMENTS BY MEMBERS

10. BY-LAWS AND CONFIRMING BY-LAW

10.1 058

To Repeal and Replace By-law No. 19-238 Respecting the Removal of Part Lot Control from Lot 138 on Registered Plan No. 865 "North Airfield Park" known as 27 Grimsby Avenue and 752 Britannia Avenue

PLC-18-006

Ward: 4

10.2 059

To Establish City of Hamilton Land Described as Block 59 on Plan 62M-1105 as Part of Tanglewood Drive

Ward: 11

10.3 060

To Establish City of Hamilton Land Described as Blocks 207, 224, and 225 on Plan 62M-1157 as Part of Burke Street

Ward: 15

10.4 061

To Establish City of Hamilton Land Described as Blocks 208, 221, and 223 on Plan 62M-1157 as Part of Skinner Road

Ward: 15

10.5 062

To Establish City of Hamilton Land Described as Block 59 on Plan 62M-1171 as Part of Chambers Drive

Ward: 12

10.6 063

To Establish City of Hamilton Land Described as Block 242 on Plan 62M-1238 as Part of Valley Trail Place

Ward: 15

10.7 064

To Establish City of Hamilton Land Described as Blocks 244, 253, 255, and 257 on Plan 62M-1238 as Part of Skinner Road

Ward: 15

10.8 065

To Establish City of Hamilton Land Described as Blocks 245, 247, and 251 on Plan 62M-1238 as Part of Agro Street

Ward: 15

- 10.9 066
To Establish City of Hamilton Land Described as Block 246 on Plan 62M-1238 as Part of Kenesky Drive
Ward: 15
- 10.10 067
To Establish City of Hamilton Land Described as Blocks 248 and 249 on Plan 62M-1238 as Part of Avanati Crescent
Ward: 15
- 10.11 068
To Establish City of Hamilton Land Described as Block 250 on Plan 62M-1238 as Part of McDonough Gardens
Ward: 15
- 10.12 069
To Establish City of Hamilton Land Described as Block 252 on Plan 62M-1238 as Part of Mountainside Place
Ward: 15
- 10.13 070
To Establish City of Hamilton Land Described as Block 254 on Plan 62M-1238 as Part of Trailbank Gardens
Ward: 15
- 10.14 071
To Establish City of Hamilton Land Described as Block 256 on Plan 62M-1238 as Part of Great Falls Boulevard
Ward: 15
- 10.15 072
To Establish City of Hamilton Land Described as Block 258 on Plan 62M-1238 as Part of Humphrey Street
Ward: 15

10.16 073

Respecting Removal of Part Lot Control, Parts of Blocks 8, 9, 11, 12, 21 to 25, Registered Plan No. 62M-1241, municipally known as 59 and 62 Foothills Lane; 4, 9, 14 and 17 Zinfadel Drive; 101, 111, 117, 126, 130 and 131 Sonoma Lane; 1, 46, 50, 56 to 59 and 63 Pinot Crescent

Ward: 10

PLC-20-005

10.17 074

To Confirm the Proceedings of City Council

11. ADJOURNMENT



CITY COUNCIL MINUTES 20-006

9:30 a.m.
April 8, 2020
Council Chamber
Hamilton City Hall
71 Main Street West

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

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

5. COMMITTEE OF THE WHOLE (Item 5)

5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

5.2 (a) Written Delegation from 1649626 Ontario Ltd. respecting Item 5.4 (d)
Report HSC20009 – Municipal Incentives for the 90 Carling Street
Rental Project

6. MOTIONS (Item 6)

6.4 Financial Support for Mutual Aid to Sex Workers - WITHDRAWN

6.5 Financial Support for Mutual Aid to Vulnerable and Marginalized Residents - WITHDRAWN

7. NOTICES OF MOTION

7.1 A By-Law to Promote and Regulate Physical Distancing during the COVID-19 Emergency

10. BY-LAWS AND CONFIRMING BY-LAW (Item 10)

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

056 A By-law to Promote and Regulate Physical Distancing during the COVID-19 Emergency and a By-law to amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties

(Collins/Pearson)

That the agenda for the April 8, 2020 meeting of Council be approved, ***as amended.***

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 - Deputy Mayor 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 - 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
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

DECLARATIONS OF INTEREST

None were declared

APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1 February 26 & 27, 2020 (Item 3.1) and March 20, 2020 (Item 3.2)

(Ferguson/Collins)

That the Minutes of the February 26 & 27, 2020 and March 20, 2020 meetings of Council be approved, as presented.

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 - Deputy Mayor 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 - 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

COMMUNICATIONS

(Merulla/Farr)

That Council Communications 4.1 to 4.10 be approved, as presented, as follows:

- 4.1 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the Provincial Policy Statement, 2020 which will take effect on May 1, 2020.

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

- 4.2 Correspondence from the Honourable Navdeep Bains, Minister of Innovation, Science and Industry in response to the Mayor's letter in support of Canadian Urban Libraries Council's campaign to increase access to digital publications in municipal libraries.

Recommendation: Be received.

- 4.3 Correspondence from the Honourable Navdeep Bains, Minister of Innovation, Science and Industry in response to the Mayor's letter respecting single-use disposable wipes and the possibility of federally regulating their labelling as "flushable".

Recommendation: Be received.

- 4.4 Correspondence from Malwina Stemmler respecting Apraxia Awareness Day on May 14th.

Recommendation: Be received.

- 4.5 Correspondence from the Honourable Steven Guilbeault, Minister of Canadian Heritage in response to the Mayor's letter requesting that the federal government increase access to digital publications in Canadian libraries.

Recommendation: Be received.

- 4.6 Correspondence from the Water Resource Section, Policy Division of the Ontario Ministry of Natural Resources and Forestry Ontario respecting Ontario taking action to protect people and property by strengthening the province's preparedness for flooding.

Recommendation: Be received.

- 4.7 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the Protecting Tenants and Strengthening Community Housing Act, which supports the government's plan to make life more affordable for Ontarians.

Recommendation: Be received.

- 4.8 Correspondence from Norfolk County Mayor Kristal Chopp with respect to issues surrounding the mapping of Provincially Significant Wetlands (PSWs).

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

- 4.9 Correspondence from the Honourable Sylvia Jones, Solicitor General and the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the declaration of a provincial emergency through the authority granted under the Emergency Management and Civil Protection Act (EMCPA).

Recommendation: Be received.

- 4.10 Correspondence from Chandra Sharma, Niagara Peninsula Conservation Authority respecting the Niagara Peninsula Conservation Authority 2020 Levy.

Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for appropriate action.

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 - Deputy Mayor 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 - 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Merulla/Farr)

That Council move into Committee of the Whole.

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 - Deputy Mayor 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 - 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

COMMITTEE OF THE WHOLE

(Pearson/Danko)

That Consent Items 5.1 (a), (b), (c), (d) and (e), be approved as presented:

5.1 CONSENT ITEMS

5.1 (a) Downtown Dundas Business Improvement Area (BIA) Revised Board of Management (PED20058) (Ward 13)

That the following individuals be appointed to the Downtown Business Improvement Area (BIA) Board of Management:

- (i) Scott Eccles

5.1 (b) Locke Street Business Improvement Area (BIA) Proposed Board of Management Schedule of Payment for 2020 (PED20059) (Ward 1)

- (a) That the 2020 Operating Budget for the Locke Street Business Improvement Area (BIA), attached as Appendix "A" to Report PED20059, in the amount of \$86,500, be approved;

- (b) That the levy portion of the Operating Budget for the Locke Street Business Improvement Area (BIA) in the amount of \$30 K, be approved;
- (c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite By-law, pursuant to Section 208, *Ontario Municipal Act, 2001*, as amended, to levy the 2020 Operating Budget for the Locke Street Business Improvement Area (BIA);
- (d) That the following schedule of payments for 2020 Operating Budget for the Locke Street Business Improvement Area (BIA), be approved:

April	\$15,000
June	\$15,000

5.1 (c) Locke Street Business Improvement Area (BIA) Revised Board of Management (PED20064) (Ward 1)

That the following individuals be appointed to the Locke Street Business Improvement Area (BIA) Board of Management:

- (i) Rachael Amy Shay

5.1 (d) 2019 Remuneration and Expenses as Required Under Section 284 of the *Municipal Act* (FCS20012) (City Wide)

That Report FCS20012 respecting the 2019 Remuneration and Expenses as Required Under Section 284 of the *Municipal Act*, be received.

5.1 (e) Aviary Donor Extension Response Letter (PW19108(a)) (City Wide)

That Report PW19108(a) respecting the Aviary Donor Extension Response Letter, be received.

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 - Deputy Mayor 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 - 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

5.2 (a) Written Delegation from 1649626 Ontario Ltd. respecting Item 5.4 (d) Report HSC20009 – Municipal Incentives for the 90 Carling Street Rental Project

(Merulla/Farr)

That the written delegation from 1649626 Ontario Ltd., respecting Item 5.4 (d) Report HSC20009 – Municipal Incentives for the 90 Carling Street Rental Project, be received and referred to the consideration of Item 5.4 (d).

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 - Deputy Mayor 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 - 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5.3 STAFF PRESENTATIONS

5.3 (a) Property Tax Assistance and Other Measures (FCS20038) (City Wide)

Mr. Zegarac provided Committee of the Whole with a presentation respecting Report FCS20038, Property Tax Assistance and Other Measures.

(Pauls/Farr)

That staff's presentation respecting Report FCS20038, Property Tax Assistance and Other Measures, be received.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - 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 - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Whitehead/Farr)

- (a) That penalty and interest charges be waived as follows:
 - (i) Related to the April 30, 2020 property tax instalment, for a period of 60 days;
 - (ii) Related to the June 30, 2020 property tax instalment, for a period of 30 days;
- (b) That penalty and interest charges related to prior property tax arrears not be waived;
- (c) That the City's Non-Sufficient Fund (NSF) Administrative Fee for the processing of returned payments be waived until July 31, 2020 for all property tax related payments (both cheques and pre-authorized payments) and general accounts receivable payments;
- (d) That, until July 31, 2020, the required two weeks' written notice for a taxpayer to cancel their pre-authorized payment plan be reduced to seven business days' notice prior to the next scheduled withdrawal to further accommodate taxpayers;
- (e) That, until July 31, 2020, taxpayers in good standing that wish to cancel their pre-authorized payment plan not be subject to penalty and interest charges;
- (f) That any new payment arrangements entered into with Alectra Utilities between April 8, 2020 and July 31, 2020 to address outstanding commercial or industrial water and wastewater / storm arrears not be subject to interest;
- (g) That the City's Administrative fee for transferring any other balances of fees and charges or other amounts, in addition to water and wastewater / storm arrears to the tax roll, be waived until July 31, 2020;

- (h) That penalty and interest related to any other balances of fees, charges or other amounts, in addition to water and wastewater / storm arrears transferred to the tax roll, be waived until July 31, 2020.
- (i) That the General Manager of Finance and Corporate Services, or designate, and the City Solicitor be authorized to execute any updates to agreements and by-laws to enact the recommendations above;
- (j) That "Property Tax Assistance and Other Measures" be removed from the Outstanding Business List.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - 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 - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5.4 DISCUSSION ITEMS

5.4 (a) Tile Drainage Act Loan Program (FCS20036) (City Wide)

(Pearson/Jackson)

- (a) That a loan in an amount not to exceed \$39,200.00 pursuant to the Tile Drainage Loan Application submitted by Nadia Senchuk, 1491 Highway 8, Stoney Creek, (part of Lot 1 of Parts 3 and 4, Concessions 1 and 2, former Township of Saltfleet) be authorized and approved, subject to:
 - (i) the availability of Provincial funding and an Inspection Completion Certificate being filed with the City by the Drainage Inspector;
 - (ii) the terms and conditions required by By-Law Number 01-090 and the *Tile Drainage Act*;
 - (iii) the City of Hamilton's External Loan Guidelines not applying to the loan;

- (iv) such additional terms and conditions as determined by the General Manager of Finance and Corporate Services;
- (b) That the issuance and sale to the Province of Ontario of a Tile Drainage Debenture, in respect of a Tile Drainage Loan to Nadia Senchuk, in an amount not to exceed \$39,200.00 to provide for the borrowing by the City of Hamilton from the Minister of Finance, be authorized and approved subject to the requirements of By-Law Number 01-090 and the *Tile Drainage Act*;
- (c) That the General Manager of Finance and Corporate Services be authorized and directed, on behalf of the City of Hamilton, to sign all agreements, debentures and related documents, including the Tile Drainage Debenture prepared in accordance with By-Law Number 01-090 and the *Tile Drainage Act*, necessary to give effect to Recommendations (a) and (b) of Report FCS20036 and, each such agreement, debenture and documents to be in a form satisfactory to the City Solicitor and in accordance with By-Law Number 01-090 and the *Tile Drainage Act*.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - 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 - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5.4 (b) Appropriation Transfer of Funds for Rymal Rd. East - Fletcher to Upper Centennial - 2020 Reconstruction Project (PW20023) (Wards 9 & 11)

(Clark/Danko)

- (a) That the General Manager of Public Works be authorized and directed to award tender C15-50-19 (HSW) to Coco Paving Inc. in the amount of \$22,450,000 (not including Contingency and Non-Refundable HST) as identified in Report PW20023 as Appendix "A" and that the General Manager of Public Works be authorized to execute, on behalf of the City of Hamilton, all agreements and other documents necessary to

implement this award on confirmation that each such agreement be in a form satisfactory to the City Solicitor;

- (b) That a budget adjustment be approved to increase Capital Project ID 4031580589 (Rymal Rd E – Fletcher to Upper Centennial) by \$1,144,000 from \$12,132,000 to \$13,276,000 and that this increase be funded by a transfer of \$572,000 from the Development Charge Reserve 110306 and \$572,000 from the Development Charge Reserve 110307;
- (c) That a budget adjustment be approved to increase Capital Project ID 5182080089 (Rymal Rd E – Fletcher to Upper Centennial) by \$443,000 from \$1,178,000 to \$1,621,000 and that this increase be funded by a transfer of \$195,000 from the Development Charge Reserve 110352 and \$248,000 from the Development Charge Reserve 110353.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Deputy Mayor Ward 4 Councillor Sam Merulla
 YES - 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 - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

5.4 (c) Fruitland - Winona Secondary Plan - Block Servicing Strategy Completion(Block 3) (PED20078)

(Pearson/Johnson)

- (a) That staff be directed to use the Block 3 Servicing Strategy for Fruitland - Winona Secondary Plan Lands Final Report, as contained in Appendix “C” to Report PED20078, as a basis for reviewing and approving all development applications within the Block 3 Servicing Strategy area; and,
- (b) That the Senior Director, Growth Management, or their designate, be directed to use their discretion in applying the Block 3 Servicing Strategy for the Fruitland -Winona Secondary Plan Lands Final Report, March 2020 to individual developments by making any necessary minor

modifications to the Block 3 Servicing Strategy provided that the intent of the Block 3 Servicing Strategy is maintained.

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

NO - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
YES - 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5.4 (d) Municipal Incentives for the 90 Carling Street Rental Project (HSC20009)(Ward 1)

(Wilson/Jackson)

That the alternative as outlined in Report HSC20009, Municipal Incentives for 90 Carling Street Rental Project, be approved.

Result: Motion DEFEATED by a vote of 10 to 5, as follows:

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

(Wilson/Jackson)

(a) That Hamilton 90 Carling Street Municipal Housing Project Facilities By-Law, attached as Appendix "A" and Term Sheet for Municipal Housing

Project Facilities Agreements – 90 Carling Street, attached as Appendix “B” to Report HSC20009, regarding Municipal Incentives for the Carling Street Rental Project, be approved contingent upon 1649626 Ontario Inc. obtaining funds from Canada Mortgage and Housing Corporation in the amount of \$5.68 M;

- (b) That, upon execution of one or more Municipal Housing Project Facilities and Loan Agreements between the City and 1649626 Ontario Inc.:
 - (i) The City Solicitor be directed to register the Premises as defined in the Municipal Housing Project Facilities and Loan Agreements; and,
 - (ii) The cost of the financial incentives, in the amount of the planning application fees and building permit fees, as identified in the Municipal Housing Project Facilities and Loan Agreements, be charged to Project ID 6731741609;

- (c) That the by-law to amend Municipal Housing Facilities By-Law No. 16-233, attached as Appendix “C” to Report HSC20009, be approved.

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

- YES - Ward 1 Councillor Maureen Wilson
- NOT PRESENT - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor Ward 4 Councillor Sam Merulla
- YES - 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 - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

(Collins/Whitehead)

That staff report back on a policy for tax exemptions related to affordable housing initiatives.

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

- YES - Ward 1 Councillor Maureen Wilson
- NOT PRESENT - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor Ward 4 Councillor Sam Merulla
- YES - 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 - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

(Merulla/Eisenberger)

That the Committee of the Whole Rise and Report.

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

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

MOTIONS

6.1 To Amend the Procedural By-Law

(Merulla/Eisenberger)

WHEREAS, By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice, requires that public notice is required to advise of a Committee meeting to consider the enactment of a procedure bylaw in the form of one notice published in a newspaper a minimum of 14 days prior to the Committee meeting; and

WHEREAS, By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice also notes that Council may direct that other notice is to be given as Council considers adequate and when the City Manager determines that an emergency situation exists;

THEREFORE BE IT RESOLVED:

That Council waive the notice provision within By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice in order for an amendment to be made to the Procedural By-law effective immediately.

Result: Motion CARRIED by a 2/3's majority vote of 14 to 0, as follows:

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

(Merulla/Eisenberger)

WHEREAS Council on March 20, 2020 amended the Procedural By-law to permit Electronic Participation at Council and/or Committee Meetings during an emergency when attending in-person is not possible;

WHEREAS Council on March 20, 2020 directed that the Clerk be delegated the authority to establish procedures and take all necessary steps necessary to facilitate electronic participation by members of Council in Council and/or Committee meetings held in the Council Chamber; and

WHERE AS the Province of Ontario on March 19, 2020 amended the Municipal Act, 2001 and the City of Toronto Act, 2006 to provide that, during emergencies, should they choose to, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

THEREFORE BE IT RESOLVED:

That the By-law to Amend By-law No. 18-270, the By-Law to Govern the Proceedings of Council and Committees of Council in the form attached as Appendix 'A', be enacted by Council.

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

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla

YES - 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 - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.2 Committee Resignations

(Clark/Johnson)

That, due to recent appointments to three new government agencies and committees and in order to create a more manageable and effective workload, the resignation from Councillor B. Clark, effective immediately, from the following Committees and Board, be received:

- (a) Planning Committee;
- (b) Committee Against Racism; and,
- (c) Theatre Aquarius Board of Directors.

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

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - 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 - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.3 Funding to Backfill an Administrative Staff Position in Ward 6

(Jackson/Pauls)

WHEREAS, the 2020 Ward budgets do not reflect funding required to backfill for administrative staff on maternity leave; and,

WHEREAS, Ward 6 is being faced with the requirement to backfill an administrative staff position for a temporary length of time during 2020 (\$30,300) and 2021 (\$3,000).

THEREFORE BE IT RESOLVED:

That funding for 2020 to an upset limit of \$30,300 be approved, first from the General Legislative Budget (300100) in the amount of \$25,000; and the remaining \$5,300 from the Tax Stabilization Reserve (110046), to backfill the administrative staff position in Ward 6 during a maternity leave in 2020.

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

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - 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 - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Motions numbered 6.4 and 6.5 were withdrawn during the changes to the agenda.

6.6 A By-Law to Promote and Regulate Physical Distancing during the COVID-19 Emergency

(Merulla/Eisenberger)

WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus ("COVID-19 Pandemic");

WHEREAS on March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 (the "Act") related to the COVID-19 Pandemic;

WHEREAS on March 27, 2020 the Province of Ontario granted power to municipal law enforcement officers to enforce Orders issued by the Province under the Act (the "Provincial Orders");

WHEREAS section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the "*Municipal Act, 2001*") provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

WHEREAS the City of Hamilton considers it desirable to enact a by-law to support the intent and purpose of the Provincial Orders made under the *Act* in order to protect the health, safety and well-being of persons in the City of Hamilton by prohibiting certain activities and regulating physical distancing during the COVID-19 Emergency; and

WHEREAS the Medical Officer of Health has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household;

THEREFORE, BE IT RESOLVED:

That the By-law to Promote and Regulate Physical Distancing during the COVID-19 Emergency and a By-law to amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties in the form attached as Appendix 'A', be enacted by Council.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - 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 - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.7 Request for CHCH to Broadcast Live Updates from the City

(Ferguson/Clark)

That the Mayor contact the CHCH Producers to request on behalf of Council that they live broadcast daily updates from the City at 3:30 p.m. and all Town Hall Updates.

Result: Motion CARRIED by a vote of 13 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 - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - 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 - 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

NOTICES OF MOTION

7.1 A By-Law to Promote and Regulate Physical Distancing during the COVID-19 Emergency

(Merulla/Eisenberger)

That the Rules of Order be waived to allow for the introduction of a Motion respecting A By-Law to Promote and Regulate Physical Distancing during the COVID-19 Emergency and

That Council waive the notice provision within By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice in order for an amendment to be made to By-law 17-225, a By-law to Establish a System of Administrative Penalties effective immediately.

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

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - 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 - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Refer to Item 6.6 for further disposition of this item.

STATEMENTS BY MEMBERS

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

PRIVATE & CONFIDENTIAL

Council determined that discussion of Item 9.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

9.1 Closed Session Minutes – February 26 & 27, 2020**(Farr/Jackson)**

That the Closed Session Minutes dated February 26 & 27, 2020 be approved, as presented, and remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Deputy Mayor Ward 4 Councillor Sam Merulla
 YES - 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 - 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
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

BY-LAWS**(Merulla/Eisenberger)**

That Bills No. 20-048 to No. 20-057, be passed, and that the Corporate Seal be affixed thereto, and that the By-laws, be signed by the Mayor and the City Clerk to read as follows:

- 048 To Establish City of Hamilton Land Described as Block 125 on Plan 62M-1116 as Part of Lockman Drive
Ward: 12
- 049 To Establish City of Hamilton Land Described as Part 3 on Plan 62R-21163 as Part of Parkdale Avenue South
Ward: 4
- 050 To Establish City of Hamilton Land Described as Part 4 on Plan 62R-21163 as Part of Queenston Road
Ward: 4
- 051 To Establish City of Hamilton Land Described as Parts 1 & 2 on Plan 62R-21163 as Part of Main Street East

Ward: 4

- 052 To Amend By-law No. 19-035, Being a By-law to Appoint a Fire Chief, Deputy Fire Chief, and Provincial Fire Co-ordinator pursuant to the Hamilton Fire Department Establishing and Regulating By-law No. 19-034, and to Repeal By-law Nos. 19-201 and 20-038
Ward: City Wide
- 053 To Amend By-law No. 16-233, Municipal Housing Facilities By-law
Ward: City Wide
- 054 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 392, 488 and 530 Dundas Street East (Flamborough)
ZAH-19-027
Ward: 15
- 055 To Amend By-law No. 18-270, the Council Procedural By-law
- 056 A By-law to Promote and Regulate Physical Distancing during the COVID-19 Emergency and a By-law to amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties
- 057 To Confirm the Proceedings of City Council

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinde Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - 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 - 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Pearson/Nann)

That, there being no further business, City Council be adjourned at 2:39 p.m. on April 8, 2020.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - 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 - 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk

April 2nd, 2020

Hamilton City Hall
71 Main Street West
Hamilton, ON
L8P 4Y5

ATTN: - Mayor and Members of Council

RE: - 393 Rymal Road West, Hamilton
- 2020 Planning Application Fees for the Redevelopment of the St. Elizabeth Village

Dear Ms. Paparella,

The following letter has been prepared on behalf of our clients, Zest Communities Inc., with respect to their ongoing development of the St. Elizabeth Village, located at 393 Rymal Road West. We have been working on the comprehensive redevelopment of this property since 2016, and are now intimately close to a formal submission for a Draft Plan of Subdivision, Official Plan Amendment, and Zoning Bylaw Amendment to establish the form and density for the future development of these lands.

Up until last year, the anticipated municipal fees to support this submission was approximately \$332,337.50. However, the City has since revised calculations associated with Zoning Bylaw Amendment applications, introducing a per unit fee with no cap or limitation for the number of units. As a result, total application fees for the project are now anticipated to be \$971,125.25.

Notwithstanding the fact that the calculation of this fee has been an item of discussion at the City's Development Industry Liaison Group, and that staff is anticipating bringing a report to Council to explore potentially introducing a cap or limitation to the per unit fee, **we hereby formally request a deferral of this fee increase for our application until such time that Council has decided on how this fee should be calculated.** Our zoning bylaw application would be subject to the previous method of calculation until a determination is made.

Given recent uncertainty with respect to COVID-19 and the immediacy of our development application, preserving capital without delaying our progress is paramount. Our financial institutions have been advising their clients to refrain from making large capital investments in this environment but we are committed to moving forward with this project. Showing the City's commitment in approving this deferral would provide a great deal of confidence to our lending institutions that the City is still open for business.

To be clear, we are not disputing the increases to planning application fees. We understand the City's position with respect to achieving greater cost recovery for the planning and development process. However, we are not in a position to expend that extensive amount of capital, especially when calculations are still being explored.

Prepared by,



President
LANDx Developments Ltd.



March 23, 2020

By Fax to: 613.941.6900 & Twitter @CanadianPM, @JustinTrudeau

The Right Honourable Justin Trudeau
Prime Minister of Canada
Langevin Block,
Ottawa, Ontario, K1A 0A2

Dear Prime Minister:

Re: Direct Payment of Federal Funds to Municipalities to Waive Property Taxes for the Year 2020 - Financial help to alleviate the suffering from COVID-19 Pandemic

It is trite to repeat the human and financial toll of the COVID-19 Pandemic. Similarly, the commitment of the federal, provincial and municipal governments toward alleviating the suffering of Canadians does not require repeating.

We, at the Town of Midland, in the Province of Ontario, are proposing what we believe to be a simple but effective solution to facilitate the delivery of our common and shared commitment to the financial and psychological well-being of all Canadians.

Proposal:

1. Residential Properties (primary residence only)

- a. Waive 100% of the 2020 property taxes for all residential properties currently assessed at or below \$ 500,000.00 by each governing provincial property assessment body; and
- b. Waive 50% of the 2020 property taxes for all residential properties currently assessed below \$ 1,000,000.00; and
- c. Waive 25% of the 2020 property taxes for all residential properties currently assessed above \$1,000,000.00.

2. Industrial, Commercial and Farm Properties

- a. Waive 100% of the 2020 property taxes for all; industrial, commercial and farm properties currently assessed at under \$ 10,000,000.00; and
- b. Waive 50% of the property taxes for the year 2020 for all industrial, commercial and farm properties currently assessed between \$10,000,000.00 and \$ 50,000,000.00; and
- c. Waive 25% of the property taxes for the year 2020 for all industrial, commercial and farm properties assessed above \$50,000,000.00.

3. Federal Transfer Payment to Canadian Municipalities

- a. In lieu of the annual municipal property taxes, the Federal Government transfers funds to municipalities across Canada, as a one-time grant.

Advantages of the Proposal:

1. Quick and timely relief;
2. Direct relief to all Canadian homeowners and the business community;
3. Directly protects Canadians who although may be solvent, are unable to easily meet the financial pressures beyond their personal capacity due to COVID-19;
4. No additional resources required to assess individual need and delivery of the relief;
5. Negligible overhead costs for the disbursement of the relief. In fact, it may cut-down on some of the work for municipal staff; and
6. The financial stimulus received from the federal government will come into circulation immediately and will stay in the community.

There are a multitude of other direct and indirect financial and non-financial benefits that will result from the implementation of this proposal. The biggest non-financial impact is that Canadians will see an immediate financial relief respecting the pressures to make their property tax payments and be better positioned to address other essential needs. In turn, removing this added stress will provide some relief to the already strained financial and health systems.

As you are aware, Canadians are entering this time of crisis with a very high amount of house-hold debt and a great deal of financial fragility. Taking this simple step should alleviate some of those pressures. At the same time, it will keep your municipal governments, and school boards primed for continued productivity and forward momentum to address the fallout from COVID-19.

Thanking you in anticipation of a favourable response.

Sincerely,

The Corporation of the Town of Midland



Stewart Strathearn,
Mayor
ssrathearn@midland.ca



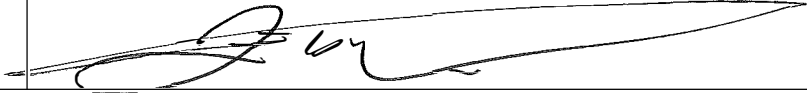
Amanpreet Singh Sidhu,
Chief Administrative Officer
asidhu@midland.ca

- c: Town of Midland Council
Association of Municipalities of Ontario
Province of Ontario



Hamilton

INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 15, 2020
SUBJECT/REPORT NO:	Annual Report on Building Permit Fees (PED20065) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Dio Ortiz (905) 546-2424 Ext. 4650
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

The *Building Code Act* (BCA) and the regulations made thereunder (the Ontario Building Code) require that a report be prepared annually on fees collected and costs incurred. Specifically, Article 1.9.1.1 of the regulations state:

- “(1) The report referred to in subsection 7(4) of the Act shall contain the following information in respect to fees authorized under clause 7(1)(c) of the Act:
- (a) total fees collected in the 12 month period ending no earlier than three months before the release of the report;
 - (b) the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the area of jurisdiction of the principal authority in the 12 month period referred to in Clause (a);
 - (c) a break down in the costs described in Clause (b) into at least the following categories:

- (i) direct costs of administration and enforcement of the Act, including the review of applications for permits and inspection of *buildings*, and
 - (ii) indirect costs of administration and enforcement of the Act, including support and overhead costs, and
 - (d) if a reserve fund has been established for any purpose relating to the administration or enforcement of the Act, the amount of the fund at the end of the 12 month period referred to in Clause (a).
- (2) The *principal authority* shall give notice of the preparation of a report under subsection 7(4) of the Act to every person and organization that has requested that the *principal authority* provide the person or organization with such notice and has provided an address for the notice.”

Revenue Collected

Building permit fees collected during 2019 totalled \$14,346,177.

Costs Incurred

The net operational costs, both indirect and direct, incurred during 2019 were \$14,600,619 as shown in the table below.

**Building Services Division
Statement of Activities
For 12 Month Period Ending December 31, 2019**

Category	2019 Actual
Building Revenues:	
Permit Fees	\$14,346,177
BCA Fines	\$ 254,442
Less Expenses:	
Direct Cost	\$ 11,369,198
Indirect cost	\$ 3,231,421
Transfer to Building Revenue Stabilization Reserve	\$2,228,190

**Note: Figures rounded to nearest dollar*

2019 Unallocated Reserve Balance

\$19,355,041

Building Permit Revenue Stabilization

The starting balance for the Building Permit Stabilization reserve was \$20,699,920. 100% cost-recovery of services for building permit issuance, administration and enforcement of the *Building Code Act* netted a transfer of \$2,228,190 into the reserve. Additional 2019 transactions in the reserve resulted in a net gain of \$2,755,121 which included an accrued interest of \$526,931. \$4.1 million has been allocated for the Digitization of Microfiche Records multi-year project. The Building Permit Revenue Stabilization reserve contained \$23,455,041 with an unallocated balance of \$19,355,041 at the end of 2019.


APPENDICES AND SCHEDULES ATTACHED

Not applicable



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Building Division

TO:	Major and Members Committee of the Whole
COMMITTEE DATE:	April 15, 2020
SUBJECT/REPORT NO:	Demolition Permit - 393 Rymal Road West (PED20057) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Frank Peter (905) 546-2424 Ext. 2781
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Chief Building Official be authorized to issue a demolition permit for 393 Rymal Road West in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;
- (b) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 - (ii) is a lien or charge on the property until paid; and
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

EXECUTIVE SUMMARY

The records of the Building Division indicate that this property, known as St. Elizabeth Village, consist of five-hundred and eighty-eight (588) townhouse dwelling units, a church building, a seven (7) storey nursing home, a clubhouse and cafeteria building, administrative offices and a single family dwelling. The owner, Zest Communities Incorporated, is proposing to demolish the single family dwelling located within the development and leave the area of land vacant at this time. The dwelling to be demolished is located on the north side of the internal road known as Bishop Reding Trail and backs onto Rymal Road West. It is located between the dwellings known as 36 and 42 Bishop Reding Trail and may be referred to as 301 Rymal Road West.

Under Section 4 of the Demolition Control By-law 09-208 the Chief Building Official has the delegated authority to issue a demolition permit for residential properties that are considered to be “routine applications”. This application has been deemed a “routine application” as this property is located in the middle of an established neighbourhood and current zoning would permit the replacement residential use, subject to an approved Site Plan Application in the normal manner. Therefore, the standard conditions required to be registered on title that would require a building permit to be issued in conjunction with the demolition permit and the replacement building to be substantially completed within two years of the date of the demolition would apply in accordance with the By-law.

However, where the owner of the property does not agree with the conditions being imposed, Section 7 of the By-law requires the Chief Building Official to advise Council. Council then retains all power to: issue, including imposing the standard rebuild condition; issue without conditions or refuse to issue the demolition permit.

This Report is presented to Council as the owners are not in agreement with the recommended conditions as set out in the Demolition Control By-law.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Not Applicable.

Staffing: Not Applicable.

Legal: Not Applicable.

HISTORICAL BACKGROUND

PRESENT ZONING: “DE/S-664, 664a, 664b, 664c, 1023, 1788” (Low Density Multiple Dwellings, Modified) (Hamilton Zoning By-law 6593).

PRESENT USE: Single Family Dwelling.

PROPOSED USE: Vacant Land.

BRIEF DESCRIPTION: A recent inspection revealed that the split level single family dwelling at 393 Rymal Road West is structurally sound and not unsafe.

This land is located in Ward 8. Please see Appendix “A” for a location map.

No interest to the Hamilton Municipal Heritage Committee.

The owner of the property, as per the demolition permit application, is:

Zest Communities Inc.
393 Rymal Road West
Hamilton, ON L9B 1V2

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not applicable.

RELEVANT CONSULTATION

Not applicable.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not applicable.

ALTERNATIVES FOR CONSIDERATION

Should the Committee wish to approve the demolition without imposing the conditions for a replacement dwelling, then the following recommendation may be appropriate:

That the Chief Building Official be authorized and directed to issue a demolition permit for the single family dwelling located at 393 Rymal Road West, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act* as amended.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

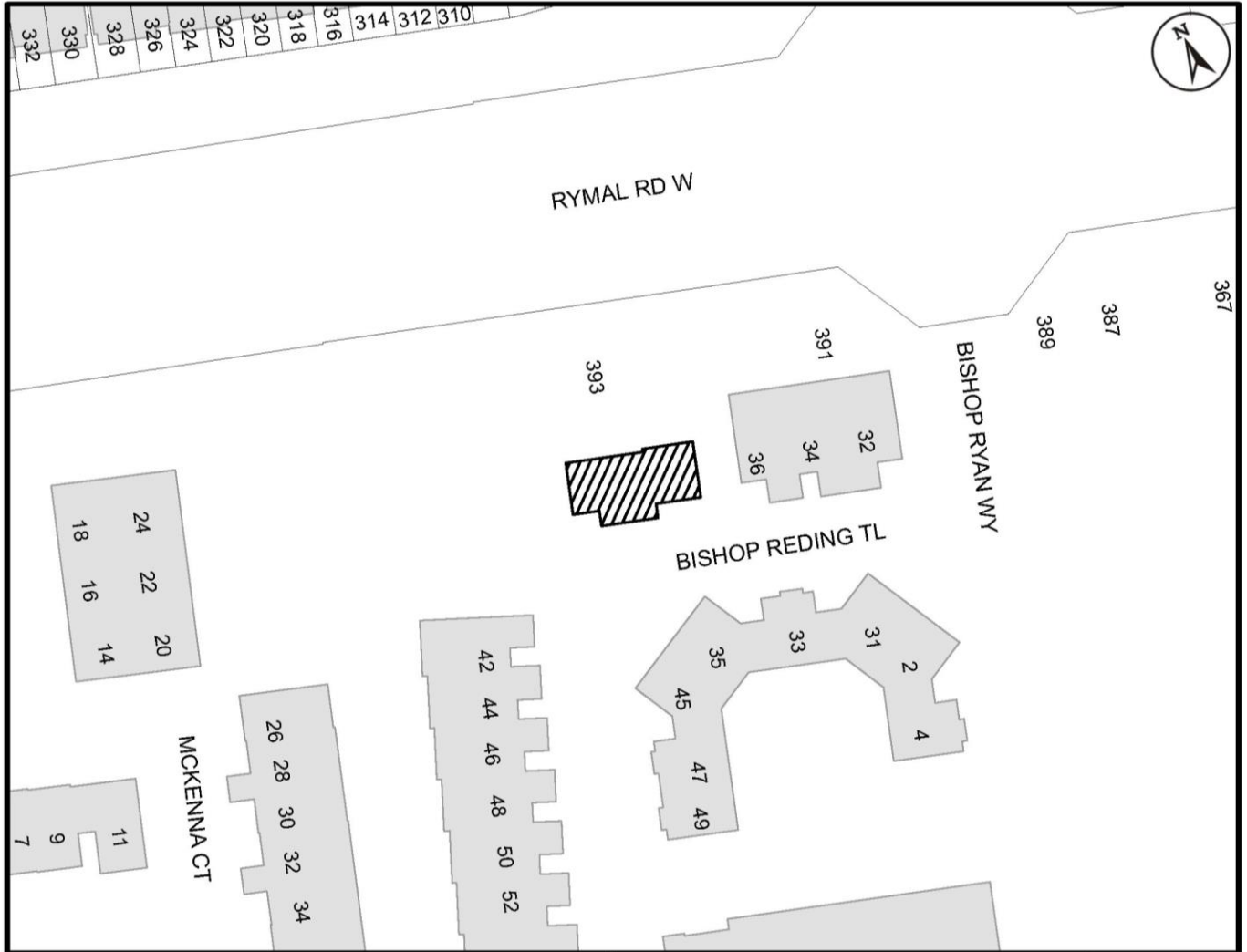
Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

FP:ll



● Site Location



Key Map - Ward 8

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
PED20057


Date:
February 10, 2020

Appendix "A"

Scale:
N.T.S


Planner/Technician:
FP/VS

Subject Property

 Subject Lands on Bishop Reding Trail



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 15, 2020
SUBJECT/REPORT NO:	Hamilton-Wentworth Catholic District School Board Property at 185 Park Street North, Hamilton (PED20087) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Raymond Kessler (905) 546-2424 Ext. 7019
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth Catholic District School Board (HWCDSD) that the City of Hamilton has no interest in acquiring its property located at 185 Park Street North, Hamilton, as shown on Appendix "A" attached to Report PED20087.

EXECUTIVE SUMMARY

The Hamilton-Wentworth Catholic District School Board (HWCDSD) has advised the City of its intention to sell its property located at 185 Park Street North, Hamilton, which has been used as parking. Based on circulation of the property to stakeholders, and consideration by Portfolio Management Committee (PMC), staff deemed the potential acquisition of the property to not be in the interest of the City.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

At the June 5, 2012 Planning Committee and subsequent City Council meeting of June 13, 2012, a motion was approved to establish a Sub-committee of City Council to review those school board properties being declared surplus for disposition by a school board.

On February 6, 2020, the HWCDSB provided written notice to the City of its Proposal to Sell Real Property located at 185 Park Street North, Hamilton. In accordance with Ontario Regulation 444/98, the City and other preferred agencies have 90 days to respond to the HWCDSB as to whether or not they have an interest in acquiring the property.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The HWCDSB like other school boards in the Province, follows a formal established property disposal protocol for surplus Board owned properties that are intended to be sold, as governed by Section 194(3) of the *Ontario Education Act* and Ontario Regulation 444. Under this protocol, the HWCDSB circulates notice of the proposed property sale to preferred agents including the City (as per Ontario Regulation 444).

City Council adopted principles (Portfolio Management Strategy, 2004) for property acquisition states "Property will be acquired in support of an approved program only. A budget item must be approved for the program, including the costs of the real property and operational impact, before action is taken to acquire property."

In keeping with general municipal protocol related to potential surplus school sites, the School Board Sub-Committee was established and would recommend direction with respect to all surplus school sites that may come available.

RELEVANT CONSULTATION

Real Estate staff circulated a memorandum to all City Departments and relevant stakeholders concerning the HWCDSB's proposal to sell its property at 185 Park Street North, to elicit their comments or future interest in acquisition of the property. There was no interest expressed in this property.

The results of the circulation were discussed with the Portfolio Management Committee (PMC).

The local Councillor is supportive of the recommendation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The subject property is a rectangular 0.04 acre site with 28.9 feet on frontage on Park Street North and 63.1 feet on Sheaffe Street. It is situated at the South West corner of Park Street North and Sheaffe Street. The site is currently used as a parking lot and is mainly composed of asphalt.

Following consideration of comments from circulation stakeholders, PMC established that there is no City requirement to justify the purchase of this school site.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

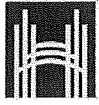
Appendix “A”– Location Map

RK:sd

Location Map

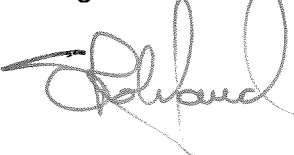
185 Park Street North, Hamilton (Ward 2)





Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 15, 2020
SUBJECT/REPORT NO:	Proposed Amendments to the Ontario Regulation 244/97 (Aggregate Resources) – Request for Comments (PED19207(a))
WARD(S) AFFECTED:	Wards 9, 11 to 15
PREPARED BY:	Joanne Hickey Evans (905) 546-2424 Ext.1282
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That the City of Hamilton supports the regulatory changes to Ontario Regulation 244/97 (Aggregate Resources) that are intended to:
 - (i) improve the notification and consultation process for licence applications;
 - (ii) modernize the site plan process; and,
 - (iii) require the submission of additional studies be completed to address provincial land use planning policy for all licence applications.

- (b) That the City requests the following additional changes to Ontario Regulation 244/97 to:
 - (i) require aggregate operators to use the latest technologies for data collection for air quality, ground and surface water monitoring to ensure more accurate and current information is available to the municipality and the public;

SUBJECT: Proposed Amendments to the Aggregate Resources Act – Request for Comments (PED19207(a)) - Page 2 of 8

- (ii) require the notification distance for licence application be the same for both landowners and residents and to add a new requirement that notification distance would be a minimum of 500 m or within the area of influence, whichever is greater;
 - (iii) require aggregate operators to make the annual compliance readily available by posting it on the Ministry of Natural Resources (MNR) or the aggregate operator's website; and,
 - (iv) amend the site plan requirements:
 - 1. to include a review of the past, current and future impacts on water resources for expansions below the water table; and,
 - 2. to require that rehabilitation plans for a quarry/pit to be updated every 10 years to ensure the rehabilitation measures are current and appropriate since there is no defined time frame as to when the rehabilitation plan has to be implemented. The updated plans must be reviewed by the municipality and the appropriate Conservation Authority.
- (c) That Report PED19207(a) be forwarded to the Province. This Report is considered the City of Hamilton's formal comments on ERO Posting 019-1303.

EXECUTIVE SUMMARY

On February 20, 2020, the Province posted proposed changes to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the *Aggregate Resources Act*. ERO 019-1303. Comments are due by March 30, 2020 (47 day posting). It is proposed to submit this report after the March 24, 2020 Planning Committee meeting with a note that this matter will be considered by Council on April 1, 2020 to ensure that the City's comments are received by March 30, 2020 ERO deadline.

This ERO posting is a follow up to the October 2019 posting that proposed changes to the Aggregate Resources Act (ARA).

The purpose of the changes, among others, is:

- to modernize and streamline the site plan process for licence applications;
- to increase public notification for licence applications;
- to establish consistent processes between crown and private land; and,

SUBJECT: Proposed Amendments to the Aggregate Resources Act – Request for Comments (PED19207(a)) - Page 3 of 8

- to require the same planning/hydrological studies that are required as part of an Official Plan Amendment and/or rezoning for a new quarry/pit.

The majority of the changes that affect the municipality and its residents can be supported. However, further changes to the regulations are appropriate:

- to ensure consistent licence application notification for landowners and residents and establish that 500m notification is a minimum but notification should be within the area of influence, whichever is greater;
- to ensure data collection for air quality and surface and ground water monitoring uses the latest technology and rehabilitation plans are updated at least every 10 years in consultation with the municipality and the appropriate Conservation Authority;
- to require a study that identifies the cumulative past, current and future impacts on water resources for expansions below the water table; and,
- to require operators to make the annual compliance report available on-line instead of by request.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

1.0 City Comments on the *Aggregate Resources Act* (ARA)

In October 2019, the City provided formal comments (PED19207) to the Ministry of Natural Resources and Forestry (MNR) on proposed amendments to the *Aggregate Resources Act* (ARA).

The City supported several of the amendments to the ARA and associated regulations that were intended to:

- (i) strengthen the protection of water resources for extraction within the water table as part of a more robust application process for existing operations;

- (ii) increase public engagement for applications that may impact water resources;
- (iii) enhance reporting on rehabilitation; and,
- (iv) review the notification and consultation requirements for new applications.

However, the City expressed concerns about: the vagueness of specific changes to the regulations and impacts on the City and its residents; the time frame in which to comment on these changes and lack of specific time frame for public input on the notification and consultation requirements for new applications.

In the staff report PED19207, staff identified some additional concerns about haul routes. The ERO posting indicated that revisions will clarify how haul routes are considered under the ARA so the Local Planning Appeal Tribunal (LPAT) and the Minister, when making a decision on a licence, cannot impose conditions requiring agreements between municipalities and aggregate producers regarding aggregate haulage. Agreements can still be entered into between municipalities and aggregate producers on a voluntary basis.

2.0 Better for People, Better for Business Act (Schedule 15 - Bill 132)

In December 2019, Bill 132 received Royal Assent. Schedule 15 included amendments to the ARA. Many of the changes were enacted to allow for changes to the Ontario Regulation 244/97. However, one specific change was an amendment to Subsection 12(1.1) that states “the Minister or LPAT shall not have regard to on-going maintenance and repairs to address road degradation that may result from proposed truck traffic to and from the site.” However, this amendment clarifies “that initial road upgrades or improvements can continue to be considered when making a decision about a new site.” (Source: <https://ero.ontario.ca/notice/019-0556>).

3.0 Comments on O. Regulation 244/97 under the Aggregate Resources Act

On February 20, 2020, the Province posted proposed changes to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the *Aggregate Resources Act*. ERO 019-1303. Comments are due by March 30, 2020 (47 day posting).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

- Hamilton Water, Public Works Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

As noted in the background section of this Report, staff commented on changes to the ARA Act and associated regulations in October 2019. At that time, specific changes to the regulations were not identified. This ERO posting contains the detailed changes to the regulations.

1.0 General Comments

Many of the changes proposed in the Regulation affect licence requirements (e.g. site plan submissions, operational requirements, details of site operation, crown versus private land requirements, etc.) for aggregate operators. The majority of the changes that affect the municipality and its residents can be supported. They include:

1.1 New requirements

There are several new requirements to ensure that studies required by the Greenbelt Plan and the Provincial Policy Statement (e.g. addressing well head protection, addressing cultural heritage landscapes and built heritage, identifying maximum disturbed area on site plans for pits/quarries that are subject to the Greenbelt Plan) are undertaken as part of a licence application. These studies are similar to studies required for an Official Plan Amendment and/or rezoning for a new quarry/pit.

Comment: These requirements are necessary to ensure environmental and land use planning policies of the provincial government are addressed similar to other processes.

1.2 Modernizing Site Plan Process

The site plan process is intended to be more flexible and modernized. Electronic submissions for the site plans will include a Pdf format, and provision of digital coordinates for the boundaries of the site, etc.

Recommendation: The electronic submissions for site plans should be GIS based rather than pdfs to allow for greater precision and to view the boundaries of the licenced area/site more accurately.

In addition, digital sensors should be used for air quality, ground and surface water monitoring to ensure data is accurate and up-to-date.

1.3 Notification/Consultation Process for Licences

There are several proposed improvements to the notification and consultation process for licences. Specifically,

SUBJECT: Proposed Amendments to the Aggregate Resources Act – Request for Comments (PED19207(a)) - Page 6 of 8

- Requiring aggregate operator to notify residents within 500 m of site of a licence application in addition to the existing requirement to notify landowners within 120 m of the site;
- Increasing the notification/consultation period from 45 to 60 days to allow for responses to a licence application. Aggregate operators would be required to respond to any concerns identified. If the concerns are not addressed, the commenter would have 20 days to file a formal objection and then the operators have a 2 year time frame to resolve all objections; and,
- Allowing aggregate operators to request an extension to the 2 year time frame, if warranted.

Recommendation: For consistency and fairness, the notification distance for the licence application should be the same for both land owners and residents. In some cases, the impacts from the quarry/pit may be greater than 500m. A further notification requirement should be included that states the minimum notification distance is 500 m or within area of influence, whichever is greater. An area of influence is determined through hydrological studies.

1.4 Amendment to a Site Plan

1.4.1 Expansion Below the Water Table

Aggregate operators are permitted to make an application to MNRF to expand an existing site below the water table. They are required to submit various reports to agencies and notify the public of the proposed amendment. The process for commenting on these amendments is similar to those requirements noted above. There is no limit to the number of times an operator can apply for such an amendment.

Recommendation: A new requirement should be added to the Hydrogeological (Water) Report to address the existing and future cumulative impacts on water resources not just the immediate expansion. This requirement is necessary, especially where older quarries have limited current data to address water resource impacts.

1.4.2 Rehabilitation Plans

As part to the ARA process, operators are required to submit rehabilitation plans, many of which span a significant time period. There is no requirement for a rehabilitation to have a schedule for completion nor do changes to the plans have to be circulated to the municipality. As a result, rehabilitation plan could be approved and not implemented for 30 years. During this time frame, the environmental and community impacts and best practices have changed. These Plans have become more comprehensive over time.

SUBJECT: Proposed Amendments to the Aggregate Resources Act – Request for Comments (PED19207(a)) - Page 7 of 8

There is no requirement for these plans to be updated over the rehabilitation time frame. Each year the operators are required to identify what rehabilitation has taken place.

Recommendation: Since there is no schedule for the completion of the Rehabilitation Plans, there is often significant time that has elapsed between approval and implementation.

To ensure these plans remain current, the regulation should be amended to require aggregate operators update the rehabilitation plans every 10 years and the plans must be reviewed by the municipality and the appropriate Conservation Authority, if necessary.

1.5 Annual Compliance Reporting

Every year aggregate operators are required to file an annual compliance report which is available to the public only on request.

One of the proposed recommendations is the report must include more details progressive and final rehabilitation activities; including, detailing the phase of rehabilitation that is being worked on, rehabilitation activities that are undertaken during that year.

Recommendation: In the interest of transparency, these compliance reports should be posted and easy to find on the MNRF or aggregate operators' website.

ALTERNATIVES FOR CONSIDERATION

The City could choose not to comment on ERO Posting #19-1303.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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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.

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: Proposed Amendments to the Aggregate Resources Act – Request
for Comments (PED19207(a)) - Page 8 of 8**

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Ontario Regulation 244/97 and the Aggregate Resources of Ontario
Provincial Standards under the *Aggregate Resources Act*. ERO 019-
1303

Proposed amendments to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the Aggregate Resources Act

ERO number

019-1303

Notice type

Regulation

Act

Aggregate Resources Act, R.S.O. 1990

Posted by

Ministry of Natural Resources and Forestry

Notice stage**Proposal****Proposal posted**

February 12, 2020

Comment period

February 12, 2020 - March 30, 2020 (47 days) Open

This consultation closes at 11:59 p.m. on:

March 30, 2020

Proposal summary

Changes are being proposed to Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the *Aggregate Resources Act*.

Proposal details

Aggregate Resources Act

Ontario's aggregate resources are primarily regulated under the Aggregate Resources Act (ARA). These non-renewable aggregate resources include stone, sand, and gravel.

Ontario requires a continued supply of aggregate resources. Approximately 160 million tonnes of aggregate are needed in Ontario each year. Yet, it is equally important to manage and minimize the impact extraction operations may have on the environment and on the communities that surround them. These operations are located across our diverse province, and the regulatory framework that manages them must be fair and predictable and flexible enough to be effective. Most of the aggregate produced in Ontario comes from private land in the southern region of the province where most demand exists.

Background

The Ministry of Natural Resources and Forestry has gathered perspectives from industry, municipalities, members of the public, Indigenous communities and other stakeholders for making changes to the way in which extraction of aggregate resources is regulated in Ontario.

Amendments to the *Aggregate Resources Act* were made on December 10, 2019, as part of Bill 132, the *Better for People, Smarter for Business Act*.

To build on those changes, we are consulting on proposed regulatory changes and are looking for your feedback.

The details of the proposed changes can be found in the supporting material document titled: **Proposals to amend Ontario Regulation 244/97 and the Aggregate Resources of Ontario Provincial Standards under the *Aggregate Resources Act***

Proposed regulatory changes

For new pits and quarries:

- enhancing the information required to be included in summary statements and technical reports at the time of application
- improving flexibility in how some standard site plan requirements can be implemented and modernizing how site plans are created
- creating better consistency of site plan requirements between private and Crown land and better alignment with other policy frameworks
- updating the list of qualified professionals who can prepare Class A site plans
- updating the required conditions that must be attached to a newly issued licence or permit
- adjusting notification and consultation timeframes for new pit and quarry applications
- changing and clarifying some aspects of the required notification process for new applications
- updating the objection process to clarify the process
- updating which agencies are to be circulated new pit and quarry applications for comment

For existing pits and quarries:

- making some requirements related to dust and blasting apply to all existing and new pits and quarries (requirements which were previously only applied to new applications)
- updating and enhancing some operating requirements that apply to all pits and quarries, including new requirements related to dust management and storage of recycled aggregate materials
- providing consistency on compliance reporting requirements, while reducing burdens for inactive sites

- enhancing reporting on rehabilitation by requiring more context and detail on where, when and how rehabilitation is or has been undertaken
- clarifying application requirements for site plan amendments
- outlining requirements for amendment applications to expand an existing site into an adjacent road allowance
- outlining requirements for amendment applications to expand an existing site into the water table
- setting out eligibility criteria and requirements to allow operators to self-file changes to existing site plans for some routine activities without requiring approval from the ministry (subject to conditions set out in regulation)

Allowing minor extraction for personal or farm use:

- outlining eligibility and operating requirements in order for some excavation activities to be exempted from needing a licence (i.e., if rules set in regulation are followed). This would be for personal use (max. of 300 cubic meters) or farm use (max. 1,000 cubic meters)

While no changes to aggregates fees are being proposed at this time, we are committed to reviewing and consulting further on any proposed changes to aggregate fees and royalties.

Regulatory impact analysis

The anticipated environmental consequences of the regulatory proposal are positive as the proposed changes reflect necessary updates to both application requirements for new sites (e.g. technical reports) and existing operational standards and prescribed conditions (e.g. dust mitigation and blast monitoring) that protect the environment and minimize community impacts.

The anticipated social consequences of the proposal are positive. Proposals include modernizing and clarifying timelines, processes and requirements for notification and consultation for both private and Crown land applications. This will ensure proper processes are followed for community engagement and consultation on proposals.

The anticipated economic consequences of the proposal are neutral to positive. While many of the proposed changes are intended to reduce burden, streamline approvals and add flexibility for new applicants and existing operators, some of the proposals may add additional requirements and costs depending upon the unique applicant or operator circumstances and the combinations of applicability of the proposals to a particular application type and existing operation.

For more information on the estimated potential cost savings or increases, please refer to Section 5 of the document.

These are estimated costs/savings. Comments are welcome from those incurring the costs to better help the Ministry understand the real costs or savings associated with these proposals.



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division
and
Legal and Risk Management Services Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 15, 2020
SUBJECT/REPORT NO:	Bill 108 " <i>More Homes, More Choice Act, 2019</i> " - Proposed Regulations Comment Submission related to the Community Benefits Authority under the <i>Planning Act</i> , the <i>Development Charges Act</i> , and the <i>Building Code Act</i> (ERO 019-1406) (FCS19057(b) / LS19023(b)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shivon Azwim (905) 546-2424 Ext. 2790 Lindsay Gillies (905) 546-2424 Ext. 5491 Michael Kovacevic (905) 546-2424 Ext. 4641
SUBMITTED BY: SIGNATURE:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SUBMITTED BY: SIGNATURE:	Nicole Auty City Solicitor Legal and Risk Management Services

RECOMMENDATION(S)

- (a) That Council endorse the comments, recommendations and requests contained within Appendix "A" attached to Report FCS19057(b) / LS19023(b) related to the Province's proposed changes related to the Community Benefits Authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act* (ERO 019-1406);

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.

- (b) That the General Manager of Finance and Corporate Services be authorized and directed to submit to the Province, the letter attached as Appendix "A" to Report FCS19057(b) / LS19023(b), as the City's official comments related to the Province's proposed changes to the Community Benefits Authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act* (ERO 019-1406);
- (c) That the General Manager of Finance and Corporate Services, in consultation with the City Solicitor, be authorized to make submissions on *Bill 108, More Homes, More Choice Act, 2019* and any associated regulations consistent with the concerns raised in Report FCS19057(b) / LS19023(b) and Appendix "A";
- (d) That the City Clerk forward Report FCS19057(b) / LS19023(b) to the Ministry of Municipal Affairs and Housing, the Ministry of Environment, Conservation and Parks, Hamilton's Members of Provincial Parliament (Donna Skelly - Flamborough—Glanbrook, Andrea Horwath - Hamilton Centre, Paul Miller - Hamilton East—Stoney Creek, Monique Taylor - Hamilton Mountain and Sandy Shaw - Hamilton West—Ancaster—Dundas) and the Association of Municipalities Ontario.

EXECUTIVE SUMMARY

On May 2, 2019, Bill 108, *More Homes, More Choice Act, 2019*, (Bill 108) was introduced at the Ontario Legislature. Bill 108 received Royal Assent on June 6, 2019. Schedule 3 of the Act makes amendments to the *Development Charges Act, 1997*, S.O. 1997 c.27 (DC Act) and Schedule 12 of the Act makes amendments to the *Planning Act*, R.S.O. 1990 c.P.13 (Planning Act). For the purposes of Report FCS19057(b) / LS19023(b), the relevant amendments to the Planning Act are to section 37 (Community Benefits Charges (CBCs)) and section 42 (Parkland Dedication).

The Province has provided multiple consultation opportunities on the proposed changes to Development Charges (DCs) and the proposed CBC regime throughout the phased enactment of Bill 108. The City has provided comments each time the Province has provided an opportunity for consultation.

The Provincial consultations, while being limited in duration, have resulted in many changes from the original proposals contained in Bill 108. These changes are outlined in a summary prepared by Watson & Associates Economists Ltd. attached as Appendix "B" to Report FCS19057(b) / LS19023(b).

SUBJECT: Bill 108 "More Homes, More Choice Act, 2019" - Proposed Regulations Comment Submission related to the Community Benefits Authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act* (ERO 019-1406) (FCS19057(b) / LS19023(b)) (City Wide) – Page 3 of 12

On February 28, 2020 the Province released ERO 019-1406 (the Proposal) which provided new information on the proposed CBC regime and a proposal to add some services back to the DC Act which were previously proposed to move to the CBC regime. The Proposal was originally open for commenting until March 30, 2020 and was subsequently extended to April 20, 2020.

The purpose of Report FCS19057(b) / LS19023(b) is to recommend to Council that it endorse and provide to the Province the comments, concerns and requests, in regard to the Proposal, set out in the letter attached as Appendix "A" to Report FCS19057(b) / LS19023(b).

There are several statements of support contained within Appendix "A" to Report FCS19057(b) / LS19023(b). The requests are:

- The City requests that the Province (1) add all services back to the DC Act by only specifying ineligible services and (2) permit parkland (through the DC Act) to be planned for on a forward-looking basis as supported by a parks plan, similar to Transit;
- The City requests that the Province release the full draft Regulation related to the CBC for consultation prior to enactment;
- The City requests that a subsection be added to section 37 of the Planning Act which would enable municipalities to require the conveyance of parkland related to development or redevelopment;
- The City requests that a municipality be able to use a local services policy to direct the minimum state of any land that will be conveyed to the municipality;
- The City requests additional regulatory guidance regarding the transition and path forward with regard to the removal of the mandatory 10% deduction;
- The City requests that the Province provide clarification on how the CBC maximum percentages were established and share what factors were considered when determining the percentages;
- The City requests the Province consider different land use categories and residential densities when exploring options for establishing the cap of a CBC as a percentage of land value.
- The City requests that the Province consider redevelopment in the establishment of a CBC regime;
- The City requests that the Minister be provided authority to approve a higher maximum percentage based on the needs of a completed CBC strategy, and that the proposed maximum percentages be reviewed by the Province at least once every five years;
- The City requests that the prescribed date for a CBC by-law be set at the later of two years after the CBC regulation comes into effect or the expiration date of the municipalities current DC by-law;

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SUBJECT: Bill 108 "More Homes, More Choice Act, 2019" - Proposed Regulations Comment Submission related to the Community Benefits Authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act* (ERO 019-1406) (FCS19057(b) / LS19023(b)) (City Wide) – Page 4 of 12

- The City requests that the Province provide additional information regarding the eligibility of studies, administration, land appraisals and expropriation costs within the context of the CBC regime

The concerns and requests to the Province raised in Appendix "A" to Report FCS19057(b) / LS19023(b), while building on previously endorsed comments, are consistent with the comments endorsed by Council through Report FCS19057 / LS19023 related to the initial Bill 108 consultation and FCS19057(a) / LS19023(a) related to the initial regulation proposals.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications related to the endorsement and submission of comments which is what Report FCS19057(b) / LS19023(b) recommends.

Related to the amendments that Bill 108 makes to the DC Act and the associated proposed regulation content, the impacts are under review and will be reported back to Committee once the full regulation details are released by the Province or earlier, as appropriate.

Staffing: There are no staffing implications related to the endorsement and submission of comments which is what Report FCS19057(b) / LS19023(b) recommends.

Related to the amendments that Bill 108 makes to the DC Act, it is expected that additional administration support will be required to support the effective implementation and management of the amendments made by the Act. The specific details on these costs are under review and will be impacted by the content contained within the final regulations. The impacts will be presented through a staff report or as part of the 2021 budget process.

In the consideration of the overall affect from Bill 108, it is anticipated that additional resources may be required for finance administration, real estate administration, development agreement administration, planning administration and legal administration.

Legal: There are no legal implications related to the endorsement and submission of comments which is what Report FCS19057(b) / LS19023(b) recommends.

SUBJECT: Bill 108 "More Homes, More Choice Act, 2019" - Proposed Regulations Comment Submission related to the Community Benefits Authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act* (ERO 019-1406) (FCS19057(b) / LS19023(b)) (City Wide) – Page 5 of 12

Legal and Risk Management Services and the Financial Planning, Administration and Policy Divisions will continue to monitor the status of the regulations associated with Bill 108 and report back to Council, as necessary.

HISTORICAL BACKGROUND

Table 1: Historical Background relating to DCs/CBCs under Bill 108, *More Homes, More Choice Act, 2019*

Date	Action
May 2, 2019	Bill 108, <i>More Homes, More Choice Act, 2019</i> , (Bill 108) was introduced at the Ontario Legislature.
May 29, 2019	The City of Hamilton's draft comments on Bill 108 were submitted to the Province.
May 29, 2019	Bill 108 completed its second reading at the Ontario Legislature.
June 1, 2019	The Provincial deadline to submit comments on Bill 108.
June 6, 2019	The City's Audit, Finance and Administration Committee endorsed the City's draft comments as the City's official comments. Council ratified this decision at the June 12, 2019 Council meeting.
June 6, 2019	Bill 108 completed its third reading at the Ontario Legislature.
June 21, 2019	The Province released proposed regulation content.
August 19, 2019	The City of Hamilton's comments on the proposed DC / CBC regulation content were submitted to the Province (endorsed by Council at its meeting of August 16, 2019).
December 19, 2019	The Province announces changes to the DC Act General Regulation 454/19.
January 1, 2020	Sections 8(1), 9, 12, and 13(6) of Schedule 3 of the <i>More Homes, More Choice Act, 2019</i> (Bill 108) come into force. These are the sections which prescribe that DCs are payable in instalments for certain types of development and also the section that freezes, or locks-in, DCs as of site plan or zoning amendment application date along with the sections that allow municipalities to charge interest related to each.
February 28, 2020	The Province releases additional proposed CBC regulation content.
March 30, 2020 Extended to April 20, 2020	Deadline for municipalities to provide comment on the additional proposed CBC regulation.

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Appendix "B" to Report FCS19057(b) / LS19023(b) provides further detail on the changes to the DC Act and the Proposed CBC regime since the introduction of Bill 108.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

There are no policy implications or legislative requirements related to the endorsement and submission of comments attached as Appendix "A" to Report FCS19057(b) / LS19023(b) which is what Report FCS19057(b) / LS19023(b) recommends.

The City is undertaking a cross-departmental approach in reviewing the impacts of the legislation as information is released to determine how to support the effective implementation and management of the changes arising through the Act.

RELEVANT CONSULTATION

- Planning and Economic Development Department
- Public Works Department

As additional information related to DCs and CBCs through the enactment of Bill 108 is released, further cross-departmental reviews and assessments will be required in order to assess and quantify the impacts of the proposed changes.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

The changes proposed in Bill 108 are a significant departure from the previous legislative framework. Staff comments and concerns related to the February 28, 2020 Proposal are detailed in the comments, attached as Appendix "A", to Report FCS19057(b)/LS19023(b).

The Provincial goals announced alongside the introduction of Bill 108 were as follows:

- Support a range and mix of housing options, and boost housing supply;
- Increase the certainty of costs of development;
- Make housing more attainable by reducing costs to build certain types of homes; and
- Make other complementary amendments to implement the proposed reforms, including in relation to transitional matters.

The City's comments, to date, and the comments included in Appendix "A" to Report FCS19057(b) / LS19023(b) are inline with the guiding principles included in the Municipal Finance Officers' Association of Ontario (MFOA's) initial response to Schedule 3 to Bill 108 which are as follows:

SUBJECT: Bill 108 "More Homes, More Choice Act, 2019" - Proposed Regulations Comment Submission related to the Community Benefits Authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act* (ERO 019-1406) (FCS19057(b) / LS19023(b)) (City Wide) – Page 7 of 12

- Growth should pay for growth;
- Complete, vibrant communities are good for everyone;
- Provincial legislation related to municipal governance should be enabling and permissive; and
- Provincial red tape costs municipalities time and money.

In general, staff is supportive of the changes contained in the Proposal. The principle that growth should pay for growth is being enhanced through the addition of the following services back into the DC Act and the removal of the statutory 10% deduction:

- Parks Development (not including land)
- Recreation
- Public Libraries
- Long-term care
- Public Health

The removal of the statutory 10% deduction means that the above services will be able to recover a greater share of the capital cost required to service growth from development. Due to other limitations and statutory exemptions in the DC Act growth will still not fully pay for growth but this step will reduce the burden on existing tax payors for these specific services.

The relief that can be expected on these services is not a windfall to taxpayers. The changes to other services and changes to the parkland dedication regime through the proposed CBC regime are expected to work counter to this relief. The extent that municipalities will be able to remain cash-flow neutral is questionable and will vary from one municipality to the next and possibly one year to the next within a municipality.

In summary, if the Proposal passes, the following services collected through the City's existing DC by-law would remain in the DC Act and none would require a statutory 10% deduction when determining how much of the growth-related capital costs may be funded through DCs:

- Water
- Wastewater
- Storm Water
- Roads
- Fire
- Policing
- Ambulance
- Waste Diversion

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- Parks Development (not including land)
- Recreation
- Public Libraries
- Long-term care
- Public Health

In contrast the following services which are collected through the City's existing DC By-law would no longer be able to be collected through DCs:

- Social and Child Services
- Social Housing
- Airport lands
- Parking services
- Provincial Offences Administration

There are several costs that a municipality may incur which require further clarification regarding the ability to levy a charge using either the DC Act or CBC regime, or if they would fall to the tax base:

- Cost of studies related to planning of a municipality (Official Plans, Zoning By-law reviews, etc.)
- Costs of studies related to social and child services, social housing, airport lands, parking services and provincial offences administration
- Costs of land appraisals related to the CBC regime
- Costs of expropriation (if required) related to acquiring parkland
- Costs of LPAT appeals related to a CBC
- Whether costs unable to be recovered through limitations in the DC Act would be eligible to be recovered through a CBC

Other key changes presented in the Proposal include:

- The cap of a CBC stated as a percentage of the market value of the land the day before building permit issuance. For single tier municipalities such as the City, the maximum percentage is 15%. Upper and lower tier municipalities have been presented with maximums of 5% and 10%, respectively.
- Details regarding what must be included in a CBC strategy which will be required to support the CBC to be imposed by each municipality
- The prescribed date by which a municipality must adopt a CBC by-law will be one year after the CBC authority comes into effect.

Staff’s position on these key changes is contained within Appendix “A” to Report FCS19057(b) / LS19023(b) and additional information is provided in the forthcoming analysis.

The Proposal also includes public notice requirements related to a CBC, interest rates to be applied in the event of a successful CBC by-law appeal and an amendment to the *Building Code Act, 1992* which would allow a municipality to ensure collection of a CBC prior to the issuance of a building permit. Staff is supportive of these inclusions within the Proposal.

Staff comments that the Province’s chosen methodology to calculate the CBC using 15% of land value is not likely to align with the Provincial goal, as communicated through a June 7, 2019 letter from the Ministry of maintaining revenue neutrality for municipalities.

Staff reviewed the data for the 2019 cash-in-lieu of parkland dedication (CIL) calculations alongside the proposed CBC regime. Table 2 summarizes the insight gained from this review. Note that industrial development was not considered as the City does not currently levy CIL on industrial development and that the discretionary reduction applied in the Downtown Hamilton Community Improvement Project Area (CIPA) was assumed to not apply for this analysis.

Table 2: Review of previous legislation versus Provincial changes using 2019 development data

Max CIL considering alternative rate	Max CIL without the alternative rate	15% of land value
This is the rate the City was able to charge prior to Bill 108 changes	Bill 108 removed the municipal ability to levy the alternative	This is the maximum a municipality could collect under the proposed CBC regime
Base	~1/5 Base	2/3 to 3/4 Base

How each municipality experiences differences from the “Base” will fluctuate depending on the density and type of development, as well as land values. These same factors can change year to year within a municipality and, therefore, it is difficult to say with certainty what financial impact the Proposal will have.

It is important to note that Table 2 compares the maximum CBC cap to CIL only. The 15% cap would need to be supported by a CBC strategy and is also intended to cover the capital costs of the services which will no longer be eligible under the DC Act.

Table 3: Sample cash flow impacts assuming 1,800 Single Detached Equivalents and 1 M square feet of non-res gross floor area

Sample increase in DC cash-flow due to removal of statutory 10% deduction	Sample cash flow required from CBC to offset services being removed from DC Act	Sample net cash flow required from CBC for the City to 'break even' on non-parkland components of a CBC
\$1.4 M	\$4.1 M	\$2.7 M

Table 2 and Table 3, when read together, suggest that the City’s preliminary analysis is that the proposed CBC regime will not maintain municipal revenue neutrality. This conclusion is not surprising as the City, along with other municipalities, had calculated that in order to break even on high density developments, a percentage cap of in excess of 100% of land value would be required. Even with the services proposed to be moved back to the DC Act, a 15% cap is insufficient to break even on high density developments. Table 4 illustrates a real example of a property that was assessed CIL and DCs in 2019 and calculates that a 64% cap would be required if this development were to remain revenue neutral to the City under the future CBC regime.

Table 4: Sample High Density Development

	117 unit new multi-residential development on a 1.2 acre site
Land value @ May 2019	\$1,450,000
CIL collected (using alternative rates)	\$856,791 – 59% of land value
DC collected for services being moved to CBC	\$126,826 – 9% of land value
Recognize removal of statutory 10% deduction	(\$51,083 – 4% of land value)
Net cash flow required for CBC to breakeven with previous regime	\$932,534 – 64% of land value

In general, if the City were to apply a 15% cap to all forms of development, lower density developments and non-residential developments would pay more than they do under the previous regime, mid density developments would pay slightly less and high density developments would pay significantly less. Generally, as the density increases so would the financial gap to municipalities.

SUBJECT: Bill 108 "More Homes, More Choice Act, 2019" - Proposed Regulations Comment Submission related to the Community Benefits Authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act* (ERO 019-1406) (FCS19057(b) / LS19023(b)) (City Wide) – Page 11 of 12

Applying a CBC based on a percentage of land value does not create a nexus between the capital cost of servicing growth with the population that will use those services. In summation, the proposed 15% cap would shift costs to non-residential development and low density residential development while likely leading to an overall reduction in cash flow to the City. Staff requests through the commentary in "Appendix A" to Report FCS19057(b) / LS19023(b) that the Province reconsider the land percentage cap system and failing that, that the Province consider different land use categories and residential densities when moving forward with establishing the cap of a CBC as a percentage of land value.

If a municipality adopts a CBC by-law, a municipality is no longer be able to enforce a parkland dedication by-law. This is concerning as it restricts a municipality from being able to require parkland to be dedicated within new subdivisions and collect for the soft service to be considered in a CBC. In order to collect a CBC, the developer and a municipality would need to negotiate land to be dedicated and the value of that land which would apply as a credit to future CBC payments. This restriction could lengthen the development approval process and may require a municipality to explore expropriation of land in order to secure parkland. Appendix "A" to Report FCS19057(b) / LS19023(b) requests that the Province provide enabling legislation to require parkland to be dedicated.

Staff also presents concerns about the prescribed date at which the CBC by-law must be passed. Rather than one year which was proposed by the Province, the City has requested that the prescribed date be set at the later of two years after the CBC authority comes into effect or the expiration date of a municipalities current DC by-law. This same time period is being requested by many municipalities and will allow municipalities to plan for the cost and effort involved with a CBC study and changes to existing business practices. In order to comply with the requirements of the proposed CBC strategy, a parks plan is also required. The City does not have a current parks plan in place, thus the requested timeline incorporates the time it would take for the City to complete a parks plan in addition to a CBC study.

Staff have prepared comments and requests included as Appendix "A" to Report FCS19057(b) / LS19023(b). Once endorsed, these comments will be submitted as the City's comments through the Environmental Registry of Ontario portal.

ALTERNATIVES FOR CONSIDERATION

None

SUBJECT: Bill 108 "*More Homes, More Choice Act, 2019*" - Proposed Regulations Comment Submission related to the Community Benefits Authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act* (ERO 019-1406) (FCS19057(b) / LS19023(b)) (City Wide) – Page 12 of 12

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.

Built Environment and Infrastructure

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

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 FCS19057(b) / LS19023(b) - City of Hamilton Submission on Proposed Regulatory Matters Pertaining to Community Benefits Authority Under the *Planning Act*, the *Development Charges Act* and the *Building Code Act*

Appendix "B" to Report FCS19057(b) / LS19023(b) - Summary of Changes for Development Charges and Community Benefits Charges, Prepared by Watson & Associates Economists Ltd., March 18, 2020

SA/LG/MK/dt



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April 16, 2020

ERO Number: 019-1406

John Ballantine, Manager
Municipal Finance Policy Branch
Municipal Affairs and Housing
13th Floor, 777 Bay Street
Toronto, ON M5G 2E5

Dear Mr. Ballantine:

Subject: City of Hamilton Submission on Proposed Regulatory Matters Pertaining to Community Benefits Authority Under the *Planning Act*, the *Development Charges Act* and the *Building Code Act*

Thank you for the opportunity to provide comments on the above-referenced proposal (the Proposal) related to Bill 108 - *More Homes, More Choice Act, 2019* (Bill 108). Please accept the following comments for consideration.

The City of Hamilton (the City) would like to thank the Province for conducting consultations and listening to the feedback. The City supports moving several services back into Development Charges (DCs), as well as for removing the 10% statutory deduction for all services in the *Development Charges Act, 1997* (DC Act). This change furthers the concept of growth paying for growth.

The City's comments on the Proposal consider the Provincial statements as laid out through the introduction of Bill 108 which are:

- Support a range and mix of housing options, and boost housing supply;
- Increase the certainty of costs of development;
- Make housing more attainable by reducing costs to build certain types of homes; and
- Make other complementary amendments to implement the proposed reforms, including in relation to transitional matters.

The City continues to endorse the guiding principles as set out in the City's and the Municipal Finance Officers' Association of Ontario (MFOA's) initial response to Schedule 3 of Bill 108:

- Growth should pay for growth;
- Complete, vibrant communities are good for everyone;
- Provincial legislation related to municipal governance should be enabling and permissive; and
- Provincial red tape costs municipalities time and money.

The City supports the Proposal’s recommended change of moving some services back into the DC Act and requests that the Province (1) add all services back to the DC Act by only specifying ineligible services and (2) permit parkland (through the DC Act) to be planned for on a forward-looking basis as supported by a parks plan, similar to Transit.

The proposed requirements of a CBC strategy largely align with the requirements under the DC Act and the proposed CBC structure (1) lessens the certainty of costs to developers as it is tied to the market value of land which fluctuates across the province, within each municipality and over time, (2) reduces the correlation between growth paying for growth by connecting the charge to land value rather than needs of the population, (3) adds red tape through costs and time for an additional municipal study, land appraisals, additional processes and potentially expropriation needs and (4) adds many questions related to transition and administration. These statements will become clearer through the balance of the City’s response.

The Proposal is a description provided in general terms. The full impact of the Proposal is not capable of being understood or assessed without the official language that will appear as written in the Regulation. The City’s comments have been prepared based on a general interpretation of the Proposal. The City requests that once any draft regulations are completed, they be posted and be subject to comments from all stakeholders.

The City requests that the Province release the full draft Regulation related to the CBC for consultation prior to enactment.

The Province requested that feedback be submitted by March 30, 2020 which was extended to April 20, 2020 on March 20, 2020. The City appreciates the extended deadline given the challenges and measures that have been taken by workplaces to limit the spread of COVID-19. The City has conducted some preliminary analysis and has not been able to conduct detailed analysis to understand the full impact of the Proposal. For ease of review, the remainder of the City’s comments respond to the same seven categories set out in the Proposal.

1. Required Content of a Community Benefits Charge Strategy

The Proposal provides that the CBC will be capped based on the market value of the land the day before building permit issuance. The maximum percentage that a single tier municipality can impose is 15%. The Proposal also provides that a CBC strategy must be prepared to support the imposed CBC and provides guidance as to what will be required in a CBC study.

The proposed requirements of a CBC strategy have many similarities to the requirements of a DC Background Study. The differences being that there are no identified prescriptions with respect to service levels of the definition of capital cost as well as the addition of a parks plan. While the Proposal may permit greater flexibility in the calculation of the CBC versus the DC regime this flexibility will be limited by the proposed cap.

The administration involved with the creation of a CBC strategy will place an additional burden on resource strapped municipalities. The fact that the required methodology closely aligns with the existing requirements of a DC Background Study raises questions as to what benefit introducing a new regime that reduces the nexus between the capital costs of growth and the population driving those costs will have. It appears that the material difference between the proposed CBC methodology and the existing DC methodology is the requirement of a parks plan.

The proposed CBC strategy does not address the timeframe which is to be considered nor does it require a regular update. In order for the CBC to remain relevant, the connection between the charge and the methodology needs to remain reasonably current. The DC methodology requires a new study every five years, thus maintaining a reasonably current connection between the cost of development and the amount of the charge. The proposed CBC methodology is flawed in that the market value of land is not a direct correlation of the costs required to service growth. The costs of construction are independent of the market value of land.

The City requests that all services be eligible under the DC Act and that the Province prescribe any excluded services rather than a list of eligible services.

The City requests that the requirement of a parks plan be added to the DC Act instead of the CBC regime and that parkland, through the DC Act, be permitted to be planned for on a forward-looking basis, similar to Transit.

The content of a CBC strategy per the proposal is silent on whether a CBC may be used to collect for the uncollectible portion under the DC Act. For example, where a project would increase the service standard and, therefore, a deduction has to be made under the DC Act, whether that cost could form part of a CBC strategy.

The City requests that municipalities be permitted to use both the DC Act and a CBC strategy together such that any unrecoverable growth amounts under the DC Act may be recovered through a CBC strategy.

The proposed CBC does not permit a municipality to require parkland to be conveyed by a developer. Rather, it places the municipality and the developer in a negotiation regarding parkland and may result in a municipality exploring expropriation methods should the negotiation fail. There is also no clear way for a municipality to require that land be brought to a specific condition prior to sale. Again, it appears that it is left to negotiation between the municipality and the developer to determine what state the land will be in at the time it changes ownership. Referring back to the guiding principle that “complete, vibrant communities are good for everyone”, it is the City’s opinion that the requirement of parkland must remain within the control of municipal authority. The excess cost and administration, should negotiation of parkland fail, will both increase already resource strained municipalities and delay the delivery of dwellings.

The City requests that a subsection be added to section 37 of the Planning Act which would enable municipalities to require the conveyance of parkland related to development or redevelopment.

The City requests that a municipality be able to use a local services policy to direct the minimum state of any land that will be conveyed to the municipality.

2. Services Eligible to Be Funded Through Development Charges

The City supports the Province’s proposal to move some services back into the DC Act. Additionally, the City appreciates the removal of the mandatory 10% deduction for all services that remain eligible for DC recovery. This change moves municipalities closer to being able to have growth pay for growth.

There is uncertainty about whether work-in-progress (WIP) projects that are currently funded based on the 10% deduction would continue with the same funding method, or whether they will transition to the 100% DC funding for the remainder of the project.

The City requests additional regulatory guidance regarding the transition and path forward with regard to the removal of the mandatory 10% deduction.

3. Percentage of Land Value for Determining a Maximum Community Benefits Charge

Under the proposed funding regime, the CBC will be capped as a percentage based on market value of the land the day before building permit issuance.

- Single Tier municipalities: 15%
- Lower Tier municipalities: 10%
- Upper Tier municipalities: 5%

The City is a single tier municipality and thus the cap of 15% will apply. With the proposed 15% cap, the City is unlikely to achieve revenue neutrality for those services recovered through this charge. The City performed a review of the 2019 cash-in-lieu of parkland dedication and an analysis of the current revenue generated compared to a situation in which a 15% CBC charge is imposed. The insights gained from this review are that there will be clear winners and clear losers when comparing previous legislation, inclusive of the alternative rate for parkland, to the proposed legislation.

A simple 15% of market value of land methodology will result capital costs being shifted to non-residential and low density residential development. For high density developments, the contribution to capital costs will not only be reduced, but also capped. This cap means, depending on the mix of density being developed, the City does not expect that the additional cost that could be transferred to non-residential and low density development would be able to cover the shortfall on high-density development.

Land values vary significantly across the Province and within each municipality. The cost of construction, however, is more stable. This concern was included in the City's comments respecting Bill 108 and the same concern was echoed by the submission of other municipalities regarding Bill 108. There can be significant differences in land values due to location, density, land size and land use. Within the City, the value per acre is between \$400,000 per acre to \$12,000,000 per acre when adjusting for each of the factors. This variance still exists, but to a lesser extent, if the land use is taken into consideration:

Residential* - \$750,000 to \$12,000,000 per acre

- Low density residential - \$750,000 to \$1,200,000 per acre
- Medium density residential - \$800,000 to \$3,000,000 per acre
- High density residential, downtown - \$4,000,000 to \$12,000,000 per acre
- High density residential, not downtown - \$1,250,000 to \$7,000,000 per acre

Industrial - \$400,000 to \$1,500,000 per acre

Commercial - \$750,000 to \$3,000,000 per acre

* Excludes single-detached dwelling building lots, which can vary from \$5,000 to \$11,000 per front foot

The City requests that the Province provide clarification on how the CBC maximum percentages were established and share what factors were considered when determining the percentages.

The City requests the Province consider different land use categories and residential densities when exploring options for establishing the cap of a CBC as a percentage of land value.

While the methodology of cap based on land value is flawed, the flaw is even more pronounced when considering expansions of existing developments and redevelopment of land. The land value encompasses the entire site and may discourage expansions of existing non-residential developments or redevelopments of residential land if the existing and former uses are not factored into the calculation and cap. These outcomes are counter to the goals of increasing housing supply and would encourage sprawl over redevelopment of underutilized lands. In order to encourage redevelopment, the existing land use needs to be considered in a CBC calculation and cap.

The City requests that the Province consider redevelopment in the establishment of a CBC regime.

The City comments that the deadline to provide feedback to the Province is insufficient to conduct meaningful analysis that will incorporate all factors needed to understand the full impact of the CBC. It is also possible that information may arise through the completion of a CBC strategy that could add additional insights into the City's analysis and appropriateness of the 15% CBC cap.

The City requests that the Minister be provided authority to approve a higher maximum percentage based on the needs of a completed CBC strategy and that the proposed maximum percentages be reviewed by the Province at least once every five years.

4. Timeline to Transition to the New Community Benefits Charge Regime

The Proposal identifies that the prescribed date by which a municipality must adopt a CBC by-law will be one year after the CBC authority comes into effect.

The prescribed date by which a CBC by-law must be passed may be unachievable for many municipalities. For example, the City commenced the 2019 DC Background Study in January 2018 and it was adopted 17 months later in June 2019. Municipalities will need to undertake a CBC study to meet the requirements of a CBC strategy. It is unclear if the cost of undertaking studies and the use of consultants (if necessary) can be included in the CBC strategy. The administration of a new CBC by-law will require substantial municipal resources, which are limited, and it is also unclear if these can be included in a CBC strategy. The City requires time to prepare a parks plan prior to undertaking a CBC study. It is unlikely that both a parks plan and a CBC strategy can be completed in the proposed timeframe.

The City requests that the prescribed date for a CBC by-law be set at the later of two years after the CBC regulation comes into effect or the expiration date of the municipalities current DC by-law.

The City requests that the Province provide additional information regarding the eligibility of studies, administration, land appraisals and expropriation costs within the context of the CBC regime.

5. Community Benefits Charge By-law Notice

The Province proposes notice requirements related to a CBC by-law which are similar to the notice provision under the DC Act. The City considers the notice requirements to be reasonable.

The City supports this section of the proposal.

6. Minimum Interest Rate for Community Benefits Charge Refunds Where a By-law Has Been Successfully Appealed

The Proposal includes the requirement for municipalities to provide full or partial refunds in the event of a successful appeal. Since a CBC by-law has been made appealable, it is reasonable to have an interest policy for refunds due to successful appeal. The interest rate suggested in the Proposal is consistent with the interest rate in the DC Act.

The City supports this section of the Proposal.

7. Building Code Applicable Law

The Province proposes in the draft regulation that the Building Code under the *Building Code Act, 1992* be amended to add the CBC authority to the list of items under Division A – Article 1.4.1.3. Definition of Applicable Law. This amendment ensures the collection of CBC payment prior to the issuance of a building permit.

The City supports this section of the Proposal.

Thank you again for the opportunity to provide meaningful input into this review. The City looks forward to further review and consultation towards the development of the final Regulation. City of Hamilton staff would be pleased to meet with you to discuss these comments in greater detail.

Yours truly,

Mike Zegarac
General Manager, Finance and Corporate Services



Summary of Changes for Development Charges and Community Benefits Charges

Prepared by Watson & Associates Economists Ltd.
March 18, 2020

Development Charges Act Proposed Changes

Item	Bill 108 and Ontario Regulation 019-0184	Bill 138	Ontario Regulation 019-1406
1. Transitional Timelines	Provides for transition to the community benefits charge (C.B.C.) authority during the period of January 1, 2020 to January 1, 2021.		Transitional timelines have been modified. The deadline will be one year after the C.B.C authority is in effect.
2. D.C. Payment Deferral (note – definitions of development types also provided)	Provides for the deferral of D.C.s for: <ul style="list-style-type: none"> - rental housing development (6 payments) - non-profit housing (21 payments) - institutional (6 payments) - industrial (6 payments) - commercial (6 payments) 	Commercial and industrial developments removed from deferral provision.	
3. D.C. Freeze for Site Plan and Zoning By-law Amendment	The D.C. quantum would be frozen “until two years from the date the site plan application is approved, or in the absence of the site plan application, two years from the date the zoning application was approved.”		
4. Maximum Interest Rates on D.C. Deferrals for Freeze	Minister is not proposing to prescribe a maximum interest rate that may be charged on D.C. amounts that are deferred or on D.C.s that are frozen.		

Item	Bill 108 and Ontario Regulation 019-0184	Bill 138	Ontario Regulation 019-1406
5a. Additional Dwelling Units – Existing Units	It is proposed that the present exemption within existing dwellings be expanded to allow “the creation of an additional dwelling in prescribed classes of residential buildings and ancillary structures does not trigger a D.C.”		
5b. Additional Dwelling Units – New Units	In new single, semi and row dwellings (including ancillary structures), one additional dwelling will be allowed without a D.C. payment. Lastly, it is proposed that, “within other existing residential buildings, the creation of additional units comprising 1% of existing units” would be exempted.		
6. Eligible D.C. Services (note – the mandatory 10% deduction is removed for all eligible D.C. services – former services where this applied noted by “*”)	Removes many services to C.B.C. – only allows for: - Water - Wastewater - Stormwater - Roads - Fire - Police - Ambulance* - Waste Diversion*		Adds additional services back to the D.C.: - Parks* - Recreation* - Public Libraries* - Long-term Care* - Public Health*

Planning Act Proposed Changes
For Community Benefits Charges (C.B.C.)

Item	Bill 108 and Ontario Regulation 019-0183	Bill 138	Ontario Regulation 019-1406
1. Transitional Timelines	Provides for transition to the community benefits charge (C.B.C.) authority during the period of January 1, 2020 to January 1, 2021.		Transitional timelines have been modified. The deadline will be one year after the C.B.C authority is in effect.
2. Eligible Services	<ul style="list-style-type: none"> - Provides for all former D.C. services to be included in C.B.C. Note that former D.C. excluded services are not eligible (i.e. facilities for cultural/entertainment, tourism, general administration of municipality/local board, hospitals, landfill sites/thermal treatment of waste). - Parkland dedication. - Bonus zoning contributions. 		<p>Changes made to add eligible services back to D.C. (i.e. parks, recreation, libraries, long-term care and public health).</p> <ul style="list-style-type: none"> - also, the 10% mandatory deduction formerly applied to D.C.s is removed for all services.
3. Community Benefits Formula	The C.B.C. payable cannot exceed the amount determined by a formula involving the application of a prescribed percentage to the value of the development land. The value of land that is used is the value on the day before the building permit is issued to		<p>The C.B.C. will be imposed as a percentage based on the market value of the land the day before building permit issuance. The maximum percentages for the C.B.C. are as follows:</p> <ul style="list-style-type: none"> - Single-tier municipalities: 15%

Item	Bill 108 and Ontario Regulation 019-0183	Bill 138	Ontario Regulation 019-1406
	account for the necessary zoning to accommodate the development.		<ul style="list-style-type: none"> - Lower-tier municipalities: 10% - Upper-tier municipalities: 5%
4. Community Benefits Strategy	Before passing a C.B.C. by-law, the municipality shall prepare a C.B.C. strategy that, (a) identifies the facilities, services and matters that will be funded with C.B.C.s and (b) complies with any prescribed requirements.		<p>A C.B.C. strategy must be prepared to support the percentage to be imposed. Elements of the strategy include:</p> <ul style="list-style-type: none"> - The C.B.C. strategy will have to set out the amount, type and location of growth - There will need to be a parks plan included. This plan will need to identify the amount of parkland needed for growth - The strategy will need to identify the anticipated increase in need for the service - There will need to be deductions for excess capacity - Grants, subsidies & other contributions will need to be deducted - C.B.C. appeal mechanism requires public notice of C.B.C. by-law passage - Interest rate for C.B.C. refunds upon successful LPAT appeal will be the Bank of Canada rate

Item	Bill 108 and Ontario Regulation 019-0183	Bill 138	Ontario Regulation 019-1406
			on the date the by-law comes into force or quarterly
5. Exemptions from Community Benefits Charges	<p>The Minister is proposing that the following types of developments be exempt from charges for community benefits under the <i>Planning Act</i>:</p> <ul style="list-style-type: none"> - Long-term care homes - Retirement homes - Universities and colleges - Memorial homes, clubhouses or athletic grounds of the Royal Canadian Legion - Hospices - Non-profit housing.” 		
6. Reporting on Community Benefits Charges	<p>Municipalities would be required annually to prepare a report for the preceding year that would provide information about the amounts in the C.B.C. special account, such as:</p> <ul style="list-style-type: none"> - Opening and closing balances of the special account - A description of the services funded through the special account - Details on amounts allocated during the year 		<i>Building Code Act</i> will be amended to include a section to ensure C.B.C. payment must take place prior to building permit issuance.

Item	Bill 108 and Ontario Regulation 019-0183	Bill 138	Ontario Regulation 019-1406
	<ul style="list-style-type: none"> - The amount of any money borrowed from the special account, and the purpose for which it was borrowed - The amount of interest accrued on money borrowed - If a municipality elects to not have a C.B.C. and wishes to continue collection of parkland under former <i>Planning Act</i> provisions, then similar reporting required as above. 		
7. Other Matters	<ul style="list-style-type: none"> - For a municipality that elects to not have a C.B.C., they may continue collection of parkland under former <i>Planning Act</i> provisions - In each calendar year, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year. - Transitional provisions are set out regarding the D.C. reserve funds and D.C. credits - It is proposed that a C.B.C. by-law would 	Transitional provisions for by-laws requiring parkland as a condition of development or redevelopment or subdivision	

Item	Bill 108 and Ontario Regulation 019-0183	Bill 138	Ontario Regulation 019-1406
	not be available for use in areas within a municipality where a community planning permit system is in effect and specified community services are identified.		



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Energy, Fleet & Facilities Management Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 15, 2020
SUBJECT/REPORT NO:	Valley Park Community Centre and Library Expansion (PW20019) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Tom Briatico (905) 546-2424 Ext. 7042 Janet Warner (905) 546-2424 Ext. 7041
SUBMITTED BY:	Rom D'Angelo Director, Energy, Fleet & Facilities Management Public Works Department
SIGNATURE:	

Discussion of Appendix "A" to Report PW20019 in closed session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the Ontario Municipal Act, 2001:

- **Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and**
- **A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City.**

RECOMMENDATIONS

- (a) That the Policy #11 – Non-competitive Procurement for the expansion of services pertaining to C11-02-17 for the Prime Design Consultant Services Required for the New Valley Park Branch Library and Renovation Project be approved and that the General Manager, Public Works Department be authorized to negotiate and extend the existing Contract and any ancillary documents required to give effect thereto with McCallum Sather Architects Inc, in a form satisfactory to the City Solicitor;

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.

(b) That Appendix 'A' to Report PW20019 remain confidential.

EXECUTIVE SUMMARY

This project seeks to grant procurement authority to staff to negotiate an increase and extension to purchase order (HAMTN0000086638) issued to McCallum Sather Architects Inc. for Contract C11-02-17 for Prime Design Consultant Services Required for the New Valley Park Branch Library and Renovation Project. This increase and extension of services is for significant, expanded scope to the library addition, additional recreation space, renovations to shared space as well as the critical replacement of facility infrastructure and does not impact or change the overall project budget.

Accordingly, this report seeks approval of staff's recommendation to negotiate to extend and increase services through single source procurement including any required agreements with McCallum Sather Architects Inc. for increases to the project architectural and engineering design and contract administration scope. There is sufficient budget available for this increase in the Recreation/PW project.

On July 11, 2019, at Audit, Finance and Administration Committee, the Ward Councillor provided direction to staff to provide information regarding the single source procurement to McCallum Sather Architects Inc. This report provides information and historical background to Committee in this regard as well as anticipated key negotiation terms with McCallum Sather Architects Inc.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Any additional fees billed to this project for McCallum Sather Architects Inc. for increased project scope are anticipated to fall within the Council-approved project budget. This report seeks to only grant procurement authority to staff for a purchase order increase and does not impact or change the overall project budget.

There is sufficient budget available for this increase in the Recreation/PW project and will not impact the library project budget.

A library budget increase occurred at the Library Board in order to award the construction tender C13-53-19.

Staffing: N/A

Legal: Any necessary agreements will be in a form acceptable to the City Solicitor.

HISTORICAL BACKGROUND

In 2015, the Library Board requested a Valley Park Community Centre and New Library Feasibility Study for the addition of an 11,840 square foot Library. This study was completed in 2016 and the resulting estimate was a \$5.9M budget for construction. A Request for Proposal for the Prime Consultant was issued in early 2017, closed on May 4, 2017 and, after extensive evaluation of 10 submitted bids, 2 of which were disqualified, another 4 which did not meet benchmark scoring, was awarded to McCallum Sather Architects Inc. lowest acceptable bid for a total sum award of \$433,471.50 in fees.

Since that date, significant scope has been added to the project, both due to the library addition, as well as the subsequent addition of recreational facility scope to the project, including:

- Fit-up of 3,500 square feet of recreation space;
- Renovation of existing 11,000 square feet of space shared between the library and recreation centre budgeted at \$1,500,000.00; and,
- Replacement of end-of-life facility infrastructure including critical building envelope upgrades, mechanical equipment upgrades within the recreation centre, arena and parking lot resurfacing totalling \$2,500,000.

Staff are recommending entering into negotiation with McCallum Sather Architects Inc. for the increase in architectural and engineering design and contract administration fees on the project.

Increases to consulting fees to date have been within staff limits and due to explainable scope increases to the project. Scope increases to date include early design costs for the recreation fit-up renovation, accessibility and lifecycle replacement and design for LEED Certification for the library addition portion of the project.

Ongoing increases to architectural and engineering consulting fees due to the following increases in scope of the project include:

- On March 22, 2019, there was an approved resolution at General Issues Committee through motion, approving an additional \$2.4M for Life Cycle Renewal Funding at the Recreation Centre and Arena in response to Report PW18092; and
- In early 2019, with the approval of the 2019 capital budget, Recreation Renovation funding of \$1.5 million, triggered the need to increase fees to accommodate additional scope.

In total, the project team is presently working on scope and budget for an approximately \$11 million construction project, based on certified cost estimates and the recently closed tender results with sufficient council-approved funds available for award.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Following the City of Hamilton Procurement Section's recommendation, Public Works staff issued a public Request for Proposals (RFP C11-02-17) for an architect as this facilitated a competitive and transparent process consistent with the City's Procurement Policy. The RFP for an Architect was awarded to McCallum Sather Architects Inc. at \$433,471.50 in fees. It is recognized that architectural and engineering scope has been added to this project since the RFP award. Staff are recommending completion of the architectural and engineering consulting scope on this project with McCallum Sather Architects Inc. as a non-competitive procurement.

Under City of Hamilton By-law #17-064, Procurement Policy #11 – Non-competitive Procurements, "Council must approve any requests for negotiations with a single source as set out in subsection (1)(b) of this Policy # 11, where the cumulative value of the Policy 11 exceeds a multi-year value of the proposed procurement is \$250,000 or greater. For greater clarity, the total cumulative value of a Policy 11 shall not exceed \$250,000 in any given year or multiple consecutive years."

RELEVANT CONSULTATION

Report recommendations are the result of consultations with the following Departments and Divisions:

- Corporate Services, Procurement;
- Corporate Services, Finance & Administration;
- Corporate Services, Legal Services; and
- Healthy & Safe Communities, Recreation.

As well as external consultations with:

- Hamilton Public Library

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

The results of negotiations with McCallum Sather Architects Inc. on this project are anticipated to fall within industry standard values.

McCallum Sather Architects Inc. is the original supplier for services and it is now proposed that they provide additional services that were not included in the initial

procurement. A change of supplier for these services will cause significant inconvenience to the City as follows:

- Delays to construction of up to a year while tendering the design work; competitively to engage a different consultant late in the design process; and
- Negative impacts on the City's ability to coordinate design and construction within a single facility with a single construction permit.

A change of supplier will also cause substantial duplication of costs for the City and economic impact as follows:

- Duplicated design and construction administration costs;
- Duplicated permit costs; and
- Cost of delaying the project (e.g. escalation).

A change of supplier is also undesirable for the following technical reasons:

- Building permit and commitment to review is currently listed under the current supplier and there is no provision to change this. There is a single building permit for the site; and
- A change of supplier would negatively impact the City's ability to coordinate design and construction within a single facility.

There is, therefore, considerable value to the City in retaining McCallum Sather Architects Inc. for the added design scope.

ALTERNATIVES FOR CONSIDERATION

As the work of McCallum Sather Architects Inc. and their architectural and engineering team is a key part of the city's ability to add lifecycle renewal and accessibility scope to the Valley Park Library project, staff have no other alternatives to suggest.

Given the technical and economic reasons outlined in this report, City staff do not recommend changing suppliers by competitively tendering to another Architect to design, engineer and coordinate the additional scope. Changing suppliers at this stage would be a detriment to obtaining permit application for a single site, would delay construction start, and would duplicate and increase costs.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

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 PW20019 – Confidential – Legal Implications

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

**To Repeal and Replace By-law No. 19-238
Respecting the Removal of Part Lot Control from Lot 138 on Registered Plan No. 865
“North Airfield Park” known as 27 Grimsby Avenue and 752 Britannia Avenue**

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 (Part 1 and Parts 3, 4 and 5) and for the purposes of creating a servicing easement for the benefit of Part 1 over Part 4 and a daylight triangle (Part 2) Lot 138, on deposited Reference Plan 62R-21276, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Lot 138, 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 8th day of April, 2022.

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 11

Bill No. 059

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Block 59 on Plan 62M-1105
as Part of Tanglewood Drive**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 59 on Plan 62M-1105, is established as a public highway, forming part of Tanglewood Drive.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 15

Bill No. 060

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Blocks 207, 224, and 225 on Plan 62M-1157
as Part of Burke Street**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Blocks 207, 224, and 225 on Plan 62M-1157, is established as a public highway, forming part of Burke Street.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 15

Bill No. 061

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Blocks 208, 221, and 223 on Plan 62M-1157
as Part of Skinner Road**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Blocks 208, 221 and 223 on Plan 62M-1157, is established as a public highway, forming part of Skinner Road.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 12

Bill No. 062

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Block 59 on Plan 62M-1171
as Part of Chambers Drive**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 59 on Plan 62M-1171, is established as a public highway, forming part of Chambers Drive.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 15

Bill No. 063

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Block 242 on Plan 62M-1238
as Part of Valley Trail Place**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 242 on Plan 62M-1238, is established as a public highway, forming part of Valley Trail Place.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 15

Bill No. 064

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Blocks 244, 253, 255, and 257 on Plan 62M-1238
as Part of Skinner Road**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Blocks 244, 253, 255, and 257 on Plan 62M-1238, is established as a public highway, forming part of Skinner Road.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 15

Bill No. 065

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Blocks 245, 247, and 251 on Plan 62M-1238
as Part of Agro Street**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Blocks 245, 247, and 251 on Plan 62M-1238, is established as a public highway, forming part of Agro Street.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 15

Bill No. 066

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Block 246 on Plan 62M-1238
as Part of Kenesky Drive**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 246, on Plan 62M-1238, is established as a public highway, forming part of Kenesky Drive.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 15

Bill No. 067

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Blocks 248 and 249 on Plan 62M-1238
as Part of Avanti Crescent**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Blocks 248 and 249 on Plan 62M-1238, is established as a public highway, forming part of Avanti Crescent.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 15

Bill No. 068

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Block 250 on Plan 62M-1238
as Part of McDonough Gardens**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 250, on Plan 62M-1238, is established as a public highway, forming part of McDonough Gardens.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 15

Bill No. 069

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Block 252 on Plan 62M-1238
as Part of Mountainside Place**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 252, on Plan 62M-1238, is established as a public highway, forming part of Mountainside Place.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 15

Bill No. 070

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Block 254 on Plan 62M-1238
as Part of Trailbank Gardens**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 254, on Plan 62M-1238, is established as a public highway, forming part of Trailbank Gardens.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 15

Bill No. 071

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Block 256 on Plan 62M-1238
as Part of Great Falls Boulevard**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 256 on Plan 62M-1238, is established as a public highway, forming part of Great Falls Boulevard.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 15

Bill No. 072

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Block 258 on Plan 62M-1238
as Part of Humphrey Street**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Block 258 on Plan 62M-1238, is established as a public highway, forming part of Humphrey Street.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

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

Respecting Removal of Part Lot Control

Parts of Blocks 8, 9, 11, 12, 21 to 25, Registered Plan No. 62M-1241, municipally known as 59 and 62 Foothills Lane; 4, 9, 14 and 17 Zinfadel Drive; 101, 111, 117, 126, 130 and 131 Sonoma Lane; 1, 46, 50, 56 to 59 and 63 Pinot Crescent

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

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

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

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

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

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating 20 lots for street townhouse dwellings, shown as Parts 2, 7, 12, 16, 19, 28, 30, 32, 39, 67, 68, 70, 75, 76, 79, 81, 95, 100, 103, 110, 111, 134, 139, 144, 145, 146, 175, 183 and 194, inclusive, including access and maintenance easements, shown as Parts 111, 134, 139, 144 to 146, 175 and 183 inclusive, on deposited Reference Plan 62R-20844, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Parts of Blocks 8, 9, 11, 12, 21 to 25, Registered Plan No. 62M-1241, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 15th day of April, 2022.

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 20-

To Confirm the Proceedings of City Council at its meeting held on April 15, 2020

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 15th of April, 2020 in respect of each recommendation contained in,

Committee of the Whole Report 20-002, April 15, 2020

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED this 15th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk